HOUSE OF ASSEMBLY

Tuesday 26 February 2008

The SPEAKER (Hon. J.J. Snelling) took the chair at 11:00 and read prayers.

LAKE EYRE BASIN (INTERGOVERNMENTAL AGREEMENT) (RATIFICATION OF AMENDMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 February 2008. Page 2130.)

Mr GRIFFITHS (Goyder) (11:02): I am the lead speaker for the opposition on this bill in the House of Assembly.

An honourable member interjecting:

Mr GRIFFITHS: Far from it. It is a pleasure to have the opportunity to speak, albeit very briefly, on this bill. Recent contributions on this bill by members in the other place have provided me with an opportunity to learn a lot about this rather unique part of South Australia. Sadly, I admit that I have never had the opportunity to travel to that area. However, the member for Stuart (who I believe will also be making a contribution on this bill) has kindly offered to host a visit to that area in late March by several members of the Liberal opposition. So, I am looking forward to learning a lot about this unique part of our state.

It is a sparsely populated area, largely consisting of pastoral country, which contributes significantly to the South Australian economy by way of tourism and beef production, and which, I am advised, contains South Australia's major reserves of natural gas. I want to take this opportunity to read into *Hansard* part of the contribution made by the Hon. Ann Bressington in the other place, as follows:

> It is an extraordinary and varied ecosystem. The Lake Eyre Basin covers more than 1 million square kilometres of semi-arid to arid land in Central Australia. Its area equates to nearly 20 per cent of the Australian continent. The basin essentially is one of the world's biggest natural internal drainage models and, while its flows are unpredictable, (to say the least)—

and, certainly, we have experienced drought for far too long with respect to that—

> it is also acknowledged as one of the few remaining unregulated river systems on the planet.

Therefore, it makes it very important that an opportunity does exist for agreements to be negotiated between the states and the commonwealth to ensure that the Lake Eyre Basin is protected. In reading the contributions on this bill, I noted that South Australia (specifically, under the previous Liberal government) was the driving force behind the development of an inter-governmental agreement covering the Lake Eyre Basin. That agreement was signed off by South Australia, Queensland and the commonwealth in 2001, with the Northern Territory becoming a signatory to it in 2004.

The inclusion of the Northern Territory has created a stimulus for a review to be undertaken of the boundaries covered by the agreement. Our shadow minister (Hon. Michelle Lensink) has provided the party room with information and maps of the area, and it is pleasing to see that the area covered by the agreement has grown enormously. I do make the note, however, that, in seeing that that agreement could be covered for the Lake Eyre Basin, it does raise a direct comparison regarding negotiation and how, for the Murray-Darling Basin, the opportunity was not there to make appropriate use of the $10 billion that was provided by the former prime minister (John Howard) to ensure that the Murray-Darling Basin and all of its woes could be considered and corrective action taken. If we can get agreement on the Lake Eyre Basin, why is it that we cannot get something happening with respect to the Murray-Darling Basin? Its relative importance—

The Hon. J.D. Hill interjecting:

Mr GRIFFITHS: Yes, I know. The minister says that it is a very interesting question.

The Hon. J.D. Hill interjecting:

Mr GRIFFITHS: True; it is.

The Hon. G.M. Gunn interjecting:

Mr GRIFFITHS: Yes. All areas of Australia are equally important, and it is pleasing to see that the agreement has the support of the two states, the Northern Territory and the federal government. Let us hope that, by supporting it, this bill enforces the opportunities to reserve that area and that important part of South Australia. I look forward to the passage of the bill.

The Hon. G.M. GUNN (Stuart) (11:06): I rise to participate in this debate because a large portion of this agreement affects my constituency and also it covers a very large area of South Australia. I have not had anyone make any comments to me about this particular matter, so therefore I do not personally have any difficulties with it. I just want to make sure that the rights of people living in this part of South Australia—both short and long term—are protected and that they will not suffer any disadvantage. As someone who has seen it full on a couple of occasions, I know that Lake Eyre is a unique experience, and I am hoping that it will be full again in the not too distant future. I also recall that an unfortunate proposal was put forward some years ago to world heritage list the Lake Eyre Basin, which was short-sighted, foolish and unnecessary. I did attend a very large gathering of people at Birdsville where this matter was discussed and, thanks to Tim Fischer and John Howard, that proposition never eventuated, even though the then federal member Chris Gallus had slightly different views on the issue.

She had to receive slight counselling on that occasion up there in relation to the line that was to be taken. However, when one looks at the proposed area one can see that the Lake Eyre Basin does come a long way south; and, certainly, it covers a very large percentage of South Australia. I entirely agree that we need to take sensible steps to ensure that unwise decisions in relation to the future of this area are not taken. I well recall going to Birdsville many years ago when Peter Arnold was the minister for water resources. A proposition was put forward at that time by the Diamantina Shire Council to block off the river. The minister had to say to that council that if any attempt was made to do that he would have no hesitation in taking it to the High Court. That shire council went on with all sorts of arguments; however, following a briefing by him and other officers the result was that if that was allowed to take place it would create a precedent to which the state of South Australia could not agree.

That was particularly interesting. Fortunately, that never took place. As someone who often goes to Innamincka and who has had the pleasure of riding the punt down the creek there—I do not know whether the minister has done that?

The Hon. J.D. Hill interjecting:

The Hon. G.M. GUNN: It is a pity he did not because, in his former capacity as the minister for environment, he may have lifted the unreasonable impost which the Department of Environment is imposing on the person who operates that punt. He has to pay a fee to the national parks, but if you go to the hotel you do not pay a fee. I am not advocating paying a fee, but I think it is rather unfair. It is a very enjoyable trip to take down the creek in that particular punt.

The Hon. J.D. Hill interjecting:

The Hon. G.M. GUNN: I have seen it low and I have seen the water very high going across, and I am looking forward to seeing it going across there again. Of course, when I take some of my colleagues north in the next few weeks we will not be going that way. However, in the future, when Lake Eyre fills up, I will be very happy to take some of them up there. I have flown over Lake Eyre at about 1,000 feet. There is the famous story of a person who flew too low and ended up putting a Cessna 210 in Lake Eyre. He lost his artificial horizon.

An honourable member interjecting:

The Hon. G.M. GUNN: Well, it's below sea level. The owner of the Cessna was not impressed. I have seen a number of interesting things around Lake Eyre. The area is also noted for Donald Campbell's land speed record attempt. There is much history surrounding the area and there are a lot of good people up there. I hope this legislation is going to help and not hinder them. I support the bill.

Mr VENNING (Schubert) (11:10): I want to very briefly support the bill, my shadow minister, and particularly the member for Stuart. I have enjoyed visiting this area many times, usually with the member for Stuart who has graciously allowed me to share an aeroplane with him. Many of my colleagues have also done that. I am sure if you talk nicely to the member for Stuart you may be afforded the opportunity also, particularly if you are on this side of the house.

It is a marvellous area and I have appreciated my many visits there. I note in relation to this agreement that this is a very sensitive area. I commend the minister, because I understand that the

local people who live there have been consulted. Not only do the local people need to be consulted and considered but also their advice needs to be sought. None of us should be preaching to them about green issues or anything else because they live there and they love and protect the land. The land needs to be sustainable from one season to the next, which is very difficult in an area of such fragile marginal country with historic leanings right back to the Afghans, who first farmed these areas.

In relation to the Great Artesian Basin the water issue is particularly complex. Who has existing rights? Does that guarantee them lifelong use? Do they have an allocation forever? These are the issues. The member for Stuart said it beautifully: these people live there. I take my hat off to them, because they are not only good custodians of the land but very hospitable hosts and hostesses. Every time I go there I see that they are continually improving the stations, the lands, the fences and all the facilities. With current prices and the drought you wonder where they get the resources to do so, but they do. They are fantastic survivors up there, and we should do all we can to assist them. I understand this legislation has their full agreement. The minister nods his head. I trust this minister—not all of them, but I trust this one.

There is much history in relation to this place. I was fascinated to see the Marree Man when flying over the area. I believe the Marree Man is now very much faded. Whether anybody is ever going to rejuvenate the Marree Man is a good question. None of us seems to know—not even the member for Stuart—who put the Marree Man there, but I am sure that I have a tractor the right size and Mr Gunn has a disc the right size and we have got a low loader to touch it up. However I do not think it would make a very good headline if the member for Stuart and I were caught in the act of freshening up the Marree Man. It is interesting to make that observation as it certainly has been a tourism drawcard, and I do not believe it has done any damage to the soil.

An honourable member interjecting:

Mr VENNING: There is a lot of history. I certainly appreciate these people and the land, and I support the bill.

Ms BREUER (Giles) (11:14): I rise to support this bill. This is an area with which I am extremely familiar and which I have visited many times. One of my great pleasures in life is to travel from Roxby Downs up the Borefield Road and then along the Oodnadatta Track up to Oodnadatta, or across from William Creek to Coober Pedy, because it is some of the most incredible country in the world. We always stop off at Lake Eyre South, but the main body of Lake Eyre is up near William Creek. I have flown over it on a number of occasions, and I understand the complexity and the importance of this issue.

I find it interesting that I regularly receive emails, letters or visits from people with suggestions that we build a channel from the top of Spencer Gulf right up through Lake Torrens and Lake Eyre, and in that way we will solve all our water problems in South Australia; that by having a body of water it will create more rainfall and solve the drought problems, and so on. Very often these suggestions are made by people who do not understand the very delicate nature of that area. I say, 'Great idea, but the reality is that we have no real understanding of the environmental impact at this stage.' That area at the moment is in severe drought: I do not think that I have ever seen it as dry as it is currently. I was there a few weeks ago, and I know that it has not received any rain since then.

Just to reflect on the delicacy of that region—not so much Lake Eyre, but nearby—I always remember the story of John McDouall Stuart. Shortly after he first went through that area, because of what he had discovered, some quite significant pioneers (whose names I cannot now recall) decided to run cattle there. They took their cattle and went to Hergott Springs (which is now known as Marree) and, within 24 hours, that mass of cattle had absolutely decimated that area. I understand that it recovered to some extent, but it look a long time, and it has never been the same as it was in its original pristine condition. So, it is a very delicate environment, and we need to do all we can to support that area.

I agree with the members for Schubert and Stuart that the locals there understand and know the area and are very passionate about it. I have had many discussions with people in William Creek about that environment. Last week, I saw Randall Crozier from Anna Creek Station, who is very aware of the impact of incidents that can happen in that area.

I also want to touch on the issue of tourism, which has been mentioned, which is a really important industry in that area. However, I am becoming increasingly concerned about some comments I am hearing about the state of the roads. I gather that the William Creek to Coober Pedy road at present is very dusty; there is a lot of bulldust, which has the potential to create

problems. So, I will be taking that matter up with the department of transport to see if something can be done about it. On the whole, I think the roads are well maintained and it does a good job but, of course, if it rains or if there is a prolonged dry period those roads very quickly descend into a state of disrepair. I think it is important that the state government make it a priority for those records to be well maintained. Not only are they used by tourists; but they are also lifelines for people. If someone has to travel quickly into Coober Pedy for medical assistance, for example, we have to make sure that the road is capable of taking a vehicle at relatively high speeds.

I also have concerns about tourists who have no understanding of the conditions in that area. I heard someone on the radio the other day (I think from Hawker caravan park) talking about a couple of who intended to ride their pushbikes along the Oodnadatta Track at this time of the year. I think twice about taking an airconditioned four-wheel drive with a fridge in the back and lots of water along that track at this time of the year, because of the incredible heat. It is fine when you are driving, but if you break down you are in serious trouble if you are not well prepared.

I think that we really have to look at that aspect with respect to tourists who visit from overseas. There was an incident the other day when a tourist van broke down and they all decided to walk into William Creek, some 30-odd kilometres away, which is absolute madness. So, I think we need to keep stressing that matter. The member for Stuart and I are probably the two who can make sure that it is constantly pushed that this is not a safe area. I have been to that area many times, and I am very comfortable with travelling there now. However, when I think back to when I first started in this job and I had not been there before, a couple of the trips that I took were absolute madness, because I had no understanding of the area. It is important that we make tourists and other people travelling out there understand the harsh conditions of the area, particularly at this time of the year. This legislation is important. It is a pristine area and we need to protect it as much as we possibly can.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (11:20): I thank all members for speaking in this debate and supporting the legislation. I am glad that the legislation has bipartisan support and is not at all controversial. South Australians are the great beneficiaries of this legislation because, if it were not for this legislation and agreement, we would be subject to administrative decisions in Queensland, in particular, which might affect the water flow into South Australia. As a result of this agreement we are able to manage across the jurisdictions the entire catchment and resource. It is to the great benefit of South Australia that that is the case.

It is important to pay tribute to the other collaborators in this agreement, particularly Queensland. The Northern Territory, as well, came into the agreement recently. It is terrific that it has volunteered to be part of it, too. Over time the extent of the area which is covered has expanded somewhat. That has all been done as a result of good consultation, discussion and science. All the decision making around this agreement was done on a consensual basis involving governments, scientists and the community.

I went to a ministerial council meeting at Birdsville when I was minister for environment and conservation—I think it met once a year—with David Kemp (then the federal minister for the environment) and Peter Cullen, who at that time was chair of the scientific panel. We had a very good discussion with the local community and there was strong support for the measures contained in this agreement; so I do commend it to the house.

This is a fantastic part of our state, and tourism is an interesting issue which does have to be managed well. I recall that when I was a school teacher in 1975 I took a busload of students, with a number of other teachers, to Lake Eyre where we camped. It was absolutely full of water, with small fish swimming around and a massive amount of bird life. It was one of the most stunning things I have ever experienced in my life; it has certainly stayed with me and I hope it has stayed with the children. It was a big effort. It took us about a week to get up there and to come back for an hour or two of looking at the lake. It was a great trip.

I commend the bill to the house. I thank members for supporting it. I also thank the officers, both in the parliament and the department, who were responsible for drafting it.

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

SERIOUS AND ORGANISED CRIME (CONTROL) BILL

In committee.

(Continued from 13 February 2008. Page 2079.)

Clause 4.

Mrs REDMOND: I ask the Attorney why it is that the legislation is worded without reference to the so-called outlaw motorcycle gangs. We know from statements by the Attorney-General in this house, and other places, and we know from the Police Commissioner and the Assistant Police Commissioner that the police in this state clearly know the bikie gangs to whom we are seeking to address this particular legislation. I understand why you would not want to make the legislation so tight that you do not have the opportunity to get at other organisations—if there was a Mafia-type organisation, or a triad, or whatever it might be—but would it not be sensible to word the objects so that you do at least make clear that particular organisations are the target, as well as others potentially?

The Hon. M.J. ATKINSON: We have no wish to cast any legal disabilities on people because they like motorcycles, like riding them, and like riding in formation. Contrary to what bikie spokesman and bikie academic Dr Arthur Veno says in this morning's *Advertiser*, we are not interested in catching the Longriders motorcycle club, which consists of Christians who say their mission is to evangelise on the doorstep of the gates of hell. I have met the Longriders in my Welland electorate office, and I have talked through this with them. I am sorry if they have been subject to what they think is harsh police attention. I know one of their number well, a Church of Christ clergyman who used to live only a block from me, and I believe there is no criminal intent whatever in their gang. It is similar with the Ulysses motorcycle club and the Vietnam Veterans motorcycle club. What we are trying to do by this proposed law is give effect to the expression 'outlaw motorcycle gang'.

We know who they are. The opposition knows who they are. If we framed the legislation in a way that applied only to outlaw motorcycle gangs, then the opposition and members of the public would criticise us because they would say the bill is a privilegium or bill of attainder which does not operate generally. If we broadened it , as we have a little, to apply to crime gangs, they would say, 'Why don't you focus it on motorcycle gangs? That's what you've been talking about.' We are damned if we do and damned if we don't.

Mrs REDMOND: I fully appreciate what the Attorney is saying, and I think we are at one on the idea that we are not trying to target in any way the Ulysses motorcycle gang or any of those who are not formed for criminal purposes. However, we know, and they know, that the Hell's Angels, the Finks, the Gipsy Jokers, and so on, as the Attorney says, are the people we are trying to target. Why would it not then be reasonable to explicitly refer to those groups and then to then add on 'and any other organisation' that fits within a certain description? I do not understand why we are not specifically naming the groups we know we want to target—the Finks, the Gypsy Jokers, the Hell's Angels and so on—more explicitly under the objects clause.

The Hon. M.J. ATKINSON: The proposed law authorises the Police Commissioner to apply to me as Attorney-General to have these criminal organisations declared. We will do it case by case. If we were to name the gangs in the bill, it would have the nature of a bill of attainder and, in my school of jurisprudence, that would raise constitutional issues, so I am not in favour of going down that track. Obviously the powers of a state are different from the powers of the commonwealth. It is arguable that a state does have the constitutional power to legislate a bill of attainder.

I refer the member for Heysen to the Communist Party dissolution case before the High Court, where a majority of the High Court ruled that the commonwealth did not have authority to do that. I am not interested in being bogged down in a jurisprudential argument in the High Court. I would rather do it the way we are doing it and remove even the whiff of constitutional risk.

Mrs REDMOND: I would have thought that there was some case law that said that you cannot achieve indirectly what you cannot achieve constitutionally directly either, so I would expect the gangs will still try to take the same constitutional point, but that aside I move on to subsection (2) of the objects relating to the statement that it is not the intention of the parliament that the powers in this act be used in a way that would diminish freedom of persons in this state to participate in advocacy, protest, dissent or industrial action.

Whilst I understand where I think the Attorney is trying to go with that, can he explain for the record who makes the decision in practice as to what groups may or may not be able to participate in advocacy, protest, dissent or industrial action, and what assurance can he give those who have expressed concern on behalf of unions or other organisations that this act will not be used to prevent their freedom of association, advocacy, protest, dissent and industrial action?

The Hon. M.J. ATKINSON: The person who applies this subclause is me, as Attorney-General, and I give this promise to the house that I will not be declaring organisations whose principal purpose is to participate in advocacy, protest, dissent or industrial action.

Mr HANNA: My question is about organisations where a minority of individuals within the group might be involved in serious offences. At what point do you say that the organisation is involved in serious criminal offences when, in fact, it may be a handful of individuals who are giving the rest of the group a bad name?

The Hon. M.J. ATKINSON: In answer both to that question and the previous one, it is worth bearing in mind that this legislation (should it come into effect) will be reviewed annually by a retired judge, so that is but one protection against the misuse of this proposed law. If you turn to clause 10, it is clear from that that organisations that are declared must be organisations where people associate for the purposes of crime. That is a very high bar to get over. It is not just a matter of a few bad apples in an otherwise worthy organisation. If that were so, imagine what would happen to some of our political parties. The test is a rigorous one. The association must be for the purposes of crime.

The Hon. G.M. GUNN: The objectives we are dealing with are clearly to deal with criminal activity, organised crime and various courses of action which most members of the public would be absolutely opposed to. I do not have any problem with that. My real concern is—and it follows on from what the member for Mitchell said—if ordinary law-abiding citizens get caught up in this, they are at grave disadvantage, and I raised this point with the Attorney when we last discussed this matter. He referred me to a number of clauses of this bill which I do not think answer the matter which I put forward, and he was a bit condescending towards me. My concern in these matters is purely this: I have seen in this place well-meaning ministers, some misguided, bring forward legislation—

The Hon. M.J. Atkinson interjecting:

The Hon. G.M. GUNN: I'm a charitable character and normally a man of few words.

The Hon. M.J. Atkinson: If I'm here long enough, if I make 20 years, you'll be even kinder.

The Hon. G.M. GUNN: There is one thing about the Attorney-General: I can come back here again if I want to and there is nothing he, his henchmen or the shop assistants union can do about it.

The Hon. M.J. Atkinson: We haven't finished yet

The Hon. G.M. GUNN: I haven't finished yet with the Labor Party up in my area either. Make no mistake about that.

The Hon. M.J. Atkinson: Where's Brokenshire these days?

The Hon. G.M. GUNN: He is going to be your friend. Anyway, getting back to this matter. My concern is that ordinary people are going to get caught up in this. They are not going to be aware of their rights. We have seen what happens with on-the-spot fines. On-the-spot fines were brought in for all sorts of good reasons, and now they have become nothing more than a revenue measure for the Treasury.

The Hon. M.J. Atkinson: They started about the time you were born.

The Hon. G.M. GUNN: I do not care when they started or who the architect of them was, but I am saying to the Attorney-General that too many of them are handed out and ordinary law-abiding citizens are getting unreasonably penalised, and if that is your attitude, I will start naming some people. Make no mistake about that. We will really turn the ratchet up in this place, because they are being misused and handed out in some cases like confetti.

The Hon. M.J. Atkinson: And it continued during eight years of Liberal government and you achieved nothing.

Mr Pengilly interjecting:

The Hon. G.M. GUNN: Yes, but let me say this to the Attorney-General. He does not have an answer to the criticism. He resorts to making half-silly threats about courses of action which took place in the past. What I am saying to him is that this parliament now has before it a piece of legislation which is wide-ranging in its effect and it will affect people. I have no problem with dealing

with criminals and all the sorts of activities they are engaged in. Can I say to you, Madam Chair, I know there are magistrates who are members of the Ulysses motorcycle club. We do not want some of those people caught up in activities. I gave the Attorney-General, when we were debating another piece of legislation, a clear example of where the hoon driving legislation had been misused. Absolutely misused.

The Hon. M.J. Atkinson: You were absolutely wrong about that.

The Hon. G.M. GUNN: I was not wrong.

The Hon. M.J. Atkinson: You were completely wrong.

The Hon. G.M. GUNN: I was not wrong and let me say to you now, I have correspondence from the people who were affected—

The Hon. M.J. Atkinson: Stirling North.

The CHAIR: Order!

The Hon. G.M. GUNN: —disputing every bit of the answer. I will bring it to this house and I will read it into *Hansard,* if that is what the Attorney wants.

The Hon. M.J. Atkinson: Do it again.

The Hon. G.M. GUNN: I will. I will read the response in if that is what you want, and it is going to cast a few aspersions on some people which I would have sooner not done, but you have started it, I will now finish it.

The Hon. M.J. Atkinson: You were condoning hoon driving.

The Hon. G.M. GUNN: I was not—and there are plenty of witnesses.

The CHAIR: Order!

The Hon. M.J. Atkinson: You weren't there.

The CHAIR: Order! Interjections across the chamber will cease. We will have an orderly discussion of this difficult topic.

The Hon. G.M. GUNN: Thank you, Madam Chair. The Attorney-General has nearly put me off my train of thought and upset me completely, and I would like to start again, if I may. My concern is that the objectives of this legislation do not adequately explain or provide any reasonable redress for a person who is caught up in it. That is my concern. The Attorney-General will say that they can go to the Supreme Court. I say to the Attorney, 'Go out onto North Terrace and ask an ordinary citizen how you go to the Supreme Court.'

Mr Hanna: What is the filing fee: $400 or $500?

The Hon. G.M. GUNN: So, to defend your rights you have to pay $400 or $500. That is really a democratic process, is it not? To defend yourself against an improper action you have to pay hundreds of dollars. Then if you had to engage one of Her Majesty's QCs, I hate to think what the cost would be. The cost of getting justice is getting more expensive. I ask the Attorney just to explain to us—and I am indebted to my good friend the member for Mitchell in relation to the cost—what other steps a person has to take to ensure that the worthy objectives of this bill are not misused and to defend themselves against unwise action by those enforcing this legislation.

The Hon. M.J. ATKINSON: Well, I wish the Liberal opposition would show more faith in our judiciary. To address concerns about the impact of the legislation on civil liberties and to ensure that the new powers are used only to target offending by criminal organisations, these measures have been incorporated in the bill. I will enumerate them for the member for Stuart, who I know is a civil libertarian.

The objects of the legislation are clearly set out in the objects clause. These are to disrupt and restrict the activities of organisations engaged in serious crime and the members and associates of such organisations—and the Liberal spokesman concedes that we know who they are—and to protect members of the public from violence associated with these criminal organisations (and I do not think we have to look very hard to find that violence). When the house last sat a man was riddled with bullets at Paskeville, and we reasonably suspect the Gypsy Jokers of having done the job. That is just one example. They have killed each other on the streets of Adelaide, and they have bombed each other's headquarters and set another one alight.

The legislation makes it clear that it is not the intention of parliament that the new powers be used in a manner that would diminish the freedom of people in this state to participate in advocacy, protest, dissent or industrial action. After the 11 years of the Howard government, I will place Labor's record on protecting advocacy, protest, dissent or industrial action against the Liberal Party's any day. Further, the Attorney-General may only issue a declaration—

Mr Pisoni interjecting:

The Hon. M.J. ATKINSON: Will the man who has been sacked as the multicultural spokesperson for the opposition just allow me to be heard in silence.

Mr Pisoni interjecting:

The CHAIR: Order, the member for Unley! The chair has not recognised you, nor are you on your feet, so please maintain your silence.

The Hon. M.J. ATKINSON: The Attorney-General may issue a declaration against an organisation only when satisfied that its members associate for the purpose of organising, planning, supporting, facilitating or engaging in serious criminal activity and where the organisation represents a risk to public safety and order. Further, a court may issue control orders only against members of declared organisations or people reasonably suspected of engaging in serious criminal activity who regularly associate with members of declared organisations or others who engage in serious criminal activity.

Mr Pisoni interjecting:

The CHAIR: Order, the member for Unley!

The Hon. M.J. ATKINSON: The member for Unley says that the CFMEU is such a criminal organisation; he claims that. I will leave that to members of the public to determine whether that is a fair comment. What we know, though, is that, when he was multicultural spokesman, he was a square peg in a round hole, and he had to be taken out—

Mr Pisoni interjecting:

The CHAIR: Order, the member for Unley!

The Hon. M.J. ATKINSON: Further, public safety orders may be issued only where a senior police officer believes the presence of the person or members of the group pose a serious risk to public safety or security. When determining this risk, the senior officer will be required to have regard to the nature of the group and any history of behaviour that previously gave rise to a serious risk to public safety or property. A public safety order may not be issued to prevent non-violent protest, advocacy or dissent, and may not be issued against members of legitimate protest or advocacy groups to prevent them from attending protests, rallies or demonstrations. A court order is required to extend a public safety order beyond seven days.

Sitting opposite me is the Liberal Party, whose leader said during the last sitting week that this bill did not go far enough; that bikies were running rampant on the streets of Adelaide; that they controlled every roadway in South Australia; that they peppered schoolchildren with bullets; and that we are at risk from outlaw motorcycle gangs if we send our children to school. I love the exquisite contrast between what the member for Heysen says about this bill and what the Leader of the Opposition says about it, and television and radio journalists picked it up.

Mr Hanna interjecting:

The Hon. M.J. ATKINSON: Well, they are, as a matter of fact; we are. Of course, *The Advertiser*—which made the current Leader of the Opposition—noticed that he had a bad week and so decided not to report parliament. Further, the new offence of criminal association—

Mr Pengilly interjecting:

The Hon. M.J. ATKINSON: No, our parliament page disappeared for the first time since any of us can remember. When was the last time there was no parliament page? Further, the new offence of criminal association applies only where a person associates on six or more occasions in 12 months with a member of a declared organisation, or another who is subject to a control order, or to associations between certain types of convicted criminals. Some associations—for example, those occurring at work—are excluded, and a defence of reasonable excuse applies, except where the defendant is a member of a declared organisation, is subject to a control order or has a criminal conviction of a prescribed kind.

The members for Mitchell and Heysen know that it is a canon of statutory interpretation that a penal statute is interpreted strictly; it is interpreted against the Crown and in favour of the citizen. So, not only are there those safeguards: there is a whole canon and history of statutory interpretation in favour of the liberty of the subject—that is our British and common law heritage.

Further, the bill requires the Attorney-General to appoint a retired Supreme or District Court judge to conduct an annual review on whether the powers under the legislation have been used appropriately, having regard to the object of the act. The Attorney-General must table a copy of the review report in both houses of parliament. Further, the bill requires the Attorney-General to review the operation and effectiveness of the legislation after five years, to prepare a report based on this review and to table a copy of the report in both houses of parliament. And, who knows, wonders may never cease: that might be the member for Heysen. Finally, there is a 10-year sunset clause. Let me make this prediction: if the member for Heysen is in charge of this bill in 10 years' time, I will lay any amount of money that she does not sunset it.

Members interjecting:

The Hon. M.J. ATKINSON: No, but I did get you to say that in the house.

An honourable member interjecting:

The Hon. M.J. ATKINSON: Touché!

Members interjecting:

The Hon. M.J. ATKINSON: Law-abiding members of the public have nothing to fear from these laws. The new powers are appropriately limited, and there are checks and balances in place to ensure that the government, the police and the courts use their authority for the intended purpose of disrupting the illegal activities of outlaw motorcycle gangs and other criminal groups in South Australia.

Mr HANNA: Does subclause (4) of clause 10 not undercut the Attorney's answer to my previous question? In a situation where a handful of members of an organisation might be miscreants, does not that subclause make it clear that it could just be a handful of members who associate for criminal purposes among a much greater majority of innocent members of an organisation who associate for other purposes?

The CHAIR: Will the member for Mitchell explain why a question about clause 10 should be dealt with now, when we are looking at clause 4?

Mr HANNA: Because I am directly scrutinising the Attorney's answer to my previous question on clause 4.

The CHAIR: Okay. The Attorney.

The Hon. M.J. ATKINSON: Clause 10, to which the member for Mitchell refers, ought to be looked at in its entirety. Subclause (4) ought to be looked at in the context of the rest of the clause and, when he does that, he will have his answer. There is balance.

Clause passed.

Clause 5.

Mrs REDMOND: To some extent this may seem like a bit of a Dorothy Dixer but, in any event, I want the Attorney to put on the record—for my satisfaction and for the satisfaction of those who have expressed concern—the effect of this clause which deals with the burden of proof. As I understand it, that clause will provide that, if someone is charged with an offence under section 22 (which is the section that provides that it is an offence to breach a control order); section 32 (which is the section that provides that it is an offence to breach a public safety order); or the offences set out in section 35 (which are offences relating to criminal associations by various people); or if it is an offence under either of the amendments to the Criminal Law Consolidation Act (those being the offences regarding threats or reprisals relating to persons involved in criminal investigations or judicial proceedings, or threats or reprisals against public officers), in those cases I have listed, they will still be dealt with on a normal basis as a normal criminal offence, with a criminal burden of proof beyond reasonable doubt. Anything else, such as an appeal against a control order being made, will be dealt with on the civil balance of probabilities burden of proof. I just want to clarify that that is the correct interpretation of clause 5.

Clause passed.

Clause 6.

Mrs REDMOND: I am curious if the Attorney could explain what is the full extent of the extraterritorial legislative capacity of the parliament.

The Hon. M.J. ATKINSON: The member for Heysen has asked and now I shall tell her. The relevant provision is part 1A of the Criminal Law Consolidation Act 1935. I think the relevant section is 5G, and it provides:

(1) An offence against a law of this state is committed if—

(a) all elements necessary to constitute the offence (disregarding territorial considerations) exist; and

(b) the necessary territorial nexus exists.

(2) The necessary territorial nexus exists if—

(a) a relevant act occurred wholly or partly in this state; or

(b) it is not possible to establish whether any of the relevant acts giving rise to the alleged offence occurred within or outside this state but the alleged offence caused harm or a threat of harm in this state; or

(c) although no relevant act occurred in this state—

(i) the alleged offence caused harm or a threat of harm in this state and the relevant acts that gave rise to the alleged offence also gave rise to an offence against the law of a jurisdiction in which the relevant acts, or at least one of them, occurred; or

(ii) the alleged offence caused harm or a threat of harm in this state and the harm, or the threat, is sufficiently serious to justify the imposition of a criminal penalty under the law of this state; or

(iii) the relevant acts that gave rise to the alleged offence also gave rise to an offence against the law of a jurisdiction in which the relevant acts, or at least one of them, occurred and the alleged offender was in this state when the relevant acts, or at least one of them, occurred...

Clause passed.

Clause 7.

Mrs REDMOND: Again, my question is, in a way, a Dorothy Dixer, just to clarify and put on the record my understanding of the intention of the delegation provision, which seems to be worded in the negative but which seems to say that the Commissioner can delegate every function that the Commissioner has under this act to someone who holds at least the rank of inspector, except the function of classifying information as criminal intelligence, which he can only delegate to a deputy commissioner or assistant commissioner. I want to confirm that that reading is correct.

The Hon. M.J. ATKINSON: The member for Heysen is correct.

Clause passed.

Clause 8.

Mrs REDMOND: I have a couple of questions on this clause. Subclause (2)(b) provides:

(b) identify the organisation in respect of which the declaration is sought...

I assume that the intention is that the organisation will indeed at that point be named. So, whether it is the Hell's Angels, the Finks, the Gypsy Jokers, or whoever, the name of the organisation will be on the application made by the Commissioner.

The Hon. M.J. ATKINSON: I refer the member for Heysen to subclause (3), which provides:

(3) The application may identify the organisation by specifying the name of the organisation or the name by which the organisation is commonly known or by providing other particulars about the organisation.

Mrs REDMOND: If the organisation is not named, will the Attorney then give some idea of what other particulars would be used to identify the organisation?

The Hon. M.J. ATKINSON: Where the organisation hangs out and the names of some members of the organisation. This is just giving the law enforcement authorities a modest flexibility.

In every case I can contemplate, the organisation will be named, whether it is the Hell's Angels, the Rebels, the Bandidos, the Descendants, the Gypsy Jokers, the Finks, the Red Devils, or the Mob Shitters.

Mrs REDMOND: I have two more questions on this clause, but I do not have any on clause 9, if that is of any comfort. In relation to the response the Attorney has just given, I accept what he is saying, but I do not understand this. If you cannot name the organisation, what is the point of declaring it, inasmuch as how do you then enforce a control order that tells someone that they are not to be a member of the organisation?

The Hon. M.J. ATKINSON: One would issue a declaration only if one could define the organisation reasonably specifically. If the application cannot define the organisation, the overwhelming likelihood is that it will fail, given the canons of statutory interpretation applying to penal laws.

Mrs REDMOND: I have another question on this provision, and it relates to the wording in clause 8(2)(f). Clause 8 provides that the Commissioner may apply to the Attorney-General for a declaration and sets out some things about that application—that it must be in writing, and it has to identify the organisation and set out the grounds. I am curious about paragraph (f) because it requires that the application be supported by a statutory declaration from the Commissioner, or statutory declarations from other senior police officers, verifying the contents of the application. What puzzles me is why we have restricted the other affidavits or declarations to senior police officers. It seems to me that, in practice, the people out on the ground who actually have the knowledge upon which the application is based are unlikely to be of the level of inspector or above; they may be ordinary members of the organised crime task force, or whatever it is. It seems to me to be inappropriate to set up a system whereby someone seeks to verify, by affidavit, information they can know only by virtual hearsay. It would be more appropriate, therefore, for the affidavit in support to be from someone with direct knowledge, rather than stipulating that it has to be a police officer of or above the rank of inspector.

The Hon. M.J. ATKINSON: We think the best way to proceed is for there to be one affidavit, or a small number of affidavits; and they may be composite. What we do not want is dozens of affidavits from junior police officers; we want the material to have been vetted by senior officers in the police command.

Mrs REDMOND: Then the evidence contained in the affidavit will, inevitably, be hearsay.

The Hon. M.J. ATKINSON: It is important to get down to the level of the officers who have operational command when dealing with outlaw motorcycle gangs; so, on the contrary, far from it being hearsay evidence we will be trying to get first-hand evidence. However, that evidence, before it is presented for the purpose of the provision, must be reviewed by very senior officers.

Clause passed.

Clause 9 passed.

Clause 10.

Mrs REDMOND: At this stage I have just one question on this clause, and it relates to subclause (1), where the Attorney may make a declaration if he is satisfied that 'members of the organisation associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity', and that 'the organisation represents a risk to public safety and order'.

I guess it is probably one question in two parts. First, why do we use the word 'and' between paragraphs (a) and (b)? Why, for the purposes of making an order, would it not be sufficient for the Attorney to simply be satisfied that the members of the organisation associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity without actually being a risk to public safety and order'

Secondly, if the Attorney is satisfied on both those counts, why is it not essential for the Attorney to make the order; why is it not a compulsion? When we get to the provision of control orders, for instance, there is a compulsion on the court, if it is satisfied that the person is a member of the organisation, that it must make a control order in certain terms—in terms of not associating with the organisation, and so on. Yet, if the Attorney is satisfied as to paragraphs (a) and (b), there is no compulsion on him to make the declaration. Why does the Attorney need both elements and, if he is satisfied on those elements, why does he not have to make a declaration?

The Hon. M.J. ATKINSON: The thinking of the Rann government is that a senior member of the government—namely, the Attorney-General—ought to exercise his judgment on the material presented to him. And so, if it was mandatory for the Attorney-General to issue the declaration, the member for Heysen would be asking us: 'Well, why have the Attorney-General at all? Why not have the Police Commissioner just do it?'

Mrs Redmond: You have to be satisfied as to those two elements.

The Hon. M.J. ATKINSON: That is right; I have to be satisfied. I have to exercise an independent judgment as an elected official, as a member of the responsible government, whether it is right, whether it is within jurisdiction and whether it is indicated by the facts that such a declaration should be issued. It is about someone who is responsible to parliament making that declaration. I put it to the committee that, if it were (as the member for Heysen hypothesises) that the Attorney-General just had to do what the Police Commissioner said, she and the opposition would be most upset that there was no value adding by a responsible minister, that declaring an organisation and subjecting its members to legal disabilities was just a matter for the Police Commissioner without reference to anyone responsible to parliament. I suggest the member for Heysen's question answers itself.

Mrs REDMOND: In response to that, I think the Attorney-General misunderstands what I am saying, because the section already clearly sets out that, after the application is received from the Commissioner, the Attorney-General has to be satisfied as to those two elements. I am not suggesting that he remove that. Indeed, I am not suggesting that he remove the discretion, I am just asking why it is worded in that way. At the moment, there is a necessity for the application to be made based on all the things set out in clause 8 above, and then the Attorney-General has to consider all that and be satisfied as to the two elements set out in clause 10(1), and then the order is made.

The point of my question is that I am curious about circumstances which the Attorney could envisage where the Attorney-General, having received the application in the appropriate form and supported by the appropriate documentation, examines all the relevant criteria set out under the act, is satisfied both as to paragraphs (a) and (b); that is, the people are together for the purpose of organising, planning, facilitating criminal activity and that there is a risk to public safety and order. In what circumstances, given all those factors, would the Attorney-General then not declare an organisation because the 'may' presupposes the possibility that he might not?

The Hon. M.J. ATKINSON: This is when I might be satisfied but not declare: where the Police Commissioner has previously satisfied me that an organisation needed to be declared and, over time, many of the criminal members of that organisation scuttled out of the organisation and merged with others to form a new organisation, and I believed that it was overkill to declare the alleged new organisation when the target members already had control orders applied to them by dint of their membership of an already declared organisation.

Mrs REDMOND: I want some clarity on the other part of the question that I originally asked; that is, why it is necessary to have both paragraphs (a) and (b)? It seems to me that there could be circumstances, particularly with some of the criminal activities that may not be so public and physically threatening, where an organisation warrants declaring where the members associate 'for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity'. That factor of itself would justify declaring the organisation, but the wording of the section requires that, in addition, the Attorney has to be satisfied that there is a risk to public safety and order. Is it the case that the Attorney is simply going to interpret 'public safety and order' so broadly that it will become an irrelevant consideration and that (a) will be the key consideration?

The Hon. M.J. ATKINSON: Paragraph (b) is not redundant, and it is not redundant for this reason: the Rann government is aiming at high-level crime; we are aiming at big outfits. We are not aiming at a few crooks plotting over a table, where there is no real risk to public safety or order.

We are trying to confine this power in a way I think the member for Heysen wants us to confine it, although the Leader of the Opposition does not. To give you an example: there is—maybe, was; I think it still exists—a cafe over the road from my electorate that had a very bad reputation and most undesirable people gathered there and then went forth from there and committed crime. Indeed, someone who was shot dead by former associates on the pavement in my electorate was an habitué of that cafe. There is no doubt at all that the police kept watch on that cafe. But to say that the patrons of that cafe were, collectively, a risk to public safety and order would be highly conjectural.

We want the organisations we are targeting to fulfil both legs of the definition; otherwise, there is a risk that the authority may be applied to too many organisations and associations. We are putting the bar up high, as I think the member for Heysen would want us to do.

Clause passed.

Clause 11.

Mrs REDMOND: The declaration having been made and not being subject to any appeal process and there being provisions later on about the service of notices and so on, I am curious about why we have this notice appearing in the *Government Gazette*. What is the intention in putting a notice in the *Government Gazette* of a declaration that the Attorney makes and against which there is no appeal, in any event?

The Hon. M.J. ATKINSON: It is the bounden duty of the Attorney-General to publicise his making this declaration, which may have harrowing consequences for the members and associates of the organisation. They legitimately expect to be told. In our society everyone is presumed to know the law (of course, that is sometimes a fiction), but we try to construct our criminal law so that people have due notice that their conduct could breach the criminal law. That is why we do not normally make criminal law retrospective, because the people who breach retrospectively made criminal law would not at the time they engaged in the conduct have been able to know that it was criminal, for the reason that it was not, until parliament subsequently projected the criminality back onto their conduct. For the same reason, we give even outlaw motorcycle gangs notice through the *Government Gazette* that henceforth it will be a declared organisation and that its members and associates are now at risk of having the legal disabilities in this bill applied to them. It is common courtesy. It is fair play in a rule of law society. I will not declare organisations clandestinely.

Mrs REDMOND: I am interested in the Attorney's being so concerned about fair play in a rule of law society, given some of his comments, particularly on matters in relation to this area. In his response to my original question, the Attorney talks about the 'harrowing consequences' of a declaration being made under these sections. In fact, in his second reading explanation, the Attorney points out that the consequence of declaring an organisation is virtually nil: it is the ability to make other orders which must be separately notified, anyway, and that before the Attorney makes the declaration in the first place we absolutely understand why we are putting the notice into the public notices, and so on, about the intention and the fact that it is being considered so that people have the right to make submissions.

The Attorney then makes a decision which is not reviewable; and, given his care about fair play and the rule of law, one would have thought he would then want to have (in accordance with normal administrative law principles, natural justice, fair play and the rule of law) a review of his decision. However, given that there is no review of his decision, I still put to the Attorney that there is no point in publishing in the gazette. You have received an application from the Commissioner and, in the process of considering that, you have published a notice so that people who are likely to be affected by it have the opportunity to make decisions.

Indeed, there is a provision to say that you cannot make your decision until a certain time has elapsed after you have given notice of your intention to consider doing that. You then make your decision and it is not reviewable. I still say: what then is the point of putting a notice in the gazette to say that the organisation has been declared?

The Hon. M.J. ATKINSON: The member for Heysen in her ideological purity so often reaches daft positions. I am trying to avoid making the declaration decision reviewable, because we know that the lawyers for the outlaw motorcycle gangs will use that as a signal to throttle the process in its infancy and hold it up for months, if not years. The member for Heysen knows that, and if she were in my position she would be doing as I am doing. Indeed, should she attain this office just watch her do the same and worse.

We have had 11 years of the Howard Government and many years of Philip Maxwell Ruddock, as minister for immigration and attorney-general, to illustrate the Liberal Party's attachment to the pure position the member for Heysen offers us on radio this morning and again in committee today. As our former prime minister Gough Whitlam said, 'The impotent are pure.'

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The member for Heysen grieves me with that remark—

Mr Koutsantonis interjecting:

The Hon. M.J. ATKINSON: —and the member for West Torrens says it would thereby make him impure. As I said before, I am simply not going to declare organisations clandestinely. One of the disabilities is the criminal association provisions. Members of the public who have reason to associate with members of declared organisations ought to be given official notice that the organisation is declared. That is just fair play.

On Saturday afternoon I took my dog, Gus, for a walk along Cedar Avenue down to the park so he could run around and a group of Sudanese children could throw the ball for him because they enjoy his company enormously.

Mr Venning interjecting:

The Hon. M.J. ATKINSON: Actually he prefers me to throw the ball because I give him a clear go at chasing it and leaping upon it at the final instant, whereas the Sudanese children (the Dinka children) all run after him and are almost as quick to the ball as he is and put him off his game. On the way home from the park I passed the residence of the Kasumovic family, some of whose members are notoriously full members of the Finks outlaw motorcycle gang, and I greeted one of them and he greeted me.

Mr Venning: Comrade.

The Hon. M.J. ATKINSON: They are from the former socialist republic of Montenegro, but they don't normally refer to me as 'comrade'. I think I ought to have notice and he ought to have notice that henceforth he is a member of a declared organisation. It is just common sense.

Clause passed.

Clause 12 passed.

Clause 13.

Mrs REDMOND: This clause relates to the circumstances in which criminal intelligence—which is separately defined—can or cannot be disclosed. Part 1 says that if the Attorney-General declares an organisation he does not have to provide any reasons other than to a person conducting a review under part 6 if that person so requests.

I turn to part 6, the annual review, which is to be conducted by a retired judicial officer. It is not a review of the decision to declare; part 6 is the annual review to be conducted by a judicial officer. The Attorney-General receives information and he does not have to tell anyone the basis upon which he has made his decision, but if the person conducting the annual review (to ensure that the act is being administered appropriately and that the powers under the act are being used appropriately) makes a request then he may issue it.

The first part of my question is: if that person conducting the review requests that the information be disclosed, is the Attorney obliged to do so? The measure simply seems to say that he is not required to give out any reasons unless it is requested, but it does not seem to answer this question: if it is requested, is he then obliged to provide that information to the person conducting the review?

The Hon. M.J. ATKINSON: I am obliged to give my reasoning to the retired judge conducting the review, but not to anyone else. I think that is plain.

Mrs REDMOND: With respect, I do not think it is plain. What it says is that the Attorney is not required to provide the reasons to anyone else, but I do not think that, implicit in an ordinary reading of that sentence as it appears in subclause (1), it is necessarily the case that he is obliged to provide the information to the judicial officer who is conducting the review. I would like to be very clear about what that is.

The Hon. M.J. ATKINSON: The retired judge conducting the review is the exception to the rule, as stated in the clause. If I were to refuse the retired judge reviewer's request for my reasons, I would run the very great risk of adverse commentary in the annual review, and a normal Attorney-General would not want to run that risk.

As the member for Heysen knows, if the Attorney, contrary to this clause, gave reasons for declaring an organisation, the bikie lawyers, such as Michael Abbott QC and Harry Patsouris, would crack out the champagne, because they would be in to the courts to review the reasons and hold up the whole process for as long as possible; that is, to throttle the process in its infancy. If members of the Liberal opposition want to invite me to publish reasons abroad for the declaration, they know the consequences of that. They know that it is to defeat the purpose of the legislation.

They would only advocate that for tactical reasons, and such advocacy should be seen for what it is.

Mrs REDMOND: My understanding of the response of the Attorney to my earlier questions and the provision of subclause (2) of clause 13 is that the person conducting the review—the retired judge who does an annual review—is entitled to insist on the Attorney's providing the grounds or reasons for his decision in declaring an organisation, and is also entitled to insist on the information upon which that was based, even if that information is so-called criminal intelligence.

The Hon. M.J. ATKINSON: Yes, to both questions, but the reviewer has a duty laid out later in the bill to protect the confidentiality of the information.

Mr HANNA: I move:

Page 7, lines 32 to 35—delete subclause (1)

I want to explain to members how this amendment relates to the other amendments on the page of amendments which I have arranged to be filed. I take this as a test case for amendments Nos 1, 2, 3 and 5. All those amendments deal with judicial review. In a sense the critical provision is clause 41 whereby I will be opposing the government's decision to keep judicial review out of the bill and to keep decisions of the executive out of the courts. In fact, amendments Nos 1, 2 and 3 are consequential upon that move that I would like to make. I will speak to the principle and we can vote on amendment No. 1. In fact, I will not be moving amendments Nos 2, 3 and 5 if I am unsuccessful.

I am putting forward the proposition that we should allow judges to ensure that proper decisions are made based on reasonable and honest criminal intelligence or other material. Whether it be the Attorney-General or the police, we need that check in the system. The decision to exclude judicial review should be undertaken with the utmost seriousness because it keeps citizens out of our courts.

It is always very easy when we talk about legislation such as this to talk about it in terms of bikies having access to the courts, or whatever undesirable element in our society having access to the courts, but, in fact, that prejudges the citizen who is going to the court for redress. We actually do not know whether the decision to brand them has been done improperly, whether or not they are innocent, until it is assessed judicially. We do have a good, sound judiciary in South Australia and I would trust them more than the government to make decisions about people's liberty. I have moved the amendment because members know what principle is at stake.

Mrs REDMOND: The Liberal Party has considered this issue at length. We have considerable sympathy with the view being expressed by the member for Mitchell. Indeed, had I had a chance to speak to parliamentary counsel this morning, we would be moving our own amendment in relation to the issue of judicial review. It is an important principle and it is not something to be thrown away lightly. I indicate to the committee that our intention is to move only one amendment when it is drawn up; and, hopefully, we can have it filed and dealt with in this place in this debate but, if not, in the other house, simply because of the haste with which things are proceeding.

Our proposal, I guess, takes something of a half-way position between the Attorney's bill and the proposal of the member for Mitchell, with which, as I have said, we have considerable sympathy. We propose that, in the case of the declarations under the provisions that we have just been dealing with, there should be a right of independent review but that when that occurs the onus should be on the organisation seeking the review to establish that a declaration should not have been made. We think that would offer some degree of protection against an inappropriate use of a power which otherwise is unreviewable.

I must say I am always uncomfortable about legislation that does not provide people with provisions for review. I know that in other areas as broad as the natural resources management legislation, and so on, we have instituted arrangements where people can have decisions made about which they have no recourse to a court or any other appeal against the decision, yet it can have profound influences on their wellbeing, rights, entitlements and ability to lead their lives uninterrupted by government. So, while we have some sympathy, I am afraid that unfortunately we are not in a position to support the amendment of the member for Mitchell, but we will seek to redress, at least in part, some of his concerns in relation to this legislation.

The Hon. M.J. ATKINSON: During the last sitting week the Leader of the Opposition (the member for Waite) stood exactly where the member for Heysen is sitting and said, 'This government is weak on bikies; it is not doing enough; this legislation does not go far enough.' His

staff (John Lewis and Kevin Naughton) arranged for the cameras to come into the gallery before lunch and film the Leader of the Opposition saying that so it would be telecast on the news service. It all went pear-shaped for another reason—to do with the leader momentarily forgetting that Andamooka is in South Australia. But the intention was to have the leader talking to the people of South Australia through those television cameras saying that the Rann government is not doing enough, it is not as good as its word and this legislation needs to go further.

Today, in exactly that same little piece of the universe immediately opposite me (the Leader of the Opposition's very chair and bench), we have the member for Heysen saying that this bill needs to be subject to judicial review. Well, Yin and Yang, black and white! Of course, while the member for Heysen speaks thus, the television cameras are not invited, because they do not want the public to know what their real position is when the cameras are not here. They want to play both sides of the street. As my good friend the former member for Unley (Mark Brindal) said in this place years ago—I can recall him saying it during the Bannon government when I was interjecting, from a lot further back—'I tell the member for Spence that it is the prerogative of the opposition to have two bob each way.' Yes, and today we are having a little flutter. We have one story in the last sitting week from the leader for the cameras, and we have another story from the member for Heysen. Oh, what a joy it would be to be in opposition!

Mr Venning interjecting:

The Hon. M.J. ATKINSON: As the member for Schubert interjects in one of his last utterances before he retires, flexibility is what the opposition needs, and that is what the opposition has got. It has got the contortionist sitting in front us today. Clause 13(1) protects from disclosure the Attorney-General's grounds and reasons for making or not making a declaration or decision under part 2 of the act. The government understands that this amendment is a precursor to the member for Mitchell's opposition to clause 41, the privative clause. I think the member for Mitchell has graciously accepted that this amendment be treated as a test amendment for amendments Nos 2 and 3 that are also related to clause 41 and to any amendments to delete clause 41 itself.

Clause 41 of the bill is a privative clause and is intended to exclude judicial review of any decision, determination, declaration, proceedings, act or omission made under the act (or purportedly under the act) or in the exercise (or purported exercise) of powers or functions under the act. Clause 41 also prevents control orders and public safety orders being challenged in other proceedings, specifically criminal proceedings for breach of control orders and public safety orders, and for the new offence of criminal association.

Relevantly, clause 41, and the provisions such as clause 13(1) that support it, are necessary to ensure that, once the Attorney-General makes a declaration, the operation of the legislation, including control order applications and prosecution for offences under the act, cannot be undermined by members of the organisation challenging the validity of the declaration, either through judicial review of the declaration itself or in the course of other proceedings. To allow such challenges would undermine the operation of the legislation.

I have some sympathy with the member for Heysen because, no matter how clearly she lays it on the line for the Leader of the Opposition, he just does not understand. You cannot get it through to him, however diligently you try to tutor him, because, first, he cannot understand and, secondly, he does not want to understand.

Mr VENNING: On a point of order, the Attorney is casting aspersions on a member who is not here.

The CHAIR: The Attorney is not addressing the chair and I ask him to do so.

The Hon. M.J. ATKINSON: The member for Heysen said herself that the members of criminal organisations who are targeted by this legislation are well funded. They have access to the best legal advice and representation. Without the privative clause we know what will happen. Legal challenges to the validity of declarations, control orders and public safety orders would frustrate the effectiveness of the act, grinding applications for control orders, applications to extend public safety orders and prosecutions for offences under the act to a halt. The government assumes that this amendment is aimed at exposing the Attorney-General's decision to scrutiny—a decision, by the way, that the member for Heysen thought unnecessary to give notice of in the *Government Gazette*. We will leave that.

What is proposed in the amendment is unnecessary. Clause 37 of the bill requires the Attorney-General to appoint a retired Supreme or District Court judge to conduct an annual review on whether the powers under the legislation have been used appropriately, having regard to the

objects of the act. This includes the Attorney-General's powers under part 2 of the legislation, namely the declaration provisions. Clause 13(1) expressly provides that the judicial officer appointed to conduct the review may request the Attorney-General's reasons and grounds for decision under clause 13(2) and clause 37 to ensure he or she will have access to all other information necessary to conduct the review properly, including information classified as criminal intelligence. I refer the committee to the Gypsy Jokers case just decided by the High Court. Read, mark and inwardly digest. That is what I suggest members of the committee who quibble with the government's position on this do.

Parliamentary scrutiny of the use of the powers is ensured by clause 37(5) that requires the Attorney-General to cause a copy of the review report to be tabled in both houses of parliament. That is how responsible government operates. The government believes—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The member for Heysen interjects about cherry picking. One cherry that the member for Heysen believes we never should have picked—we should have left him free and at large, according to her—is the case of Paul Habib Nemer. Contrary to what she says on Radio FIVEaa—and it is the complete opposite of what she says on ABC 891, because she knows they are different audiences—the member for Heysen believes Paul Habib Nemer should never have spent one day in gaol. That is her position. It has been stated in her newsletter to her electorate. It has been stated in this house.

Mr VENNING: A point of order, Madam Chair, on relevance: this has nothing to do with the matter at hand.

The CHAIR: I think once again the member for Schubert has not picked on the relevant point of order. The relevant point of order is that debate is happening across the floor. Once again, I ask participants to direct their remarks through the chair.

The Hon. M.J. ATKINSON: Madam Chair, it is my fervent wish that the member for Heysen ask me a question in today's question time about the matter of Mr Dundovic. However, I think I shall be disappointed. The government believes the annual review process is an appropriate safeguard that will ensure proper scrutiny of the Attorney-General's exercise of the declaration power without undermining the effective operation of the legislation. Let the government govern according to law and let us do what the Liberal Party leader says we need to do about outlaw motorcycle gangs. Don't do one thing in the house one week and another when the cameras are not here.

Amendment negatived.

Progress reported; committee to sit again.

[Sitting suspended from 12:59 to 14:00]

ELECTRICITY (FEED-IN SCHEME—RESIDENTIAL SOLAR SYSTEMS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

GLENSIDE HOSPITAL REDEVELOPMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition): Presented a petition signed by 56 residents of South Australia requesting the house to urge the government to retain the areas known as precinct 3, 4 and 5 of Glenside Hospital to ensure they continue to be available as open space and recreational, together with mental health services.

QUEEN ELIZABETH HOSPITAL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition): Presented a petition signed by 29 residents of South Australia requesting the house to urge the government to maintain the many services and facilities at the Queen Elizabeth Hospital for the convenience of the people of the western district.

SHARED SERVICES

The Hon. G.M. GUNN (Stuart): Presented a petition signed by 19 citizens of regional South Australia requesting the house to urge the government to reconsider its policy of shared services which will negatively impact on regional communities by the removal of jobs to Adelaide.

HOUSING TRUST WATER METERS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition): Presented a petition signed by 353 residents of South Australia requesting the house to urge the government to ensure all Housing Trust households are provided with their own individual water meters in order that they might monitor and control their own water use and pay SA Water for the accurate and appropriate usage.

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the following written answers to questions, as detailed in the schedule I now table, be distributed and printed in *Hansard*.

BUSHFIRES

In reply to **Mr VENNING (Schubert)** (27 September 2007).

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): The Minister for Emergency Services has provided the following information:

In recognition of the influence of the drought on bushfire risk, the SA Country Fire Service (CFS) brought forward the start of the fire danger season in all fire ban districts by up to one month. The government has provided the CFS with an additional $500,000 for the implementation of a summer fire safety awareness campaign, and an expanded community education program, to raise awareness and provide communities with the capacity to prepare themselves for bushfire. As part of this program, homes in high risk areas of the State are being sent by mail a copy of a bushfire action plan.

In addition, a review of bushfire prevention and mitigation arrangements in South Australia has been conducted, and the review working group made a number of recommendations for the improvement of processes in South Australia that are being considered as part of the current review of the Fire and Emergency Services Act 2005.

As to the question regarding the Native Vegetation Act, I have been informed that there are adequate exemptions under that act for landholders to construct fire breaks appropriate to their level of bushfire risk.

A native vegetation council subcommittee was established in October 2006 to consider and approve applications relating to fire prevention works. The CFS is a member of that subcommittee and I am advised that it has been approving applications both in and out of session.

PROPERTY, PLANT AND EQUIPMENT PURCHASE

In reply to **Mr HAMILTON-SMITH (Waite—Leader of the Opposition)** (20 November 2007).

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): The total amount spent on the purchase of property, plant and equipment can be broken down as follows:

- Motor vehicles—$55.530 million;
- Building fit-outs—$0.759 million;
- IT equipment—$0.216 million; and
- Other plant and equipment—$0.220 million.

There is a significant increase in this expenditure category as a result of the transition of Fleet SA to the Department of Treasury and Finance, from the Department for Administration and Information Services, from 1 January 2007.

The purchase of motor vehicles relates to the 6 month period 1 January to 30 June 2007. The remaining portion of the financial year was reported in the financial statements of the Department for Administration and Information Services prior to it ceasing operations.

The building fit-out predominantly relates to the capitalised costs associated with the relocation of Super SA from the State Administration Centre to 151 Pirie Street that was funded by the Superannuation Board.

TRADE AND ECONOMIC DEVELOPMENT DEPARTMENT

In reply to **Dr McFETRIDGE (Morphett)** (20 November 2007).

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): The Department of Trade and Economic Development (DTED) has advised that the loss on sale of assets relates predominantly to the disposal of land at Monarto (which accounts for $98,000) and the disposal of office equipment (including one laptop).

The land at Monarto was classified as 'non-current assets held for sale' in the DTED 2005-06 financial statements and was subsequently sold in 2006-07.

When the land was valued, DTED obtained two valuations—one valuation for each of the three individual allotments (totalling $1.099 million) and one valuation for all three allotments (total $1 million) in order to provide a market value of all the allotments should they be sold as one.

In accordance with Australian accounting standards, the collective value of the individual allotments was recorded in the financial statements. When the land was sold, it was sold as one package and although DTED incurred a loss on disposal as a result of recording the collective value of each allotment, the land was sold at market value, per the valuer's report.

GOVERNMENT BOARDS AND COMMITTEES REMUNERATION

In reply to **Dr McFETRIDGE (Morphett)** (20 November 2007).

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): I am advised that on 11 September 2007, the Premier tabled a report in parliament entitled, 'Government Boards and Committees Information as at 30 June 2007 (Listing of Boards of Committees by Portfolio)'. The report contains a listing of all government-appointed part time boards and committees in receipt of remuneration, including their membership and remuneration details. The report includes the bodies identified by Dr McFetridge.

SERVICE SA

In reply to **Mr GRIFFITHS (Goyder)** (28 June 2007) (Estimates Committee B).

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing): I am advised that Service SA rural agents are paid a combination of a flat grant amount, and commissions per financial transaction where money has been collected from a customer.

The commission for each financial transaction differs with varying degrees of effort required for different types of services and the amount Service SA has brokered under cost recovery regime from the agencies responsible for the services.

Commissions paid to agents (not including the GST component) are as follows:

Transaction	Commission Paid per Transaction $
Driver Theory Test	14.00
Sale Driver's Handbook	1.00
Boat Licence Theory Test • Fail	14.00
Boat Licence Theory Test • Pass and application for licence	14.00
Application for Boat Licence • From interstate or coxswain licence	14.00
Sale Power of Attorney Kit	2.82
Sale Power of Guardianship Kit	2.82
Sale Health Report—full report	4.90
Sale Health Report—summary report	1.40
Sale Plants of Outback SA	3.50
Sale Now You Are a Guardian	4.00
Aquaculture Lease/Licence Renewal	1.00
Recreational Rock Lobster Registration Renewal	1.00

Transaction	Commission Paid per Transaction $
Commercial Fishing Licence Fee	1.00
PIRSA Corporate Finance Payment	1.00
SA Water Bill Payment	1.00

I am further advised that grants make up the greatest proportion of the funding paid to agents based on a rate equivalent to $5,885 + GST per annum.

Service SA have advised rural agent funding arrangements will be reviewed during this financial year.

GOVERNMENT EMPLOYEE HOUSING

In reply to **Mr GRIFFITHS (Goyder)** (28 June 2007) (Estimates Committee B).

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing): The performance indicators for Government employee residential property management are shown in Budget Paper 4 volume 2, page 6.49, subprogram 8.5.

Amongst these indicators is a target of 2,650 residential tenancies managed for 2007-08. The point to be clarified is the difference in meaning between 'tenancies' and 'properties'. A tenancy is established each time a property is occupied by an incoming tenant. The total number of tenancies managed in any year includes instances where a number of different tenants may occupy the same property, either owned or leased, during the financial year.

I am advised that typically there is approximately a 40 per cent turnover of tenants across the whole housing stock as a result of existing employment contracts terminating and new contracts commencing during the year. This results in more tenancy agreements being established each year than the number of owned and leased properties.

GOVERNMENT EMPLOYEE HOUSING

In reply to **Mr GRIFFITHS (Goyder)** (28 June 2007) (Estimates Committee B).

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing): The performance indicators for government employee residential property management are shown in Budget Paper 4, volume 2, page 6.49, subprogram 8.5.

Amongst these indicators is a target representing the estimated number of properties required from the private market. The figure is indicative of the extent to which the government's stock of owned properties must be supplemented to meet the demand from agencies for staff in regional areas. Also it meets additional need where vacant owned properties do not match the family needs of tenants.

For these reasons properties are currently leased from the private market in around 60 locations throughout the state. The greater numbers are in Mount Gambier, Coober Pedy, Murray Bridge, Naracoorte, Port Lincoln and Port Augusta. It is difficult to be precise with the total number likely to be required during any year. The family composition of employees that accept positions in regional centres cannot be pre-determined. Some agency staff may already live locally or choose to purchase their own property rather than require government accommodation.

Indication of future demand is that leased properties are most likely to be required in Whyalla, Port Augusta, Mount Gambier and Kangaroo Island. The exact numbers cannot be predicted for the reasons mentioned.

This year the government has allocated significant additional funding for new housing to meet the anticipated growth in Roxby Downs resulting from the proposed Olympic Dam mine expansion.

GOVERNMENT EMPLOYEE HOUSING

In reply to **Mr GRIFFITHS (Goyder)** (28 June 2007) (Estimates Committee B).

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing): I am

advised that all new government employee housing is constructed to meet a 5-star environmental rating.

Particular design features incorporated to improve environmental performance and attain 5 star energy ratings include:

- solar orientation of buildings to minimise east/west facing windows where possible;
- use of vertical 'sun Block' fabric blinds to internal windows;
- use of energy saver gas heating;
- use of energy efficient evaporative cooling systems;
- use of insulation to walls and roof;
- installation of large capacity rainwater tanks to collect roof stormwater;
- use of dual flush cisterns to toilets; and
- use of roof mounted solar boosted hot water systems.

There is a program in place in the northern regions for the installation of verandas to existing houses to reduce indoor temperature. A program is also in place across the entire housing stock to replace incandescent light globes with energy efficient globes.

Consideration is also being given to future opportunities to install solar hot water systems and water efficient showerheads and improve insulation in existing stock.

Appliances account for up to 40 per cent of the energy consumed in an average household. Purchase of appliances is a matter of choice for the tenant, however tenants are provided with advice on which products are the most energy efficient.

TRANSADELAIDE DIVIDEND RATE

In reply to **Mr HAMILTON-SMITH (Waite—Leader of the Opposition)** (20 November 2007).

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): I have been advised that TransAdelaide paid dividends totalling $5.296 million to the state government in 2006-07. Of this amount, $4.325 million related to special dividends, and $0.971 million related to an ordinary dividend. These dividends were approved by myself as Treasurer under section 30(2) of the Public Corporations Act 1993, following consultation with the Minister for Transport.

The special dividends in 2006-07 included $2.296 million in relation to TransAdelaide depreciation funding; $1.369 million representing the net proceeds from the sale of tram related infrastructure assets to the Department for Transport, Energy and Infrastructure (DTEI); and $0.660 million representing the net proceeds from the sale of land at Hallett Cove to Marion City Council.

The ordinary dividend for 2006-07 of $0.971 million was calculated at 60 per cent of TransAdelaide's forecast profit after tax. The dividend policy applied in 2006-07 was unchanged from previous years.

AUDITOR-GENERAL'S REPORT

In reply to **Dr McFETRIDGE (Morphett)** (20 November 2007).

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): The exact amount of funds held in the accrual appropriation excess funds account is $7,674,885.75.

FAMILIES SA, CARE PLACEMENT

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (25 September 2007).

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management): Due to confidentiality, it is not appropriate that I provide specifics regarding this case which may identify the child and family. I can, however advise the following.

The child in question was not arrested for theft. She was found to be shoplifting by Westfield security and made an undertaking that she would not go to Westfield Marion without a parent or guardian for three months.

This child is not under the care of the minister. Her father is her legal guardian and is responsible for her care until she attains the age of 18 years, unless court orders have been made to remove that responsibility. The father has signed a parental authority to place to allow Families SA, Department for Families and Communities to assist his daughter in seeking accommodation as she requests.

The situation of this child's relationship with her 18 year old boyfriend was referred by Families SA to South Australia Police (SAPOL) on 24 September 2007. Until 27 September 2007, the child was living with the sister of her boyfriend's step-father. I understand that the child was assisted to secure foster placement accommodation on 27 September 2007. However, the following day she refused Families SA's offer to assist her with accommodation. Later that evening, police from SAPOL's Sturt station contacted Families SA's crisis response unit, who organised an emergency placement from 28 September 2007 to 1 October 2007.

The child was then offered further accommodation on 2 October 2007, but has since refused this placement. Families SA will continue working with the child and her father to address her accommodation needs and to facilitate other supports.

If a child cannot be located by a parent, and the parent cannot understand why the child has gone or if he or she is safe, the child should be immediately reported to SAPOL as missing.

If a parent is aware of where the child is residing and has serious concerns regarding the child's safety and wellbeing, the matter should be reported to SAPOL or to the child abuse report line on 13 14 78.

WORKCOVER CORPORATION

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:04): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: In March 2007, the government commissioned leading workers compensation expert Mr Alan Clayton, supported by actuary Mr John Walsh, to conduct an independent review of the workers compensation and rehabilitation system. The independent review was asked to consider proposals by the WorkCover Board, together with alternatives for reform to the scheme to make it fully funded, fair to workers and affordable to business. The review of the scheme was directed towards three objectives: first, a scheme that provides fair support to injured workers, delivered efficiently and enabling the earliest possible return to work; secondly, an average employer levy rate reduced to a range of 2.25 per cent to 2.75 per cent by 1 July 2009; and, thirdly, the scheme should be fully funded by the earliest possible date.

Mr Clayton finalised his report last month and submitted it to the government. The report represents a very comprehensive set of findings and recommendations for changes to the scheme, with the primary focus on improving the rehabilitation and return to work rates of workers and making the system more affordable and efficient. In delivering his report, Mr Clayton advised:

> If the full range of recommendations set out in this report were to be implemented, South Australia will retain its position as the fairest workers compensation scheme in the country.

They key purpose of the scheme, when it was established, was to optimise the prospect of a return to work by injured workers. The report finds that, on this key measure, South Australia is falling well behind comparable jurisdictions.

The Clayton review found that, of injured workers still off work after four months, about 80 per cent have still not returned to work two years after their injury. This is more than double the rate of Victoria and New South Wales. In addition, WorkCover's unfunded liabilities now stand at $843.5 million and, at an average 3 per cent, its employer levies are amongst the highest and most uncompetitive in Australia.

Included in the recommendations are proposals to make changes to levels of weekly payments to injured workers. These changes, as proposed by Mr Clayton, will come into effect only for claims arising from injuries incurred following commencement of the proposed new provisions. It should be noted that, in contrast to the WorkCover Board, the report recommends maintaining

weekly payments at 100 per cent of pre-injury average weekly earnings with a step down to 80 per cent after 13 weeks.

The report recommends the adoption of a modified work capacity test for injured workers on weekly payments at 2½ years after the injury occurred. The proposal would permit the discontinuation of weekly payments for partially incapacitated workers at 2½ years following injury who are not working to their capacity and where suitable work is identified. Most importantly, for those workers totally incapacitated as a result of the work injury, weekly payments will continue until retirement.

Mr Clayton recommends a significant increase in the maximum in the lump sum payment for non-economic loss for injuries to $400,000, up from $230,000. The same maximum payment of $400,000 is also recommended for death arising from a work injury, and counselling will be available to family members of the deceased.

The report recommends against the WorkCover Board's proposal to stop payment of medical and rehabilitation costs arising from work injuries after 12 months following cessation of weekly payments. Mr Clayton recommends maintaining existing medical and rehabilitation payments indefinitely.

Importantly, the report also recommends the requirement that larger employers appoint accredited rehabilitation and return to work officers, an inspectorate within WorkCover to ensure employers meet their obligations to assist injured workers to return to work, and the establishment of a return to work fund to fund rehabilitation and return to work programs and initiatives. The review report also recommends the establishment of a Code of Workers' Rights and a WorkCover Ombudsman to investigate complaints about the handling of claims.

Also recommended for consideration is the reintroduction of claims for primary psychiatric work injuries, which claims were discontinued some years ago. There are a number of other recommendations relating to the determination of medical disputes, provision for increased legal costs, arbitration arrangements and other matters, all directed towards the efficient handling of claims and resolution of disputes which are dealt with in the report.

The actuary has advised that, if the initiatives in the report are undertaken in accordance with the recommendations, the scheme will be fully funded within five to six years, with the reduction of the average levy rates in the range of 2.25 to 2.75 per cent from 1 July 2009.

The government has given preliminary consideration to the report and will further consider the matter at a meeting of government members tomorrow. In the meantime, the report will be released publicly, and I now table the review of the South Australian Workers Compensation System report, and the report will be available on the internet from later this afternoon. We can give people the relevant IT connection points.

PAPERS

The following papers were laid on the table:

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

Rules—

Road Traffic—Use of Mobile Phones

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

Environment Protection Act 1993—Environment Protection (National Pollutant Inventory) Policy 2008

Regulations under the following Acts—

National Parks and Wildlife—Rare, Vulnerable and Endangered Species

South Australian Health Commission—Compensable and Non-Medicare Fees

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

Inquiry into the Law and Processes Relating to Workplace Injuries and Death in South Australia—Government Response to the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation

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

Regulations under the following Act—

Adoption Act—Prospective Adoptive Parents Register

By the Minister for Agriculture, Food and Fisheries (Hon. R.J. McEwen)—

Regulations under the following Act—
Primary Industry Funding Schemes—Clare Valley Wine Industry Fund

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:12): I bring up the annual report for 2006-07.

Report received.

QUESTION TIME

WORKCOVER CORPORATION

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:13): My question is to the Premier. When will his government, his cabinet and the Labor caucus agree on legislation dealing with the promises he made on WorkCover from March 2007, including promises that he would ensure that injured workers continue to receive a fair financial and other support, that levy rates are cut and that the scheme is fully funded? SA unions today claimed:

Premier Mike Rann has abandoned any pretence to fairness and decency in sacrificing the rights of injured workers.

The union has claimed that the government intends tomorrow to move legislation which will:

...cut workers take-home pay by 20 per cent after 13 weeks if they are injured, cut workers completely off the scheme after 2½ years unless they are totally incapacitated, significantly reduce lump sum payments for serious injury and missing limbs, compulsorily review injured workers' incomes every 12 weeks if they challenge WorkCover in a bid to discourage workers from disputing decisions and no access to common law rights as exist in other states.

The union goes on to say, 'Mike Rann risks being compared to John Howard by workers.'

Members interjecting:

The SPEAKER: Order! I do not think the explanation adds anything to the understanding of the question.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:15): I find it extraordinary that the Leader of the Opposition asks a question about something about which I just informed the house. I guess it was all for the cameras, because he hopes that somehow they will use what I said during the ministerial statement as some kind of answer to the question he asked after the ministerial statement. I have already told you that the government will be making its decision tomorrow.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. Foley interjecting:

The SPEAKER: The Deputy Premier will come to order!

CLIMATE CHANGE

Ms CICCARELLO (Norwood) (14:15): Can the Premier tell the house the importance of three key meetings that involved themes around climate change that occurred in Adelaide last week?

Members interjecting:

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate

Change) (14:16): Palpable excitement in the house at the prospect of this. Last week, Adelaide hosted the third International Solar Cities Congress, the second Canadian-Australian meeting, as well as the fourth meeting of the Council of the Federation. Each of these meetings had a focus on responses to climate change and confirmed South Australia's international leadership in tackling the most significant challenge of our time.

Nearly 800 delegates from across the world attended the Solar Cities Congress which drew some of the foremost technical and policy thinkers not just on solar energy but the sustainability of the world's cities. They heard from opinion leaders such as Robert F. Kennedy Jr; Dr Zhengrong Shi, founder of China's largest manufacturer of solar photovoltaic panels, Suntech Power Holdings; the federal Minister for the Environment (Hon. Peter Garrett); the former premier of New South Wales and Macquarie Bank consultant (Hon. Bob Carr); and South Australia's first Thinker in Residence, one of Europe's leading environmentalists, Herbert Girardet.

As is recognised the world over, South Australia is a leader with a target to have 20 per cent of the state's energy requirements supplied by renewable energy by 2014, but we will reach that target five years ahead of time. I saw something said about, 'Well, we might have 45 per cent or 50 per cent of wind and solar but this is a small total nationally', but the key fact is that, in South Australia, 20 per cent of our power for our factories, our homes, our schools and our hospitals will come from sustainable energy by 2009—and there are few places in the world that can boast that.

Last week we went further by announcing that the operations of this state government will be made carbon neutral by 2020. In terms of the buy for our hospitals, schools, public buildings and Parliament House that means that by 2014 (I think) 50 per cent of our power needs will come from sustainable energy, which is light years ahead of any state in this country and I do not know of anywhere else in the world. On 11 September 2006, former US Vice President Al Gore said:

> I congratulate South Australia, by the way, for in many ways leading the world with visionary proposals to really do the right thing. In South Australia you have probably one of the best examples of any state in the entire world where you see how leadership can make a tremendous difference in promoting renewable sources of energy.

That was not me: that was Al Gore. The state government will now work towards becoming carbon neutral for its own operations by accelerated purchases of accredited green power and other carbon offsets in three stages, with the interim target of a 30 per cent offset by 2010, and further reductions to 50 per cent and then to achieve carbon neutrality by 2020. I believe government must lead by example.

Ms Chapman interjecting:

The Hon. M.D. RANN: What's that?

Ms Chapman interjecting:

The Hon. M.D. RANN: Oh. We have just heard that going carbon neutral for the state government is a licence to pollute. I remember when Ronald Reagan said that trees were the great polluters of the planet. Presumably the Deputy Leader of the Opposition—the one who did not want von Einem to be DNA tested—believes that solar panels and wind turbines are polluters. No doubt she will prefer the coal industry. There will be a booklet put out with the thoughts of the Deputy Leader of the Opposition.

Mr Kenyon: It will be a little red book.

The Hon. M.D. RANN: Yes, that's right, a little red book. I believe government must lead by example. By increasing its purchase of green power the government will encourage demand for renewable energy that will lead to greater installation of sustainable energy generators. This is a comprehensive commitment covering all emissions from core government operations, schools, hospitals and other public buildings, as well as government offices.

I am also very pleased that South Australia's leadership on renewable energy has been reinforced by the passing of the nation's first feed-in laws just a couple of weeks ago by this parliament. I congratulate everyone involved, and that includes members of both houses of parliament.

I was pleased to announce jointly with federal environment minister, Peter Garrett, a new solar power station in Coober Pedy, which will be the largest off-grid facility in Australia. I am advised that this $7.1 million project will consist of 26 dishes, each one 14 metres high and tracking the arc of the sun. It is expected to provide more than 13 per cent of Coober Pedy's total electricity requirements and will cut diesel consumption by up to 520,000 litres a year, saving 1,500 tonnes of greenhouse gas emissions.

I should say that climate change was also central to the Canadian and Australian premiers and ministers meeting last Thursday. The agreed communiqué has now committed all Australian and Canadian states, territories and provinces to undertake a stocktake of current initiatives to reduce greenhouse gas emissions by June this year.

The meeting highlighted the critical and active role that regional governments must play in tackling climate change by developing renewable energy and fostering energy efficiency. All our jurisdictions committed to sharing research expertise on adaptation as well as clean energy technologies. When there was discussion about the changing shape of the federal structures of government and the role of innovation, responses to climate change arose throughout.

While the Canadian delegation was here, the Premier of Manitoba, Gary Doer, and I signed an MOU that paves the way for collaborative research on a range of projects to take place between South Australia's three public universities and the University of Manitoba. That research will be into functional foods and neutriceuticals, medical research targeting processes involved in the spread of cancer and inflammatory diseases, and development of crops for new markets and climate change.

The governments of Manitoba and South Australia are collectively contributing $1.8 million over three years to these collaborative research programs and we are delighted that there is going to be a range of other initiatives involving Manitoba and South Australia. I know that the member for Stuart is a big fan of the Canadian provinces and has been there on many occasions.

In closing, the Council of the Australian Federation (this was an idea we borrowed from the Canadian premiers and I was the inaugural chair of the council) commissioned the esteemed economist, Professor Ross Garnaut, to deliver a report on the impacts of climate change. That report updates the UK report by Sir Nicholas Stern on the economic road map to sustainability.

Professor Garnaut briefed the premiers and chief ministers, telling us that the latest science indicates that the need for urgent action to reduce emissions and adapt to climate change is greater than originally thought. Greenhouse gas emissions have increased at a higher rate than anticipated, principally because of the high growth of the world economy in recent years driven by China and India because of the high energy demands of that growth with high dependence on fossil fuels. We received a report from Professor Garnaut that I must say poses massive challenges to all governments internationally but also to state and federal governments here in Australia. We need to get cracking on establishing a national emissions trading scheme as proposed by the Council of the Federation.

WORKCOVER CORPORATION

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:25): My question is again to the Premier. Did the Premier's government promise SA Unions that the entitlements of injured workers would not be cut? On 30 January 2007, the President of SA Unions, Nick Threadgold, stated:

> We have sought and received commitments from the state government that entitlements to injured workers would not be cut.

Mr Threadgold also told Adelaide ABC Radio:

> Michael Wright is a man of his word and we are confident that the commitment we have been given will hold up.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:25): The commitment that we have made is to fix the WorkCover system—a WorkCover system—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Our commitment is to fix the WorkCover system which is basically failing workers by not getting them back to work and which also, of course, has an unfunded liability which is forcing employers to pay more for their levies. We have pledged to fix the WorkCover system, and we will.

WORKCOVER CORPORATION

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:26): As a supplementary question, will the Premier require the resignation of the Minister for Industrial Relations if the government's promises are not kept?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:26): There will be no requirement for the minister to resign; neither will I require him to resign, because he is fixing the system. He is doing what governments should do, which is to have the guts to govern. What we are doing is making sure; as I said right from the start, I want this to be the fairest scheme in Australia, and it will be.

Members interjecting:

The SPEAKER: Order! The member for Hartley.

BUSINESS AND CONSUMER CONFIDENCE

Ms PORTOLESI (Hartley) (14:27): Will the Treasurer advise the house of the findings of reports released today on consumer and business confidence?

An honourable member interjecting:

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:27): Listen to the ABC? Yes, well, I was going to refer to them in my answer, because only the ABC and the Liberal parties—and quite often you can never tell the two apart—

Members interjecting:

The Hon. K.O. FOLEY: With one little negative!

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I did hear that on the ABC this morning, and no doubt the resident cynics of the morning would have had a crack at it. What I did want to bring to the attention of the house is that the BankSA State Monitor report and the Sensis Business Index were released—

An honourable member interjecting:

The Hon. K.O. FOLEY: Terrible!

An honourable member interjecting:

The Hon. K.O. FOLEY: Only the ABC could swallow Martin Hamilton-Smith's line, as it always does. Hopefully, there will be some more objective media around which will realise—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —that the Leader of the Opposition is interested only (like early morning radio on the ABC) in talking down South Australia and the economy. Stay, David, stay. The BankSA Monitor has South Australia's consumer confidence at 119.7 index points compared with a neutral reading of 100 points. Although this is slightly down from the August 2007 result—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —BankSA Managing Director, Mr Rob Chapman—

Mr Hamilton-Smith interjecting:

The SPEAKER: The Leader of the Opposition will come to order!

The Hon. K.O. FOLEY: It's all right, mate; Matt and Dave will give you a chance tomorrow morning! Mr Chapman said that it was a solid result—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Sir, can I have some protection?

The SPEAKER: The members on my left will come to order!

The Hon. K.O. FOLEY: Thank you, sir. Mr Rob Chapman said that it was a solid result, considering the closure of Mitsubishi, interest rate rises in February, August and November, and, of course, we had a very volatile share market as well. He said, 'These results suggest that consumers are not panicking about changing conditions and remain optimistic about the state's future.'

The BankSA State Monitor report also includes a 10-year report on consumer and business confidence, and this is the very interesting piece to read in the report. The report notes that the most marked increase in consumer confidence over the last 10 years has been from 2002 to 20004, when confidence jumped by 10 basis points and has held up around that level ever since. But it gets better! On radio this morning, Mr Chapman said:

> We're about 10 basis points higher, in terms of our confidence in both consumer and business, than what we were five years ago and also what we were 10 years ago...There's a lot of hope—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: There is a lot more to go, sir. He said:

> There's a lot of hope, there's a lot of optimism around the future for this state and I think that sentiment is quite soundly based.

Mr Chapman went on to say:

> You know, we assess the mood and, you know, the levels of consumer and business confidence so that gives us an indicator as to the health of the economy and certainly the future state of the economy...Consumers and business owners do remain quite resilient and quite optimistic for their own and the state's future.

The report was again quoted in *The Advertiser* this morning. It stated:

> The spike in confidence coincided with the end of a drought, defence and mining investment, a housing boom, a new state government and a stable Australian economy.

When Mr Chapman gives his and his bank's objective assessment of the performance of this state, not like the bias you hear on ABC Radio in the morning, the daily rant against the government by Bevan and Abraham, ably supported by state Liberals, you start to realise—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —that our economy is very, very good. But let us hear what else Mr Chapman said. The article also quoted Mr Chapman as saying that the confidence surveys gave us an accurate picture of the economy. It went on to say that, from 2003, the great prospects for South Australia, particularly in mining, had been communicated 'very well'. Mr Chapman said, 'There have been some doubters'—we can guess where they have come from—'people saying, "Ah, there's spin on all of this". But this is real'—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I will start this again. Can I at least be heard in silence? Mr Chapman said:

> But this is real, this is what's going on to sustain the state's future for the next 50 years. Real jobs are being created, real jobs with big salaries.

I can go on to quote the Sensis Business Index, which also gives a similar assessment of the performance of our state economy. What I want to end by saying is this: our economy is extremely well positioned at present. It is not without external threat, as it relates to the world economy—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —and interest rates as a result. However, since this government came to office we have given a significant boost to economic confidence and we have given a significant boost to economic performance in this state.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Whilst there will always be the cynics and the critics, whilst there will always be the whingeing and the whining of members opposite—

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —and we will get another three hours of that on ABC Radio tomorrow morning—notwithstanding Abraham and Bevan and the Liberal opposition, we will continue to send the message that this is a great state in which to do business, a state open for business and a state full of business confidence.

EMPLOYERS MUTUAL CASE MANAGERS

Dr McFETRIDGE (Morphett) (14:35): My question is to the Minister for Industrial Relations. What is the effect on the management of WorkCover cases as a result of the high turnover of case managers at Employers Mutual Limited, the sole case managers for WorkCover? The opposition has been informed that in the last two weeks 14 case workers have resigned and that each case worker handles up to 80 cases.

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (14:35): I thank the member for his question. To the best of my recollection I have not been informed of that number, but I will check that. It might have come into my office. But if, in fact, that figure is correct, and it may well be, that would be an area of concern, because obviously you do not want high rates of turnover dealing with case management. As the member may well be aware, we have, in part, changes to the regulations which offer better incentives and penalties to the claims agent. Post those changes in regulations, the WorkCover Board chose Employers Mutual. Generally speaking, I think the feedback about Employers Mutual has been good. It is still early days. But I will check on those numbers. It would be a concern if there is a high rate of turnover.

LIVING BOOKS

Ms BREUER (Giles) (14:36): My question is to the Minister for Volunteers. Can the Minister for Volunteers update the house about the upcoming Living Books event, being presented jointly by the Adelaide Bank Festival of Arts, the Office for Volunteers and the State Library of South Australia?

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development) (14:37): I thank the member for Giles for her question. Living Books is really an exciting festival event, and it is going to be launched on Friday, and will run through until the following week up until Sunday 9 March. As the member for Giles said, Living Books is a venture involving the Office for Volunteers, the State Library of South Australia and the Adelaide Bank Festival of Arts, who have all joined together to celebrate volunteering by providing a 'living library' service.

We have been absolutely delighted by the number of people who have accepted an invitation to share their interesting life stories. And it is a great idea, a 'living library' where the books are human beings, 'catalogued' and listed under various subject themes, and loaned for up to 30 minutes at a time. There is a fabulous range of 'living books', embracing great diversity, with something like eight categories, with many interesting and passionate people with great stories to tell.

Some of the names members will recognise are Peter Goers and Carole Whitelock from the ABC, Russell Starke, Eric Bogle, author Susan Mitchell and Lieutenant-Governor Hieu Van Le. The Australian women's basketball coach Jan Stirling, from the Opals, will be there, along with Che Cockatoo-Collins and Shannon Motlop, two of our famous AFL footballers, and what great champions they are. I am also told that the member for Stuart has accepted an invitation to participate. I am sure he will engage and titillate borrowers with some wonderful recollections of his time both in and outside of this house.

But we will also have stories from people that many people have never heard of, but who nonetheless have some amazing stories of endurance and achievement throughout their lives and of overcoming real adversity. There is an 87 year old, Flora Cleveland, a Glaswegian who enlisted

with the WAF in World War II. She volunteered for oversees service and was posed to Cairo where she met her Australian husband, moving to his home in South Australia after the war. She then became a teacher at 37 years of age, and I understand is still fit, alert and healthy today.

There is Troy-Anthony Baylis, a young Australian with Aboriginal and Irish heritage. Troy-Anthony is a politically active artist who has had 14 solo and over 40 group exhibitions in Australia, Asia and Europe. He is described as being part of a generation of young Aboriginal Australians who express their contemporary dreaming through manifestations of visual literacy and the expression of cultural evolution. South Australia has a fantastic record in volunteering, as everyone knows: the best in the nation. I thank the people who have willingly donated their time to share their unique stories with others and also those volunteers who will be there ensuring the program is managed throughout that week.

With the exception of not being able to take the living books home, books can be borrowed by members of the public in a similar way to library books. Living books will be available during the festival from the Mortlock chamber of the State Library from 1 to 9 March from 10am to 1pm daily. I am delighted to have been involved in bringing this idea to life as part of the Adelaide Bank Festival of Arts.

BUSINESS AND CONSUMER CONFIDENCE

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:40): My question is to the Treasurer. Was his answer to an earlier question about business confidence complete and accurate, and do the economic indicators in fact show that the government is losing confidence with small business? In two separate business surveys released today, business confidence in South Australia is shown to have slumped. In Bank SA's latest edition of State Monitor business confidence has dropped for the third successive quarter. In the February 2008 Sensis Business Index, net attitudes to state government policies have gone—wait for it—from minus 4 per cent in February 2007 to minus 10 per cent in May 2007 to minus 11 per cent in August 2007 to minus 12 per cent in November 2007 and, now, in February 2008 to minus 17 per cent. I suppose they are all just whingers.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:41): Thank you Matthew—sorry, I mean Leader of the Opposition—for that question. Can I say only—

An honourable member interjecting:

The Hon. K.O. FOLEY: I do not have all of my figures in front of me, sir, because I gave it to the attendants who wanted the figures for Hansard.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I would not know because I can't read. I ask the Deputy Leader of the Opposition withdraw, sir. Admittedly, I did not get past fourth year, but I did finish third year.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Deputy Premier has taken exception to the remarks—

Members interjecting:

The SPEAKER: The Deputy Premier—

Members interjecting:

The SPEAKER: Order! Let's not let this descend into a farce.

Members interjecting:

The SPEAKER: Order! If the Deputy Premier takes exception to the remarks of the Deputy Leader of the Opposition, I ask her to withdraw.

Ms CHAPMAN: I decline to do so, sir, because the Deputy Premier failed to hear the rest of what I said. The word 'it' on the end—read it—because you handed it to Hansard.

An honourable member interjecting:

The Hon. K.O. FOLEY: Pinocchio, hey? As I said, only the Leader of the Opposition and a few others would want to pick through a report and try to find a negative.

Mr Williams interjecting:

The Hon. K.O. FOLEY: Well, Mr Speaker, I can only—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I can only but quote, which I will again, from *The Advertiser.*

An honourable member interjecting:

The Hon. K.O. FOLEY: That is an objective media outlet in this state.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: It quotes the Managing Director of BankSA, who is also now the Chairman of Business SA, or about to be. Let's just again listen to what Mr Chapman said about our economy as reported in the very report that the leader would want us to think talks negatively about our economy. He states:

> In the past, the closure of Mitsubishi would have had a major impact on confidence levels but now 43 per cent of consumers believe the state's economy is strong enough to absorb the blow.

He continues:

> Our survey results suggest consumers are not panicking about changing conditions.

He goes on to say:

> The spike in confidence coincided with the end of a drought, defence and mining investment—

two sectors aggressively pursued by this government—

> —a housing boom, a new State Government—

that was also aggressively pursued by this side of the house—

> —and a stable Australian economy... Blue collar workers drove the surge with housing and business investment causing a huge demand for skilled trades.

It went on to say:

> Mr Chapman said the confidence surveys gave an accurate picture of the economy. From about 2003, the great prospects for SA, particularly in mining, had been communicated 'very well'.

Quoting Mr Chapman:

> 'There've been some doubters, people saying "ahh, there's spin on all of this", but this is real, this is what's going to sustain the state's future for the next 50 years. Real jobs are being created, real jobs with big salaries.'

That is what the CEO of BankSA says about our economy, not the carping, whingeing, whining and moaning of the opposition and some selected media programs. Beside that, objective assessments of this economy see us as a very strong and powerful economy. I understand that Mr Kerry Stokes—with whom the Premier, ministers Holloway and Conlon and I met for lunch yesterday and through the course of the Clipsal weekend—in an open speech yesterday gave our state—and, clearly, widely reported—

The Hon. P.F. Conlon: On Channel 7 hopefully.

The Hon. K.O. FOLEY: —on Channel 7 tonight, hopefully. Mr Stokes said that he is very impressed with this economy and with this government, because we are a government that he can deal with. That comes on the back of Adelaide City Council accolades from people like Lindsay Fox and Lang Walker—and the list is very, very long. We are a government that people can do business with. We understand what business needs and wants, and we are delivering, and the beneficiaries are the people of South Australia.

AAMI STADIUM

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:47): What work has the Premier carried out to determine how much it will cost to deliver on his promise made last Sunday

to bring the West Lakes AAMI Stadium to FIFA World Cup standards, and what program of work will be required?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:47): A lot less than the billion dollar announcement made by the Leader of the Opposition, in addition to $33 billion pledge to get rid of all the Stobie poles. I will be delighted if the Leader of the Opposition supports me in the bid for Australia to host the World Cup.

Mr Hamilton-Smith: What work have you done?

The Hon. M.D. RANN: He asks what work I have done. Well, maybe I could just track back six years when, in fact, there were very few of us in Australia who believed it was possible to mount a bid for the 2018 World Cup. Members would be aware that former premier Carr from New South Wales asked me to sit on a committee about the bid for the World Cup. Members would be aware that I was the Premier who went to Zurich to meet with FIFA to discuss how we could mount a World Cup bid. I was also the Premier who had the issue discussed at COAG and, in fact, raised it with the Prime Minister and other premiers. At least I, unlike the Leader of the Opposition, understand the offside rule. In fact, I would challenge him now to explain the offside rule.

Members interjecting:

The Hon. M.D. RANN: No, he doesn't want to. It is a bit like where the mall's balls are or where Andamooka is.

The Hon. P.F. Conlon: Or Seaforth.

The Hon. M.D. RANN: Or Seaforth; the word 'Seaforth' at this time and place, to friend and foe alike. Several weeks ago I was in Sydney with Frank Lowy discussing how a bid could be arranged; how every state would be involved in the bid; and it being on the agenda of the next COAG meeting. I look forward—as the soccer Premier, as well as the green Premier and the rev-head and cycling Premier—to leading the charge to not only help secure a World Cup for Australia but also to guarantee that there are games in South Australia as well as international teams locating here with their base camps.

AAMI STADIUM

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:49): I have a supplementary question.

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: My question is again to the Premier. Will the program of work to rebuild West Lakes to World Cup standard include public transport infrastructure for rail or light rail? What work will be required, and how much will it cost?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:50): Here we go! This is the man who would be premier in his own mind. Let me explain how the bid process works. As to the successful bidder, we are likely to be up against England, and don't forget that England is very keen to host it. The last time they hosted it was in 1966, when they won, so they feel that there might be a home-town advantage. Can I reflect on that glorious day in 1966, with Bobby Charlton, Bobby Moore, my good friend Gordon Banks, Geoff Hurst and the others.

England will be bidding hard to get it, and so may Beijing, but we are going to mount a credible bid. We will know in 2011 whether we have been successful in winning the bid for 2018. But, if you think it is smart to build railway lines or a chunnel to Football Park and to announce a $1 billion stadium ahead of time, before we win the bid, then you are not qualified to be premier of South Australia.

AAMI STADIUM

Mr GRIFFITHS (Goyder) (14:51): My question is to the Premier. Does the Minister for Finance have responsibility for costing the upgrade of the West Lakes AAMI Stadium and, if so, does the Premier stand by the minister's assertion that $9 million should be enough to bring the stadium up to World Cup FIFA standards?

On 20 June 2007, the Minister for Recreation, Sport and Racing announced a $9 million commitment for the AAMI Stadium redevelopment. In his release, he stated that this funding would ensure that 'AAMI Stadium not only continues to be one of the country's leading football grounds but will also allow us to host international events such as World Cup soccer matches'. That is $9 million, Michael.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:52): I am pleased that the soccer supporters here—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —are gaining pace and gaining status. Just recently, some people from soccer came to see me. They were not asking for a stadium that was a shared resource with the AFL or with cricket. They came to see me with a plan: they wanted me to make a commitment to build the same stadium roughly as the one in Frankfurt, with a covered roof, for use in the World Cup. Unfortunately, there were no costings. I asked for a business case, but there was no business case. Those are the sorts of deals and commitments that the Leader of the Opposition makes, but that is not the real world.

Can I just say that this clamour from the other side for a new soccer stadium makes me want to go back in time about eight years. Don't you remember when the former Liberal government—of which the Leader of the Opposition was a minister—wanted to have the soccer stadium for all time? It was for the 2000 Olympics, and it would set us up for a generation. It would be a soccer stadium which we could be proud of and which would have international status. They spent a fortune down at Hindmarsh, and now they are telling us, just a few years later, that it is no good.

Basically, your Press Club luncheon speech was an admission or a confession that, in fact, Hindmarsh Soccer Stadium does not fit the bill. Because we have been leading the charge, this government will make sure that we do not miss out on the World Cup. But we are not going to sign up for things without a business case, and we are not going to make announcements without costings—we will leave that to the Leader of the Opposition.

WASTE WATER

Mr WILLIAMS (MacKillop) (14:54): My question is to the Premier. Why has your government failed to reduce the volume of waste water entering Adelaide's coastal environment? The final report of the Adelaide coastal waters study, released late last Friday, four months after being handed to the government, states that 5,000 hectares of seagrasses have been lost and that 'as a matter of priority, steps must be taken to reduce the volumes of waste water into Adelaide's coastal environment'.

In addition, the Living Coast strategy for South Australia, signed by the Premier in July 2004, under objective 3.2, states 'to minimise high effluent discharge to the marine environment from major waste water treatment plants' and ' to increase the use of recycled affluence and reduce marine discharges'.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security, Minister for Regional Development, Minister for Small Business, Minister Assisting the Minister for Industry and Trade) (14:55): I thank the member for the question. The reuse of treated effluent is part of the South Australian Waterproofing Adelaide strategy and, in the last 12 months, we have made significant progress in this regard. South Australia is committed to a $150 million upgrade of the Christies Beach Wastewater Treatment Plant; $46 million of that is towards the Waterproofing the South project which involves water reuse. In the last 12 months, we have committed to a $60 million project to pipeline waste water from the Glenelg Wastewater Treatment Plant to the Parklands.

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: Sorry, sir, I could not hear what was going on. We are committed to a $60 million pipeline. The project is underway to extend the Virginia pipeline. The national average for waste water reuse in this nation is just 9 per cent. South Australia is currently at 20 per cent and, with the projects already underway, we will be increasing that to 45 per cent.

MURRAY RIVER, LOWER LAKES

Mr PEDERICK (Hammond) (14:56): My question is again to the Minister for Water Security.

An honourable member interjecting:

Mr PEDERICK: Well, it is after the last one. That's all right.

The SPEAKER: Order!

An honourable member interjecting:

Mr PEDERICK: Also—I am sorry about that. Is the government aware of the dire situation faced by food producers, dairy farmers and households in the Lower Lakes and what immediate action does the government intend to take to help these families through this crisis? The dramatic fall in lake levels as the waterline has receded anything up to three kilometres has resulted in many local farmers resorting to desperate measures to survive. These include men and some women in their 60s crawling on their bellies across the mudflats dragging equipment to try to access water, the quality of which is already at the limit.

In some cases, these people have ropes tied to them to facilitate their rescue if they get into difficulties. Some solutions being put out by the communities include urgently sending down over 200 gigalitres of water for lake and environmental recovery and the immediate construction of new pipelines to both the Narrung Peninsula and Langhorne Creek.

The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests) (14:57): I thank the member for his question. The member is aware of the very difficult circumstances in which many of our primary producers—particularly those around the Lower Lakes—find themselves as a consequence of drought. It is a consequence of the fact that we still have not had adequate rains in the catchment of the Murray part of the Murray-Darling Basin and these dire circumstances will continue for some time yet. The member is also very aware—

Mr Pederick interjecting:

The SPEAKER: Order!

The Hon. R.J. McEWEN: The member is also very aware that, although drought is driven—

Mr Pederick interjecting:

The SPEAKER: Order!

The Hon. R.J. McEWEN: Although members opposite are very aware—and I might add, Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. McEWEN: We are all very aware of the very difficult circumstances in which many of our producers find themselves. We must work hand in glove with the federal government. It is federal government policy to drive drought. As a state, we support that. I was disappointed in the lead-up to the last federal election that minister McGauran was not responding in a timely manner to a number of the difficulties. I will be meeting with the new federal minister in Cairns on Friday. State ministers will be meeting in Cairns on Friday. One of the four key issues we will be addressing, of course, is the ongoing consequences of drought. I will certainly—

Mr Pisoni interjecting:

The SPEAKER: Order!

The Hon. R.J. McEWEN: I will certainly bring to minister Burke's attention not only the state of our irrigators along the river but most certainly the state of those around the lakes. The Premier and the Minister for Water Security and I toured the lakes recently and spent some time with many distressed producers and obviously with local government. We are familiar with the circumstances. Solutions are complex and difficult and will require the three spheres of government to work closely together. I will certainly be making sure that I advocate strongly on behalf of all our primary producers, particularly those on the Lower Lakes.

DISABILITY FUNDING

Ms SIMMONS (Morialta) (15:00): My question is to the Minister for Disability. Will the state government investigate the introduction of self-managed care for people with a disability?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (15:00): I thank the honourable member for her question. I also acknowledge her expertise in this area as a former administrator in the disabilities field in the area of autism. The short answer is yes, but we have come to that decision because over a period of time we have heard demands from advocates, people with disabilities and their carers for a more flexible way of delivering disability services.

With the best will in the world, bureaucracies and service providers have difficulty in meeting the precise individual needs of every person with a disability. This new model of funding that we are exploring will put more control back into the hands of the person with the disability. In 2005 we first explored this with a pilot project through Enhanced Lifestyles which was funded to prepare a preferred model and conduct some research, and we received a report on that.

We also considered representations made to us by a range of advocates, including Mr Robbie Williams of the Julia Farr Housing Association, who carried out a detailed study of new initiatives in the United Kingdom, which has gone in for self-directed care in a very extensive way. I had the opportunity to consider that myself when I travelled there. At the moment we are benefiting from the visit of an officer from an organisation called In Control, which has taken a leading role in the implementation of a new system of self-managed care in the United Kingdom. He is in Adelaide at the moment and I will meet with him next week.

I have asked our new Disability Advisory Council to consider this question of self-managed funds. The new council, chaired by Dr Lorna Hallahan, is charged with providing a high level of advice, so the council is well placed to investigate this new system and provide a report to me about how it could possibly work.

It is necessary to consider appropriate safeguards to ensure that scarce resources are not squandered; we need to ensure that people are protected from predation by somebody who may see that those resources are now in their hands and seek to obtain them; and of course we have to protect workers in the area. These are three very important considerations. I have been heartened by what I have seen in the United Kingdom where those sorts of fears have not been realised.

I think this is a very exciting way forward. It puts the person with the disability at the centre of our disability services system, which is where they belong, not at the convenience of bureaucrats or service providers. This will challenge us to do things differently, but that is how it should be. It is about returning control and dignity to people with disabilities.

WATER RESOURCES

Mr WILLIAMS (MacKillop) (15:03): I ask the Premier: has he written to Prime Minister Rudd in the same terms that he wrote to former prime minister Howard regarding the need for guaranteeing future water supplies to South Australia and Victoria's opposition to the Howard government's National Water Initiative? The Premier wrote to Prime Minister Howard regarding those issues in January 2007, August 2007 and November 2007.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:04): I have written to both sides and, in fact, I have spoken to both sides of the new federal government and the previous federal Liberal government. My position is identical. My position is that there needs to be an independent commission to run the River Murray (including making the hard decisions) rather than having one authority and one commission and then various other hybrid arrangements. We believe that the authority concept and the commission should, in fact, be one; and I understand that is the view of the federal government.

The honourable member would be aware if he followed events that the recent meetings between Penny Wong and the Victorian government have again reported further progress in terms of an amalgamation of the authority and the commission. My position right from the start was that we supported a federal takeover of the River Murray provided that an independent commission made the decisions and not another group of politicians. I have been extraordinarily consistent on

that, whether I have been dealing with John Howard or Kevin Rudd, and I think that is patently clear to all South Australians.

JOB SKILLS

Mr RAU (Enfield) (15:05): My question is directed to the Minister for Education and Children's Services. What initiatives are taking place in schools to help young people gain practical job skills that will equip them for the workplace?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education and Children's Services, Minister for Tourism, Minister for the City of Adelaide) (15:05): I thank the member for Enfield for his question, and I note his advocacy for young people and the need to get them into the workplace with employability skills and access to those extensive numbers of jobs in mining, defence, construction, electronics, advanced manufacturing and the service industries, all of which are growing and which have a massive shortage of skills.

We do know that in the past schools, both public and private, have been very good at giving young people vocational skills and collaborating with local industry. However, there is an increasing need for higher levels of certification: diploma level and university qualifications. The way to get that, of course, is to have greater school retention, more extensive youth engagement and a better policy of school to work so that we can link schools and their agenda in with the employment opportunities within particular suburbs.

Taking the lead in this area, of course, are our 10 new Trade Schools for the Future and a range of school-to-work initiatives, which include our new SACE. The new SACE system is guaranteed by the very nature of its design to encourage young people to be involved in not just the normal academic range of qualifications from school but also those subjects related to vocational training, apprenticeships, school-based apprenticeships and part-time employment.

We are investing a total of $84 million in both our trade schools and our new SACE system. From this year, with our 10 trade schools open for business across the state, we expect an increasing number of school-based apprenticeships to work with our staff who are engaged in brokering deals between local businesses and making sure that young people see relevance and opportunity, but more importantly that those opportunities are taken up by young people with employability skills.

We do know that the school-based apprenticeships that have already been brokered have been in those areas of extensive shortage, such as the automotive, engineering and building industries. It is also worth noting that this year's year 9 students will be taking the literacy and numeracy test as part of a national testing program across the country, and they will be the first young people (whether in Catholic, independent or government schools) to graduate with the new SACE system in 2011.

I have recently advised 250 schools within both the government and non-government systems of grants totalling $4.8 million that will be delivered this year to increase the training of school teachers. It will involve training more than 7,500 teachers to work with the newly developed SACE program. The new federal government also recognises the importance of developing work skills in young people, and we are working together to make sure that employability skills and complex workforce requirements are enmeshed with those young people's skills leaving our schooling system.

I must say that there is no better time to work in this area, because there are massive job opportunities, huge investments across industries in this state and very wide opportunities for young people. That is why we have lifted the school leaving age, we have increased the age of compulsory education and we are working to introduce our new SACE, as well as making sure that our Trade Schools for the Future can really link those young people with the jobs that are available in these burgeoning industries in our current economy.

HOUSING SA TENANCY AGREEMENTS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:09): My question is to the Minister for Housing. Will the minister be acting to override the tenancy agreement terms for Housing SA tenants and, in particular, will the minister rule out any attempt to introduce a fixed tenancy obligation for tenants who currently enjoy continuing tenure? The government has announced its intention to charge Housing SA tenants for water consumption, even though individual meters to assess the consumption for that household have not been provided.

The current tenancy agreements provide, 'SAHT to pay all rates and taxes assessed and imposed upon the premises other than those agreed to be paid by the tenant or any other person'. The new tenancy agreements are now providing for fixed term tenancy with homes provided by Housing SA. Many tenants, however, have been enjoying their property over decades and enjoy a life tenure and, where their incomes have increased, are often paying commercial rents.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (15:10): I did not quite understand the question, but I will look at it more carefully and perhaps supplement this answer. The general point is that we are now charging people for their use of water, and I think that is a generally accepted principle. It has been accepted by the honourable member when she has made her public contributions about the matter, and for that we are grateful.

However, a particular issue has arisen in relation to tenants who have shared meters. Generally speaking, most of them have very similar sorts of properties, but there are a few unusual sites. For instance, some of the sites have very large houses attached to very small units, and a natural anxiety exists that people would be paying for someone else's very large water bill. That is something that we have taken on board, and we are working with those tenants and their representatives to find a proper way to deal with that situation.

There is a range of options. One is to go to some form of metering, although individual metering is very expensive and would eclipse the price of any yearly fee: $178 just for the supply charge is probably likely to be greater than any yearly fee that would be associated with the water use. So, we are considering whether some other form of metering may be appropriate or, indeed, some other measures could be taken. In all of that, we will of course comply with all our legal obligations in relation to providing notice and negotiating any changes to tenancy arrangements. However, as I said, I will reflect upon the member's question. I did not quite understand her question about fixed tenancies, and I will supplement that answer, if necessary.

DISABILITY, RECREATIONAL AND PHYSICAL ACTIVITY

Ms BEDFORD (Florey) (15:12): Can the Minister for Recreation, Sport and Racing inform the house how the state government is assisting South Australians with disabilities to become involved in recreational and physical activity?

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (15:13): I am pleased to inform the house of the 2007-08 round of the state government's Inclusive Recreation Inclusive Sport (IRIS) program. The IRIS program assists in providing active recreation, sport and physical activity opportunities for people with a disability in the South Australian community. IRIS funding will help to support a coordinated approach to achieving strategic outcomes for increased participation in active recreation and sport for people with a disability, and ensure resources are targeted appropriately and strategically. The IRIS program also supports the government's broader objectives for the disability sector.

The annual budget for the IRIS program is $500,000. Some $400,000 from the budget is available to non-profit organisations for major and minor projects. Organisations can apply for $5,000 to conduct small projects that will primarily focus on increasing opportunities for people with disabilities to participate in active recreation and sport. Organisations can also apply for up to $50,000 for major projects that will increase participation and improve the quality of recreation and sport services for the disability sector.

I would like to inform the house of some of the outstanding projects that will be carried out in the 2007-08 round of the IRIS program. The Multiple Sclerosis Society of South Australia will receive $30,000 to develop a new specific exercise program for people with MS who are wheelchair bound. The Port Lincoln Yacht Club will receive $35,000 to install a disabled lift and toilet so sailors with a disability have access to their club rooms. The Wheelchair Sports Association of South Australia will use $20,000 in IRIS funding to develop a regular recreation water program for people with a disability. The state government recognises the importance of quality recreational and sporting facilities for South Australians with disabilities and is proud to contribute to the outstanding work undertaken by non-profit organisations in this state.

GRIEVANCE DEBATE

HOUSING TRUST WATER METERS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:15): Today I received a delegation of rather distraught South Australians. These are the people, a group of thousands, who represent those who reside in what we know as Housing Trust accommodation. The South Australian Housing Trust, as we know, was established in the 1930s to provide what we now call affordable housing for people in our community, and it has had a very impressive history in providing low cost accommodation for people who are unable to access private accommodation. It has played a very important role. This government introduced the affordable housing bill to this house and it has passed and they have attempted to remove the Housing Trust board. We now have at least an affordable housing board to advise the minister in relation to affordable housing.

But the deep, disturbing consequences of the government's announcement came—surreptitiously, I might say—through a newsletter to Housing Trust tenants, assuming they have even been able to read it, to get to page 3, find the article, understand it, and be able to have access to that material. They have received, via a newsletter, an announcement that they are going to be charged for water in the future, but they are not going to have a meter. So those who live in an aggregate group of dwellings or houses or accommodation in a Housing Trust facility are going to have their water bill averaged between the dwellings.

That takes no account of what the occupations are of the people who are occupying those properties, whether they are retired or employed, whether they are in the house 24/7 or not, whether they have other family members living with them, whether they have partners, whether they have colleagues, neighbours, friends, itinerants—how many people are living in the dwelling. There is no account of what other extra facilities they have at the house other than for showering and toilet purposes, as to whether they have extra improvements like swimming pools. There is no account of whether their neighbour has those things and they do not.

The government has announced they are going to try and—as we heard again from the minister today—introduce some assessment of these, with some undefined formula to apply, to try and equitably distribute the expenses that are allocated to that particular site through one meter.

These people, hundreds of them, have been presented today in the parliament, and another 244, I place on the record, have signed a petition, but it is not quite in the right form. But let me tell you that this is what their message is and it is very clear: it says, 'We want our own water meters. We will not pay for others water. Housing SA justice for tenants. Tenants' petition (and supporters) of our request for fairness and the right to monitor our own water use and pay accordingly to SA Water.' Hundreds have signed this petition as well. And I know it is not in exactly the right form to be received in this parliament as a formal petition, but their message is very clear.

They do not wish to pay for their neighbours' water. They do want to participate. Many of them tell me they want to participate in water saving measures—to have their shower nozzles changed, to introduce water tanks, to actually be able to reduce the water consumption from the public supply. They do want to do that. But what incentive have they got to do it when, of course, they are going to be paying for the excesses of a neighbour?

A number of these examples have been brought to my attention. One was where a person complained of their neighbour washing their car each night. Apparently this neighbour, quite illegally according to the current water restrictions, was washing his taxi each night and using extra water. Apart from reporting the illegal use of the watering apparatus and the time that he was using that water, the fact is that an enormous amount of extra water was being used in that household. It does not take into account those who are single tenants. If one looks at the housing reports that we see in this parliament, about half the occupants in affordable housing—in Housing Trust, as we have known it, in community and Aboriginal housing, but particularly the former two—are single persons. Sometimes a retired widow of senior age who is living on their own uses very little water for cooking consumption and showering, and they are the ones who will be required to pick up this financial cost. It is a burden which is inequitable; it is a burden which is unacceptable; and it is a burden about which this parliament should send a clear message to the government.

Time expired.

WOMEN IN GOVERNMENT

The Hon. S.W. KEY (Ashford) (15:21): Some people may call it a sad pastime, but I have had a lot of joy in watching the federal question time and parliament on television.

An honourable member interjecting:

The Hon. S.W. KEY: Yes, some members say it is sad but I am very interested to see how the federal Labor government is faring, and I am pleased to say that it is faring very well. One of the things that is particularly exciting is to see our Deputy Prime Minister, Julia Gillard, in action, not to mention the other women ministers, who I think have done a fabulous job in very difficult times in less than three months, in getting into their portfolios and studying their work.

I am very pleased also to see that there are now a number of women who have leading roles in parliament. I am reminded that Cristina Fernández de Kirchner is now head of Argentina. There is Michelle Bachelet in Chile, who won last year's election and became the first female president in Chile. Helen Clark, who is well-known to us, is in her third term as Prime Minister of New Zealand, and she is the second female in that position after Jenny Shipley. We have Gloria Macapagal-Arroyo from the Philippines, or GMA, as she is known, and she, of course, is the second woman president after Maria Corazon Aquino.

In Mozambique, Luisa Diogo is the first woman to become a prime minister in an African republic, and she has been there for nearly four years, possibly five now. We have Tarja Halonen in Finland, who is seen as a pioneering politician, in her second term in office. We have Angela Merkel in Germany, modern Germany's first woman leader and also the youngest chancellor since the Second World War. In Liberia, Ellen Johnson-Sirleaf is the first elected woman president and also Africa's first elected female head of state. So, we have some pretty impressive things happening with regard to women politicians.

I am reminded of all this because I have started rereading the wonderful publication *In Her Own Name* by Helen Jones. Helen Jones, by the way, as well as being an eminent South Australian historian, is also the sister of Jennifer Cashmore. You can see the likeness of these wonderful women and their commitment to other women in South Australia.

One of the areas that is not really covered in this book—and there may be some budding women historians out there who may like to cover this area—is International Women's Day. I am sure our Minister for the Status of Women will have a lot to say about that next week, so I do not want to go into that territory. It is an important occasion in South Australia. We are very proud of the fact that we are the second place in the world to achieve women's suffrage after New Zealand, which beat us by just a few months, as I understand it. Next week we have International Women's Day. The committee that has been organising International Women's Day has been going for some 70 years, I understand, and was particularly influenced by things that were happening overseas. We have all heard about the demonstration of the garment workers in New York City, demanding improved working conditions and equal pay, and also, in 1917, a strike by Russian women who moved that there needed to be a demonstration about demanding bread and peace. Even though this was not exactly supported by their comrades, it was a very important occasion that we go on to celebrate all over the world.

I understand that a number of places have an official holiday for International Women's Day: Albania, Armenia, Azerbaijan, Belarus, Bosnia-Herzegovina, Bulgaria, Cameroon, China, Cuba, Italy, Kazakhstan, and many others.

Time expired.

POLICE, UNLEY

Mr PISONI (Unley) (15:26): Last year I wrote to both the police minister and the Commissioner highlighting my concerns relating to the lack of police presence at Unley. As yet, I have received no response. Statistics offered by SAPOL do not reflect an increase in criminal activity at Unley; however, the increasing frequency of calls to my office regarding local law and order and my discussions with many residents and business owners indicates otherwise.

On investigation, the broader concern revealed that much of what is sometimes termed as 'soft crime' is going unreported due to the perception that nothing will be achieved by reporting incidents. This is why we see no increase in crime: people have given up in Unley. They have given up reporting crimes that happen, particularly break-ins or shoplifting. I know of at least one business owner who sleeps on his premises in an attempt to safeguard it from criminals targeting Unley businesses at night.

Police presence in Unley appears minimal, with patrols providing response calls coming from either Netley or Sturt, both some considerable distance away. An inconspicuous police shopfront at Malvern with limited service hours and personnel does not act as a deterrent to those

coming into the area for the sole purpose of committing criminal acts. The hard-working police stationed at Malvern do the best job with the resources allocated to them; however, as the facility is only open during the day, much of the crime committed in the area occurs outside of their watch. Criminals are aware of this and, in any event, do not generally keep office hours. This was highlighted on 5 January when armed robbers targeted the Malvern Dominos store, which is only a few metres away from the Malvern police shopfront facility. Either the robbers knew that the station was closed or it is so inconspicuous, hidden away in the corner of the shopping centre; you would need to know where it is that they did not even notice it.

The shopfront approach to law enforcement is merely window-dressing. The armed robbery incident clearly indicates that SAPOL's presence in Unley is not acting as an effective deterrent. A more prominent police facility with provision for locally-based patrols is required in my electorate to service the Unley and nearby inner suburban areas. Inner Adelaide areas like Unley seem to have been forgotten by the Rann government, with insufficient resources made available to police. We are seeing how the politics of this is played in the seat of Norwood, for example, where we have a new fire station but no crew. The only consideration in the placement of that fire station was politics and holding the seat of Norwood for the Labor Party. I am sure that the people of Norwood will be pleased to get a crew when that complication is finally worked out.

A recent spate of robberies targeting designer clothing businesses, hotels and schools, as well as food and vandalism crime associated with the derelict former Julia Farr buildings on Fisher Street, have highlighted the need for a visible manned station presence with patrol capacity. While I have worked through possible improvements with SAPOL representatives, the underlying problem is the availability and allocation of resources. There is a lot to be said for local policing: police who know the area they work in, the people, its character and what makes it tick.

In my electorate of Unley, character housing, streetscape and significant trees issues are taken very seriously. Recently, a developer moved to cut down a significant tree in contravention of council instructions and to the great alarm of neighbours. Council staff were alerted immediately by locals and they arrived to prevent the destruction, but were physically denied access by the developers to the block. Although alerted, a police patrol did not arrive until some time later, after the tree had been cut down. Penalties may, of course, be imposed on the developer, but the damage has been done. Locally-based police with a patrol capacity would have been in a better position to appreciate the situation and act accordingly. Graffiti and general vandalism are also disturbing and growing local patterns.

The Mid-Year Budget Review revealed a windfall of $2 billion in extra state-based taxes, GST revenue and government grants available to the Rann government over the next four years. This, as we know, is in addition to its existing record tax revenues. With Unley taxpayers, in particular small business owners who have been recently targeted, paying more than their fair share of state taxes, such as payroll tax, land tax and stamp duties, they deserve a better service.

Given this advantageous revenue situation, and the obvious need, I do not accept the Rann government's lack of funds to improve police resources and provide an adequate local patrol facility for the taxpaying residents and businesses of Unley.

HANDS ON SA

Ms CICCARELLO (Norwood) (15:31): There are many organisations that go about their business quietly. Today, I am delighted to talk about one such fantastic organisation in my electorate, one that is making a real difference to the lives of people with disabilities. Hands On SA was founded in 1963, when a group of concerned parents of patients and health professionals from Glenside Hospital formed an occupational therapy group in the old meeting hall at Glenside Hospital.

The group began with one goal: to build better lives and futures for people with significant disabilities who were patients of Adelaide's two psychiatric hospitals, Glenside and Hillcrest. Over time, what originally began as occupational therapy has evolved into a highly successful vocational preparation program, where clients now receive instruction and assistance to participate in a range of activities to build their employment skills. More than 40 years later, I am delighted to see that Hands On SA continues to go from strength to strength.

Its philosophy is simple: to focus on the person's abilities, rather than their disabilities. It may sound straightforward, but so often in the area of disabilities and, in particular, the public's perception of people with disabilities, this concept is either forgotten or overlooked. By focusing on what people can do, rather than what they cannot do, Hands On SA has remained true to its

philosophy and, in doing so, it has enabled its participants to increase personal ability, gain confidence and self-esteem, advance their work skills, and move from a dependent to an increasingly independent lifestyle.

Hands On SA operates two supported employment facilities (one at Kent Town and the other at Oakden) and, after many years of hard work, it now owns both buildings. Hands On SA currently employs 160 South Australians with a disability and high support needs. It receives some funds from the commonwealth government for support costs for 135 individuals, and Hands On SA funds the rest. Supported employees undertake work in packaging, assembly, mailing, machine operation and woodwork. Each supported employee chooses their days and hours of work, and employment programs are flexible and tailored to the abilities and needs of the individual.

The employment programs provide many opportunities for employees with a disability. Besides learning invaluable practical and communication skills, they also raise self-esteem and confidence and enable the employee to feel that they are contributing to their team and their community and, not least of all, they earn an independent wage for the work they do. All this adds up to the ultimate goal of encouraging people with disabilities to become and, indeed, feel more integrated within our community.

The proof is in the pudding. Hands On SA supported employees have successfully gained jobs in hospitality, disability services, the aged care sector and administration; some have also worked part time while studying at TAFE to gain a qualification to further their employment opportunities. In 2007, Hands On SA also operated a work experience program, where 51 secondary schools students with a disability participated in work experience placements at Hands On SA, giving them an invaluable opportunity to gain some knowledge of the work environment.

I am sure that we all appreciate that the service Hands On SA provides to its supported employees is extremely worth while and positive. None of it would be possible without the unrelenting enthusiasm and dedication of its staff and board.

I have had the pleasure of visiting Hands On SA many times. Last year, I presented them with a grant from the Premier's Community Initiatives Fund, and I also attended the opening of its redeveloped facility at Oakden. As always, I was impressed with the atmosphere of teamwork and cooperation and the commitment shown by everyone to work towards a common objective. It must be stressed that they provide goods and services that are valued for their reliability, their price efficiency and their quality. I wish I had enough time to list the corporate sponsors and customers of Hands On SA who have so generously given donations and outsourced work so as to enrich the lives of Hands On SA's supported employees. To all of you, thank you.

I also pay tribute to the Chairman of the board, Mr Ian Buttfield and all his board members, the CEO, Ms Bernadette McAlary, and the Manager of Marketing Sales and Business Services, Ms Claire McAlary, for their tireless work in promoting and developing Hands On SA. This is a really good example of one of our great organisations in South Australia which provides a great service to the community and which also helps people to develop their skills and to integrate better in our society.

PINNAROO

Mr PEDERICK (Hammond) (15:35): Last December, a few days before Christmas, a short but violent storm struck the small township of Pinnaroo. Being so intense and coming, as it did, literally out of the blue, the townspeople were caught completely unaware and were shocked and stunned by its destructive ferocity. It tore roofs from houses causing structural damage to some of them. It uprooted and snapped big branches off scores of trees, flooded the local hospital, damaged a CFS building and generally created havoc throughout the whole district. Many shops were flooded in the busiest week of the year, being right before Christmas. Just when the whole community was getting into party mode for the Christmas break, their focus shifted from party mode to clean-up.

The town's emergency services worked flat out to restore public safety and order from the chaos of this mini-tornado. I visited the storm-ravaged town the following morning and was shown around by Southern Mallee District Council CEO, Rodney Ralph. What I saw amazed me. It was like a war zone, but it had all happened in a very short space of time. It was very reminiscent of the extraordinarily violent storm that ravaged Karoonda (also in my electorate) a couple of years ago.

The people of Pinnaroo rallied, and with local council leading the way, the massive clean-up began almost immediately. By early January, it had become obvious to Mr Ralph and others

that, while the streets and parks had been cleared of debris and some sort of order had been restored to public facilities, the clean-up was far from over. It is fair to say that the business of cleaning up is far more complex than it was 20, 30, 40 years ago. Those were the days when you pushed all the broken trees and rubbish into a heap and set light to it, jumped back onto the bulldozer and went home. As members would be well aware, in this modern day of environmental awareness that approach is no longer acceptable.

Disposal methods are far more precise and labour-intensive and special equipment is needed with specially qualified personnel trained to carry out such tasks. This is not a criticism: it is an observation of how conscious we have become of the fragility of our environment and the need to ensure that one quick and easy clean-up job does not lead to another more expensive and more difficult clean-up. Special machinery and expertise that is beyond the needs and reaches of most rural councils had to be brought in from other places. What we used to do with the bulldozer and a box of matches is now done with mulchers, shredders, protective clothing, knowledge and great care. Instead of smoke, heat and waste, we produce other products designed to minimise water use as well as waste and pollution.

The job at Pinnaroo took an unexpected twist when it emerged that some of the waste turning up quite innocently at the local dump was asbestos sheeting from a time when it was a common building material. For the uninitiated, it would seem a logical thing to do; that is, throw it into a trailer and take it to the dump. Not in 2008. The disposal of asbestos, as I am sure all members are well aware, is now a highly sensitive issue. There are all sorts of rules and regulations about the handling and disposal of asbestos that the average citizen would rarely have to think about, let alone be expert in. Local council realised this was an issue that needed more than the simple solution of getting in a qualified contractor.

Some public education was required because, while storms of this sort, thankfully, are still relatively rare, the demolition of older houses, sheds and other buildings is a fairly common occurrence. Council sought to be proactive in this and take a reasonable, responsible leadership role in providing that education but, as would be the case in most councils, if not all, this was very much outside budget. In fact, it was a substantial amount of the specialised clean-up cost for the mulchers and their operators, and insurance does not cover everything.

The government was subsequently lobbied for what I believe was the relatively modest amount of $70,000, as calculated by Southern Mallee District Council Chief Executive Officer, Rod Ralph. As the amount sought did not meet funding guidelines it was initially rejected, however, following my personal representation to treasurer Kevin Foley the funding was approved as a one-off grant. On behalf of the local council and all the residents and business people of Pinnaroo, I thank the government for this consideration.

INDIGENOUS MEDICAL SCHOLARSHIPS PROJECT

Ms SIMMONS (Morialta) (15:40): During the Christmas break I had cause to visit my GP—purely routine, I assure you. I have a fantastic family GP, Dr Michael Hawkes, who takes a keen interest in a variety of health and social issues, so I was not surprised when he told me that recently he had been to a 40 year medical school reunion—the year of '67, I understand. At this reunion the doctors present decided to set up a fund to support the Indigenous Medical Scholarships project. This project is a jointly funded initiative between the Australian Rotary Health Research Fund and the South Australian department of human services.

At Michael's suggestion, I was pleased to meet with Dr Helen Sage, who is passionate about this project and initiated the idea for the year of '67 scholarship. She has been inspired by Mr Geoff Bailey, a member of the Mitcham Rotary Club, from whom I have also received correspondence on this issue. He is convinced that this scheme will go a long way to help solve indigenous health issues, especially in rural and remote areas of South Australia.

The aim of the project is to establish a scholarship fund that can be used for the purpose of assisting indigenous students studying medicine, the purpose being to increase the number of indigenous doctors and by doing so improve the health of Aboriginal people, particularly in remote areas of South Australia where access to basic preventative medical treatment is often difficult.

Currently, there are only 35 indigenous doctors in the whole of Australia, with a further 60 indigenous students in medical schools across the country. We know from what indigenous people have told us that being able to talk to a doctor or health professional from their own culture is less daunting and more reassuring than contact with non-indigenous medical and health professionals; yet, of the 150 remote Aboriginal communities surveyed nationally, only 22 had

resident medical officers, and some communities have never had a resident doctor. Research also shows that indigenous people living in remote areas are often reluctant to use the services of non-indigenous doctors, resulting in medical conditions not being diagnosed until these people are very sick and in need of hospital care. It is obvious that the lack of primary health care and the lack of cultural knowledge and awareness are the main reasons for this situation.

Indigenous people remain the least healthy sub-population in Australia and there is evidence that the disparity between indigenous and non-indigenous health, at least when measured in terms of mortality, has widened in recent years. The lack of real improvement in indigenous mortality in Australia contrasts markedly with the situation among indigenous people in New Zealand, Canada and the United States. The success achieved in those countries generates considerable confidence that effective action in Australia will produce substantial changes in indigenous health. Examples from other states in Australia such as the Inala Community Health Centre in Brisbane and around the world, such as New Zealand, the Pacific Islands and North Dakota in the US have all found that indigenous doctors can and do make a difference and help improve the health status of their people.

The patients found that the indigenous health team understood their needs better and overall health improved as a result. The indirect benefits are also considerable and must not be dismissed in the mix. Indigenous doctors are important role models. They provide community advocacy and leadership in other related areas such as housing, education and community services. They are more likely than non-indigenous health professionals to persuade other indigenous people to consider career opportunities in health. Without doubt, training more indigenous doctors and health professionals will greatly assist the process of indigenous people and communities taking more control of their health and the way in which services are delivered, particularly in the remote areas of our state.

As a member of the South Australian Reconciliation Board, I would like to encourage members here present and members of the public to support this scheme. We all know that medicine is an expensive, lengthy and arduous course. This scholarship can make all the difference to a struggling indigenous student whose family is less likely to be able to support them than a non-indigenous student. I commend the Australian Rotarians who have a proud record of supporting important health initiatives. I also thank Dr Michael Hawkes, Dr Helen Sage and Mr Geoff Bailey for bringing this important project to my attention.

SERIOUS AND ORGANISED CRIME (CONTROL) BILL

In committee (resumed on motion).

(Continued from page 2157.)

Clause 13.

Mrs REDMOND: Over the break, hopefully I have managed not only to have had drafted but also to have had filed a further amendment which involves clause 13. I do not know whether that is before the committee at the moment but, it should be at any moment. By way of explanation, I will just refer to the comments made before the lunch break when we adjourned the consideration of this clause. The committee will recall that the member for Mitchell had proposed an amendment whereby he would insert into each relevant provision in the legislation a provision for judicial review. I indicated in response to that proposal that it was our intention to move an amendment which, whilst we had sympathy with the member for Mitchell, we thought might better address the particular problem at hand, that is, not putting judicial review in for everything.

Members will see in the amendments as proposed that, in fact, the main part of our proposal appears as amendment No. 5, that is, basically, if an organisation is declared, there will be an option for judicial review of that declaration and the organisation has the onus of establishing the validity, invalidity or illegality.

I am addressing that in part now simply because consequential to that amendment (were it to get up) there is a need to amend clause 13, and that is where we are at the moment. My intention is, as the member for Mitchell did, to test the issue at clause 13, and then that will probably indicate how we will go. Although I may move other amendments, in due course I expect that we will not divide on them.

The Hon. M.J. Atkinson: Of course you will not divide on them.

The CHAIR: Order!

Mrs REDMOND: In trying to address this matter I would appreciate it if the Attorney would let me have the opportunity to speak unaided by his interjections, given that I allowed him to rant on before the break about things which were quite erroneous. The Attorney kept insisting that there is some disparity between the position of the Leader of the Opposition and me over this bill. I have made clear on numerous occasions that there is no problem between the Attorney and me. We are at one, or ad idem as the Premier—

The Hon. M.J. Atkinson: You and the leader, not you and the Attorney.

Mrs REDMOND: Sorry: the leader and I are at one on this bill. The comments of the Leader of the Opposition are in no way inconsistent with the comments that I have made in relation to this bill. The Leader of the Opposition has been indicating, quite vigorously at times, that, in his view, we may need to go further against the particular organisations that we are out to get, that is, the particular outlaw motorcycle gangs that we are trying to target.

Indeed, he has suggested that we should consider eventually—if these provisions do not work—some other things, such as simply outlawing those motorcycle gangs, and so on, whereas this process goes through a slightly circuitous route of saying, 'We will declare certain organisations outlawed or declared and then we will impose consequences on members of the organisation.'

What I have been saying at the same time as the Leader of the Opposition has been putting forward that view—with my blessing—is that, at the time that we are making these laws, which are clearly directed towards a specific group within the community who both the government and the opposition understand and recognise need to be dealt with firmly and in ways that we would not normally use our legal processes to address, we need to be careful that we do not inadvertently catch anyone else in the net.

That is the prime statement that I have been making. So, there is no discrepancy at all between the Leader of the Opposition's saying, 'We need to go perhaps further and faster against the particular organisations,' and me saying at the same time, 'We need to be quite careful that we do not go outside the range of the people we are trying to get.' We do not want what happened in Queensland to Dr Haneef to happen to some innocent person here. It is possible.

I accept that the Attorney, the Commissioner of Police and the various people who will be authorised under this act are well intentioned. However, that does not prevent the unthinkable happening. One only has to look at what happened to Dr Haneef in Queensland. An innocent man had his life just pulled out from under him by an overzealous departmental operation, which was compounded and compounded and compounded, and that could all happen because of the nature of the legislation without the checks and balances. So, there is good reason to pause and ask: 'Well, how do we put the checks and balances into the system to make sure, so far as we can, that we do not capture the wrong people; that we do not infringe on the liberties of innocent people in our attempts to address the problem of outlaw motorcycle gangs?'

I have no difficulty with the idea that we need to take some fairly drastic action, and actions that are not necessarily in keeping with the way in which our legal system has usually operated. I said in my second reading contribution that the legal system has always operated on the basis that we were controlling individual rather than group behaviour for almost all of it, and we were dealing with things after the event of a criminal act. So, we were dealing with how to punish and how to prevent for the future, but we were not trying, as a matter of course, to interfere before things occurred. The Attorney is quite wrong to paint on the record of the parliament this erroneous picture, which suits his political purposes, of there being some disquiet about this legislation between me and the Leader of the Opposition. There is none whatsoever.

The only reason I am going over this and labouring the point somewhat is that the Attorney spent so long putting on the *Hansard* record information which was not accurate and which was designed to give a completely erroneous impression about the situation. For that reason, it is important for me to put on the record quite clearly and quite certainly that there is not a problem. There is no difference between the Leader of the Opposition's position on this and my position. We simply think that there should be enough protections in the system to ensure that we can protect the innocent in our legislation.

As I said, the amendment that I am proposing simply includes into the exception the words 'a court'. Where we are talking about what information can be disclosed, at the moment clause 13 refers to the Attorney's making a decision and not being required to provide the grounds or reasons for his decision, and the exception is that the person who is appointed to undertake an annual review is authorised to obtain the information from the Attorney-General. What we are inserting by

the amendment I propose is simply that, in addition to that, a court could be authorised to obtain the information as well.

As I said, it is really an ancillary amendment to the major amendment, which is No. 5 of those that I will be proposing, but rather than wait until then I will test the issue on the proposed amendment to clause 13. You will see that there is also a further amendment to clause 13 and I will move both those amendments at the same time so that there is no unnecessary delay of the committee, because whilst I do not expect to win it I think it is important to put on the record that we are intent on trying to ensure, so far as we can, that we support the government in what it is attempting to do and that also we ensure that innocent people do not accidentally get caught by the situation.

To that end we believe in a level of judicial review, minor though it may well be, and it is quite minor, to allow an organisation, which is declared, the right to get judicial review, on the basis that they have to establish—it is their onus—that that declaration should not have been made. We do not think that is terribly onerous in terms of what the government should be prepared to look at. That said, Madam Chair, I will move the amendments Nos 1 and 2 standing in my name to clause 13 of the bill:

Page 7—

Line 38, after 'Part 6' insert ', a court'

After line 39 insert:

(3) In any proceedings relating to the making of a declaration under this Part, the court determining the proceedings—

(a) must, on the application of the Commissioner, take steps to maintain the confidentiality of information properly classified by the Commissioner as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives; and

(b) may take evidence consisting of, or relating to, information that is so classified by the Commissioner by way of affidavit of a police officer of or above the rank of superintendent.

The Hon. M.J. ATKINSON: Dr Haneef was cast into prison. His case is not comparable with the case of making a declaration, because no-one is cast into prison by the making of a declaration. They may subsequently be cast into prison by other provisions in the act. So if we are going to look at—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: That's right; but if we look at the need for judicial review that would be more appropriate to the other provisions than this one. I have said it before, and I will say it again: the member for Heysen and the Leader of the Opposition are playing both sides of the street on the issue of bikie gangs. The member for Heysen gives the game away by saying that she will not require the house to divide on this amendment—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Well, I will be very interested to see a division on judicial review and to see the Leader of the Opposition voting for an amendment which would throttle this bill at its beginning, and open up to—in what will almost certainly be a series of judicial reviews—a declaration of let us say, for example, the Gypsy Jokers, as a declared organisation. We all know that the Leader of the Opposition tries to sound tougher and more draconian than the Premier on the question of outlaw motorcycle gangs. That is why he stood in the house in the last sitting week to address us on a bill about which he in fact knows very little, because with the responsibilities he has taken on he has not had time to look at it.

So we got from the Leader of the Opposition tough rhetoric. He sat down. The lead speaker was the member for Heysen. She stood and began both in the letter and the tone to say the complete opposite of what the Leader of the Opposition had said.

Mrs Redmond: You know you are talking through your hat—peculiar hat that it is.

The Hon. M.J. ATKINSON: The member for Heysen says my hat is peculiar. She perhaps should have come out on the steps of Parliament House today and told that to the East Turkistani people. I think it is a very fine hat. All the television journalists who were invited to the gallery before lunchtime that sitting day by the Leader of the Opposition's staff reported the tension—to put

it at its least—between what the member for Heysen said and what the Leader of the Opposition said, because they did in front of all four television networks in this place. It has nothing to do with, as the member for Heysen claims, my pulling strings: it is what they saw. They reported parliament as they saw it. And, further, the ABC has run the same story again today, because it can see the discrepancy between what the member for Heysen is telling us in this chamber and what the Leader of the Opposition is telling the public outside. There is a discrepancy because it is, as Mark Brindal used to say, the prerogative of the opposition to have two bob each way. Sometimes I do look back on opposition with fondness.

Mr Pederick: Soon you will be heading back.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The member for—

Mrs Redmond: —Heysen asked whether you are too thick to understand. And the answer is?

The Hon. M.J. ATKINSON: The member for Hammond says that we will soon be back in opposition. And, the member for Heysen, in her usually polite way, says that I am too thick to understand. Well, I saw and I heard what each of the television journalists reporting parliament saw and heard in the last sitting week. I will be very interested to see the Leader of the Opposition come into this chamber and vote for judicial review of a declaration of a criminal gang, because, if he does, it will set at nought what he said in the last sitting week.

Mrs REDMOND: I have to respond, and it is my motion, so I think I have the opportunity to respond. Once again, I say to the Attorney and the chamber that there is no discrepancy between an opposition leader wanting to go further and harder against the gangs and an Attorney-General wanting to narrow the scope to ensure that we are not capturing other people. That is the intention of judicial review—to make sure that we are getting at the right people. We are not here to just willy-nilly pass laws that enable you as the Attorney-General of this state to declare organisations with no accountability whatsoever, no judicial review. Why shouldn't there be judicial review of the Attorney's decisions? That is quite a fundamental question, except that it is my amendment, and I am closing the debate on the amendment by speaking again, I think, Madam Chair.

The CHAIR: It is not the way it applies in committee.

Mrs REDMOND: In any event, suffice to say that I will get up and respond as often as the Attorney wants to make this unfounded allegation and I will correct the record. The Attorney has a habit of coming into this place, and he thinks that, by stating things onto the record of the *Hansard*, when he knows interjections from the other side will not be recorded on *Hansard,* he will somehow make true assertions that he makes in this place which have no basis in fact.

The reality is that the Attorney is unaware, but the opposition leader and I spoke at length about this before the opposition leader's speech the week before, and I was well aware of what he was about to say. I indicated to him that I was comfortable with it because we are at one; we both agree that extraordinary measures need to be taken against outlaw motorcycle gangs. My concern, as the shadow attorney-general, is to ensure that we do not broaden this legislation beyond where it needs to go so that its scope is limited to outlaw motorcycle gangs and maybe some other organisations such as triads or mafia-type organisations, but we do not want to capture innocent people.

The Hon. M.J. ATKINSON: The reason that I think the declaration should not be subject to judicial review, apart from it introducing motorcycle gang filibustering of the whole process, is that I am a minister in the government, and I am responsible to parliament under the principles of responsible government. That is the proper review. And on top of that, we have review annually by a retired judge who reports to parliament. That is the accountability. The more I listen to the member for Heysen, the more I wonder why we bother to have elections and parliaments. Why don't we just let a few judicial activists legislate for the entire country? Why go through the charade?

Mrs Redmond: Why do we have judges if the Attorney-General is going to judge every case in the media?

The Hon. M.J. ATKINSON: That is a very good point. Notice in question time that there was no question from the member for Heysen about the case of Denis Vlado Dundovic. She shrugs her shoulders—not important to her. Just leave that to the experts; do not have the public

commenting on it; they did not sit in on the trial; they do not know all the facts; they do not know the law, so why should they have a say through their elected government and the Attorney-General, who is responsible to the elected parliament?

The member for Heysen has been on the record again and again in this place, in her electorate newsletter, saying she does not agree with instructing the DPP to appeal against a manifestly inadequate sentence. That is his job.

Mrs Redmond: That's not true; take it back. Another untruth from the Attorney-General.

The Hon. M.J. ATKINSON: That is his job. The last time the member for Heysen was accusing me of mistruths, members might recall it was the closing hour of the Domestic Relationships Bill. She went so far as to move to set up a privileges committee against me, but then she went back and read what she actually said in *Hansard* and it was quietly dropped.

Mrs REDMOND: Madam Chair, the Attorney is at it again. He asserts that, because I move at all in response to his comment, somehow he is entitled to assert, on my behalf, my view of anything that is before the public, the courts or before this chamber. He said, 'She shrugs her shoulders. It's not important to her.' How can he dare make such an assertion? I can shrug my shoulders, sneeze, scratch, and do whatever I want; it does not give the Attorney the right to put onto the record assertions which are patently and blatantly untrue. The Attorney asserts again and again that I am in some way at loggerheads with the Leader of the Opposition. I am not.

We have thought about this bill quite carefully. In the case of control orders, public orders, and so on, there is a provision for people to have some recourse, to have a review in some way, to object to an order being made, to go to the Supreme Court. In the case of declarations, there is no such provision. All we are trying to do is insert a minimalist approach to that to allow organisations which are declared the right to have that reviewed in a judicial way, with the onus still being on them to show that it was unfounded and should not have been made.

I am sick of the Attorney asserting things about my stance on issues. I have never said in my newsletter that Nemer should not have gone to gaol. What I have said in my newsletter is that the Attorney, in fact, answered three questions in this chamber shortly after I became the shadow attorney-general. The first question was: does he review every case in this state for which there is a written finding? The Attorney's answer was, 'I think the house would be surprised if I were to do that.' So, in other words, no, he does not.

My second question related to how he chose which cases he would look at, which cases he would read and which cases he would make statements about. He did not really give an answer to that question. My third question was: did the Attorney appreciate that, by choosing to concentrate on some cases and not others, and by interfering in some cases but not others, he was thereby creating a situation in which the people in this state could not be sure that they would all be treated equally because, after all, if Mr Nemer gets a further hearing via the Attorney-General and the Premier, why shouldn't everyone's case have that same further consideration via the Attorney-General and the Premier? That was the thrust of my questions and that has been the thrust of my comments in my newsletter. It had nothing to do with Mr Nemer. I think that Mr Nemer's situation is irrelevant.

The Hon. M.J. Atkinson: It's on the record.

Mrs REDMOND: Now the Attorney changes what he is saying. He is now accusing me of saying it in here. I have never backed away from the fact that I have a particular position in relation to whether it was appropriate for the Attorney-General to direct the DPP. I was not the shadow attorney-general at the time; I was the member for Heysen.

The Hon. M.J. Atkinson interjecting:

The CHAIR: Order! This debate has been ranging very widely and it sometimes seems, at best, tangential to the subject under consideration. I ask both parties to confine their remarks to the subject of the debate. However, given the breadth of the Attorney's last comments, I will continue to allow the member for Heysen some breadth here but, after this, no latitude.

Mrs REDMOND: Thank you, Madam Chair, and I appreciate your indulgence in allowing me to respond. It is clear that, as the member for Heysen, not as the shadow attorney-general, I took a particular view, which I still think is a valid view, that—

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: If I had been the Attorney-General at the time, there is no doubt that I would not have directed the DPP to appeal that decision. That said, that does not at all sit inconsistently with the fact that, notwithstanding my views, the matter went to the High Court and it came down in favour of the Attorney's view. The Attorney seems to have some difficulty with the fact that, as lawyers, every day we are confronted with issues where the finding of the court may fly in the face of what we would have believed to be the correct interpretation of the law. There is no problem for any lawyer in accepting that. If we can move on—

Mr Goldsworthy: He's only been in court as a witness, not as a lawyer.

Mrs REDMOND: He has spent much more time in court as a witness than he ever has as a practitioner; none as a practitioner. That is why he is not a normal Attorney-General, as he said himself before the break. Having been given that indulgence, Madam Chair, I will not delay the committee any further. I do, however, object to the Attorney continually getting up in this place and asserting things about my comments and views on things, which are not my views. I do not want to take up the time of the house by having to constantly stop to give personal explanations to correct the record which the Attorney-General is mischievously creating in this place. That said, I ask that the amendment which I have be put.

The CHAIR: Attorney, third and final go.

The Hon. M.J. ATKINSON: I understand that the Liberal opposition wants to introduce judicial review into the bill to protect the civil rights of members of outlaw motorcycle gangs. I understand that. What I do not understand is why it is introducing judicial review into the bill for the benefit of gangs and not individuals. This amendment is a bill of rights for the Hell's Angels. Let the Liberals vote for it if they wish.

Mrs REDMOND: What the Attorney is putting is just a nonsense. The Liberal opposition is not trying to protect the civil rights of members of outlaw motorcycle gangs. We are trying to protect the civil rights of another organisation that the Attorney could, on the basis of this legislation, simply declare without any need to disclose the information upon which he bases his decision, and that could be a union, for instance. The Attorney asserts that it will not be but, if it were a union—just take the example that the Attorney decided that he was now suddenly at war with the Shop Distributive and Allied Trades—

Mr Goldsworthy: No, not that one.

Mrs REDMOND: One of those good unions.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: No, I think the SDA is the ideal union to use as an example. If the Attorney-General suddenly found that the worm turned and started to go back on him, and he decided that, by way of retribution, he would declare them, why would it not be reasonable to allow that organisation to have judicial review of that decision? That is all we are trying to do—to insert a provision to allow judicial review of an improper exercise of the power.

For the Attorney-General to stand there and say that this is somehow an agenda of the Liberal Party to protect the civil rights of outlaw motorcycle gangs is mischievous in the extreme, particularly given the debate that has already occurred. All it will do is delay the house. Every time he gets up to do it, I will get up to respond because I am sick of the Attorney putting on the record things that are blatantly untrue and mischievous in the extreme.

The committee divided on the amendments:

AYES (15)

Evans, I.F.	Goldsworthy, M.R.	Griffiths, S.P.
Gunn, G.M.	Hamilton-Smith, M.L.J.	Hanna, K.
Kerin, R.G.	McFetridge, D.	Pederick, A.S.
Penfold, E.M.	Pengilly, M.	Pisoni, D.G.
Redmond, I.M. (teller)	Venning, I.H.	Williams, M.R.

NOES (28)

Atkinson, M.J. (teller)	Bedford, F.E.	Bignell, L.W.
Breuer, L.R.	Caica, P.	Ciccarello, V.
Conlon, P.F.	Foley, K.O.	Fox, C.C.
Geraghty, R.K.	Hill, J.D.	Kenyon, T.R.

Key, S.W.	Koutsantonis, T.	Lomax-Smith, J.D.
Maywald, K.A.	McEwen, R.J.	O'Brien, M.F.
Portolesi, G.	Rankine, J.M.	Rann, M.D.
Rau, J.R.	Simmons, L.A.	Snelling, J.J.
Stevens, L.	Weatherill, J.W.	White, P.L.
Wright, M.J.		

PAIRS (2)

Chapman, V.A.	Piccolo, T.

Majority of 13 for the noes.

Amendments thus negatived; clause passed.

Clause 14.

Mrs REDMOND: I have a question in relation to the difference between subclause (1) and subclause (2). I note on the one hand that, if the court is satisfied that a defendant is a member of a declared organisation, the court must make a control order against the person. I am quite comfortable about that. I am just a little confused about why then in the second set of circumstances which are set out, it does not also appear as 'must' and it is only that the court 'may' make a control order.

It seems to me that if the court is satisfied that the defendant has been a member of a declared organisation or engages or has engaged in serious criminal activity and regularly associates with members of a declared organisation, that would be just as serious as saying that the defendant is a member of a declared organisation. I am curious as to why there is the difference between 'must' in subclause (1) and 'may' in subclause (2).

The Hon. M.J. ATKINSON: The difference is that the government thinks that if it is accepted that a person is a member of a declared organisation then the control order should follow. If a person is not a member but is in the second class, then the court has a discretion. Since the member for Heysen is looking for discretion from our judges in applying this law, I would have thought she would welcome this approach. That is the difference. I understand the point the member for Heysen makes.

Mrs REDMOND: I have a question on subclause (6), which provides that in considering whether or not to make a control order the court must have regard to certain things which are set out in subparagraphs (a) to (e). The first of those is 'whether the defendant's behaviour, or history of behaviour, suggests that there is a risk that the defendant will engage in serious criminal activity.'

That seems to be an extremely low threshold: 'that the defendant's behaviour, or history of behaviour, suggests that there is a risk that the defendant will engage in serious criminal activity'. I accept that that is 'will' not 'could', but can the Attorney give some indication of what the government has in mind in terms of how that will be used in practice?

The Hon. M.J. ATKINSON: The point the member for Heysen makes is a fair one. I would have thought that, if the defendant has engaged in serious criminal activity before, that would meet the threshold or exceed it. We are doing the best we can to guide the court. I do not know that I can be any more specific in trying to clarify subclause (6) than what is printed on the page. We are trying to guide the court, and I am sure our courts will apply it in good faith. We have not mandated the declaration for people in subclause (2) as was discussed previously.

I am advised that this provision is drafted in a similar way to the apprehended violence order provisions and the paedophile restraining order provisions. The judicial officer would look at the purpose of the law, that is, to stop criminals getting together to plan more crime. If that is the purpose then the defendant's behaviour or history of behaviour, the risk that the defendant will engage in serious criminal activity, is a relevant consideration.

Mr HANNA: I would like to put a couple of scenarios to the Attorney-General to gauge how broad the provision is meant to be. One example I give is of a person who, in the past, has committed serious criminal offences and is a drinking mate of someone who is a member of a declared organisation. It may be that a person with a history of offending, even though they have no current intention to offend, drinks at their local pub and that pub is also frequented by bikies perhaps. Looking at the criteria for the imposition of a control order, the fact that a person has that

criminal history puts them very much in hot water, and the only balancing factor is really the fact that they have a legitimate reason to be there having a quiet beer. Is it conceivable that a control order may be sought and obtained in respect of such a person to stop them going to those premises because they may be mixing with the wrong crowd?

Taking that a step further; what if there is an email list, because the association can be by electronic means. If people are part of a group that regularly email each other and one of them has a serious criminal offending history (albeit a long time in the past) and the other one is a member of a declared organisation, is it contemplated that in those situations there might be an order sought and obtained to stop a person being a member of a certain email community?

The Hon. M.J. ATKINSON: The answer to the second question is yes, the Commissioner may make an application to the court for a control order and, given the purpose of the law, it is then for the court to decide whether or not a control order is appropriate. That is if, of course, there is not a reasonable explanation for the contact. It is a pretty broad exception, and that is if the contact is not owing to work or commerce or family. If you get past all those exceptions and all those exceptions are ruled out and there is contact either via email or at the pub six times or more in 12 months, then yes, that is possible.

However, as the member for Mitchell knows, our criminal law is not applied to even a fraction of the cases to which it could be applied. If all our criminal law (the criminal law we have now or the criminal law we had 50 years ago) were enforced to the letter by the police we would be living a totalitarian nightmare. I think Geoffrey Walker, my former law lecturer, in his book about, essentially, jurisprudence makes the point that most law is designed to be applied only in exceptional circumstances. We know that the way this will operate is that the vast majority of people who could be caught by these provisions will not be caught by these provisions. In those cases where the police do decide to apply to the court for a control order there will be the judicial review that the member for Mitchell seeks.

I am advised that the way the police would handle this is that once the six contacts were up the chances are that one party would be approached—particularly the person who was not a member of a declared organisation or did not have a criminal history—and given a warning. I know with the hoon driving legislation I was out letterboxing and I reported someone who was laying rubber on the road at the corner of Second Street and Coglin Street, Brompton. I got the numberplate; the police came around to see me and said 'Yes, we'll write them a letter and we'll go around and see them.' I cannot imagine that they were prosecuted.

That is the sensible way to operate and I am sure that is how this legislation will be applied, but the member for Mitchell makes the point that, under a different government, in a different era, in a different society, the law can be misused. There can be malicious prosecutions. The law can be applied unfairly, and that has happened at times in our history when there has been very little statutory criminal law. I have been a member of parliament now for almost 19 years and I know people who have criminal records. I got a message from a mate of mine, Dave Granger, who wants me to come around and see him; have a cup of tea with him. Well, Dave has form, so I am aware—

Mr Goldsworthy interjecting:

The Hon. M.J. ATKINSON: He did, but we all know that Jack Cahill sent him out to do it. He said as much. It was the 1982 preliminary final. I was there. He came straight out of the coach's box, straight from Jack Cahill's side, and punched Cornsey in the side of the head. And, you know, Port Adelaide were goals and goals behind at the time—got back to within one point; still lost. I am sorry; I have been distracted.

Mr Hanna interjecting:

The Hon. M.J. ATKINSON: It was a very wet day at Football Park.

Mrs REDMOND: Subclause (1) allows that, if the defendant is a member of a declared organisation, there must be the control order, and then the other circumstances, which are quite serious. They are set out, and the Attorney has already addressed why this next clause uses the word 'may'. However, we must bear in mind that subclause (2) provides:

> ...on application by the Commissioner, make a control order against a person...if the court is satisfied that—
>
> (a) [that person]—
>
> (i) has been a member of a declared organisation or engages, or has engaged, in serious criminal activity; and.

(ii) Regularly associates with members of a declared organisation;

(b) the defendant engages, or has engaged, in serious criminal activity and regularly associates with other persons who engage, or have engaged, in serious criminal activity.

So, we have a fairly serious set of circumstances that would lead a court to make that order. I am just a little curious then about subclause (5). I note that, if the control order is against a person who is a member of a declared organisation, the control order must prohibit the defendant from possessing a dangerous article or a prohibited weapon within the meaning of section 15 of the Summary Offences Act. Above that, paragraph (a) of subclause (5) provides that a control order may prohibit the defendant from possessing a specified article or articles of a specified class. A plain reading of that would therefore indicate that, if you have a member of a declared organisation and a control order made against them, the control order must prohibit them from basically having a gun. If you have this other classification of person, who obviously has fairly serious engagement in criminal activity, and so on, but who is not a member of a declared organisation, why would it not be sensible nevertheless to require, just as with the person who is a member, that they be prohibited from owning or possessing a gun or one of the other specified articles?

The Hon. M.J. ATKINSON: Firearms will be dealt with by other legislation, which is on its way. We know that the members of outlaw motorcycle gangs use violence. Violence is very much part of their ethic and culture, as the member for Heysen says, and so dangerous articles and prohibited weapons in their hand are well on their way to being used on other people. I think the second class of person who has a record of serious crime may not be violent. That kind of person could be an old fraudster, not necessarily someone who is violent. Whenever the coppers turn over a bikie joint they find the most interesting dangerous articles and prohibited weapons, and I think that does distinguish bikie gangs from most of the rest of society. One of their signatures is owning these things.

The person who comes into the second class, not a member but having a serious criminal history, may not be such a risk. I am advised that a person who is not a member of an outlaw motorcycle gang would nevertheless be subject to the general law on dangerous articles and prohibited weapons, but they would have access to the range of defences in that law; whereas under this, the members of outlaw motorcycle gangs would not have the defences—we would just list under this law their dangerous articles and prohibited weapons.

Clause passed.

Clause 15.

Mrs REDMOND: I have a question about subclause (4). Basically, the clause provides that a control order must contain certain information and, in particular, that a copy of the affidavit verifying the grounds on which the application was made must be attached. So, the person receiving the control order, who subsequently has a right of objection (and there is even a provision of an appeal to the Supreme Court, so I am quite comfortable about that), will normally get the information upon which the application was based. However, subclause (4) refers to information that cannot be disclosed because it is criminal intelligence (and there is a fairly long provision in section 21 later on). If it cannot be disclosed because it is in breach of section 21, an edited copy of the affidavit is to be attached to the order.

I assume that, at its most far-reaching impact, subsection (4) will mean that one could have an affidavit which basically disclosed no information as to the real basis for the making of the order and, in fact, it might not even disclose the name of the person making the affidavit, in theory, if the identity of that person might be disclosed and it might place them in jeopardy, or anything like that.

I just want to confirm that that is, in fact, how things could happen under this provision. I understand that, for the most part, provided it is not based on criminal intelligence, as defined, an affidavit will be attached stating on what basis the control order has been applied for, so that the person seeking a review of it has the opportunity to understand the basis upon which the order has been sought and made. However, is it the case that, in fact, the broadest reading of section 15(4) will be that there could be an affidavit attached that is so edited that it contains no information of substance whatsoever?

The Hon. M.J. ATKINSON: I commend to the member for Heysen the recent High Court of Australia judgment in the Gypsy Jokers of Western Australia case. It will be in *AustLII*: look up Gypsy Jokers 2008, page 4. I am told that there are only about five decisions on the website. It is a long judgment, but it is rewarding to read, because it explains what the majority of the High Court thinks about this kind of legislation. The majority of the High Court takes the view that, if police

provide all the information to the court, the court will read it, deliberate on it and decide whether it really is criminal intelligence and whether it can or cannot be released to the other side.

So, the member for Heysen is right. Yes; there could be an affidavit with hardly anything in it, but it would end up being in that form in the hands of the defence only if the court had read the whole affidavit, including the names, and satisfied itself that it was genuine criminal intelligence that needed to be withheld from the defendant. Nevertheless, the defendant would know the grounds on which the order was being made, but not all the evidence supporting those grounds.

The High Court has been clear on what we need to do to bring our legislation into conformity with its standards. We have tried to do that in this bill. There may be some other legislation that needs to be amended to come up to the High Court standard, as enunciated in the Gypsy Jokers case.

Clause passed.

Clause 16.

Mrs REDMOND: It looks to me as though the provisions for service on the defendant are really quite standard. I just wonder about subclause (3)(d), that is, the affixing to the premises, because if you have a bikie fortress I would imagine that affixing to the premises could be somewhat different. The normal affixing to the premises might be affixing to the front door of a premises but, assuming that whoever is given the delightful task of serving this order on a bikie (and, quite frankly, I think they should get danger money for attempting service) cannot locate the person (most of them know to say 'No' when they are asked whether they are the person who is being sought); and, assuming that there is no-one apparently over the age of 16, so they have to affix it to the premises, are any special provisions contemplated for somehow affixing a notice to a concrete wall with barbed wire, and so on? Has any thought been given to difficulties that might ensue in the service of a control order onto, for instance, a bikie fortress?

The Hon. M.J. ATKINSON: That is an operational matter for our police, but I would be happy to serve in that capacity, especially if it were in my electorate.

Mrs Redmond: You would have the opportunity to doorknock and say 'Vote for me' at the same time.

The Hon. M.J. ATKINSON: No; I do not think I would concertina the two. Martin Luther managed to give notice to the Catholic Church by nailing his theses to the door of the church. I am sure police can do likewise to the gate of the premises—which, contrary to what the member for Kavel claims, can sometimes have very high concrete tilt-up walls.

Clause passed.

Clause 17.

Mrs REDMOND: My question relates to subclause (2), the grounds of the objection. The requirement for the grounds to be stated fully and in detail in a notice of objection is reasonable, on the face of it, but I wonder how that sits with the Attorney's answer to my earlier question. If the control order is issued and, assuming that we have managed service, the person receiving the control order is confronted with a control order which has an affidavit attached which has virtually no information on it, on what basis does the Attorney contemplate that they can reasonably be expected to set out the grounds of their objection fully and in detail in the notice of objection that they then want to lodge?

The Hon. M.J. ATKINSON: The order from the police will refer to the grounds in the act. I mean, that will not be scrubbed out under the criminal intelligence masking. Presumably, the response, the notice of objection, will be: 'I am not and never have been a member of an outlaw motorcycle gang' or 'I have not engaged in serious crime.'

Clause passed.

Clause 18.

Mrs REDMOND: I want to confirm the procedure on hearing the notice of objection, particularly subclause (1), which provides that the court has to consider whether sufficient grounds existed for the making of the control order. Indeed, that is one of the circumstances where the balance of probabilities and not the criminal onus will apply.

The Hon. M.J. ATKINSON: Yes.

Clause passed.

Clause 19.

Mrs REDMOND: This is the appeal provision. There is an appeal as of right on a question of law and there is an appeal with the permission of the court on a question of fact. Again, that provision about the question of fact will be decided on the balance of probabilities. As I understand it, that is the case. If a matter does go to the Supreme Court on a question of fact, will there be a rehearing of the evidence to determine that fact or will it simply be based on the evidence heard in the lower court, which would normally be the case in an appeal to the Supreme Court?

The Hon. M.J. ATKINSON: It is not a de novo decision. It is a reconsideration of the papers of the trial, but the Supreme Court has the jurisdiction to hear more evidence.

Clause passed.

Clause 20 passed.

Clause 21.

Mrs REDMOND: I have a couple of questions in relation to the provisions relating to criminal intelligence—and we appreciate the reasons for having these provisions and the need to prevent disclosure of information which could prove highly dangerous to individuals involved in this most difficult work. Firstly, subclause (2) provides:

> In any proceedings relating to the making, variation or revocation of a control order, the court determining the proceedings—
>
> (a) must, on the application of the Commissioner, take steps to maintain the confidentiality of information properly classified by the Commissioner as criminal intelligence

My question relates to how broad the interpretation of the steps to maintain the confidentiality might be. For instance, it occurred to me that maybe we should have been looking at the need to have the ability to take evidence outside a courtroom—that is, somewhere discrete and away from a courtroom—for the protection of people involved in this sort of work, if it became necessary. I then tie that into the next part of the question which is that the court may take evidence by way of an affidavit of a police officer of or above the rank of superintendent. Again it seems to me that we are in a situation—and I think the rank of superintendent is less than that of inspector, and so we have come down the ladder maybe a peg—where we are still not getting the evidence directly from the people who are on the ground and who potentially (theoretically) are even infiltrating into the criminal gang.

I am curious about how we protect the people who are getting the evidence first-hand. However, at the same time, we accommodate the fact that, if you go higher than the people who are getting that evidence first-hand, then it still seems to me that you then have the problem of what is being put is hearsay, because it is simply relating what someone else has said and so the person giving the evidence is not getting it first-hand. The first part of the question is: how broad is the interpretation of the steps to maintain the confidentiality of information that could be taken by a court in determining the control order provisions and the criminal intelligence question on those control orders? Will it be broad enough to extend to taking the necessary steps to protect from where the information has come and those who may have provided it, whether it be the police officers involved or other people?

The Hon. M.J. ATKINSON: Yes; emphatically.

Mrs REDMOND: In terms of subclause (2)(b) can the Attorney explain the reasoning behind restricting the evidence that can be provided by way of affidavit to that of a police officer of or above the rank of superintendent, and why is it different from the clause relating to above the rank of inspector? Why that particular rank in that particular clause?

The Hon. M.J. ATKINSON: So much of our reasoning in this bill is derived from Crown practices on public interest immunity. The rank that is used in this clause is the same rank used where police are seeking public interest immunity orders.

Clause passed.

Clause 22.

Mrs REDMOND: The first question is simply in relation to the penalty, that failure to comply with a control order has a maximum penalty of imprisonment for five years. There is no monetary alternative put there. Is it the case that there is no monetary alternative, or is it the case

that there is a monetary alternative which does not need to be expressed now, and, if it is, what is the amount of that monetary alternative?

The Hon. M.J. ATKINSON: I am advised that where there is a penalty of imprisonment and no other penalty is expressed to apply, section 18 of the Criminal Law Sentencing Act allows the court to impose a fine, and the fine is at its discretion.

Mrs REDMOND: The second part of section 22 basically provides a defence that occurs does not commit an offence unless the person knew that the act or omission constituted a contravention of or a failure to comply with the order, or was reckless as to that fact. It seems that there is implicit in that wording a potential difficulty in that the prosecution will have to prove that the accused knew that what they were doing contravened the act. If on each occasion they have contact with the member of a declared organisation, or whatever it is, then, clearly, if that is known and they are advised, 'You are not allowed to do that; that's a breach, blah, blah, blah', then that is one scenario and that is fairly straightforward. But what about the circumstance where they just assert that they did not know? How in practice will we be able to prove that they did in fact know, if we have the circumstance where there is a control order in place but the person simply asserts, à la Alan Bond, 'I don't remember; I didn't know'?

The Hon. M.J. ATKINSON: It is just a question of fact for the court to determine.

Mrs REDMOND: Maybe I can approach it from another angle; that is, is a person likely to be deemed to be reckless as to the fact that their action constituted a breach of a control order if they simply did not find out about it? Is the obligation on the accused to show that they knew that there was a control order that had certain provisions and did nothing about it? I am curious as to how that will be interpreted. There will always be a problem with imputing knowledge to an accused, but, if you look at it from the other side, what will constitute being reckless as to the fact of a control order?

The Hon. M.J. ATKINSON: Recklessness might include sitting down at a cafe with someone wearing Hell's Angels patches, and then claiming they did not know they were a member of a declared gang.

Clause passed.

Clause 23.

Mrs REDMOND: In relation to clause 23, this is probably one of the most difficult areas, I suspect, in terms of how the police will manage it, because they are able to make a public safety order if they are satisfied that the presence of a person or a group of persons at premises or at an event, or within an area, poses a risk to public safety and that the order is appropriate in the circumstances. No problem with that. There is a provision later on about the police officer—and it must be a senior police officer as defined—having to have regard to certain things, such as previous behaviour, whether they have been members of declared organisations. Paragraph (c) provides that the senior police officer has to have regard to 'if advocacy, protest, dissent or industrial action is the likely reason for the person or members of the class of persons being present at the relevant premises or event...the public interest in maintaining freedom to participate in such activities.' Is that a static concept or is it something that the senior police officer is going to have to determine on balance on each occasion of issuing a public control order?

The Hon. M.J. ATKINSON: That provision is a memo to police officers working with this bill that those things are in the public interest and that it is something that they should take into account when they are working with this bill and applying its provisions. I would have thought that the member for Heysen would be pleased to see that provision there; I know that my caucus colleagues are.

Mrs REDMOND: Over the page, there is a provision about the serious risk to public safety or security. Basically, it is defined as:

> If there is a serious risk that the presence of the person or persons might result in the death of, or serious physical harm to, a person or serious damage to a property.

Further down, in subclause (9), there is a reference to injuring, wounding or killing an animal. I wonder whether this clause is one of those clauses where a further concept might need to be included; that is, the idea of threatening behaviour, because people can feel threatened, and animals, I believe, can be harmed with fear and threats. There might not necessarily be any actual serious physical harm to the person, or injuring, wounding or killing in the case of an animal, but I

wonder whether the concept of threatening or frightening behaviour is going to be captured anywhere in the idea of a public control order.

The Hon. M.J. ATKINSON: The clause is about risk; it is about an assessment of harm. It is not about proof of actual harm. The member for Heysen is right: outlaw motorcycle gangs do operate in this way; it is their stock in trade. I think that is well within the spirit of the section, and I hope that it informs the police's application of the section.

Mrs REDMOND: Would it be fair to say, Attorney, that the intention of the legislation at large—not just this bill but, in fact, the Public Order Offences Bill—is to seek to address specifically that area of threat rather than actual harm?

The Hon. M.J. ATKINSON: Not exclusively. The other bill which is scheduled for debate later in the week and which is about riot and affray deals with threat and risk—with assault rather than battery, if you like.

Clause passed.

Clause 24 passed.

Clause 25.

Mrs REDMOND: I have one question. I understand the nature of the application that has been made: if we are going to vary an order by extending it beyond 72 hours and so on, and that there might be some need for urgency. As I read it, it struck me that there could be a possibility of mischievousness given that, under subclause (5), an application to the court may be made and dealt with by a magistrate by telephone. The applicant must inform the magistrate of the applicant's name and rank and if he or she is a senior police officer.

It does not take a great imagination to think of certain circumstances where, for instance, a member of one bikie gang might impersonate a member of another organisation altogether and say to a magistrate, 'Well, I am so and so of such and such a rank', because some of that information would be relatively readily available. Is the Attorney confident that this provision is as tight as it needs to be to prevent any abuse?

The Hon. M.J. ATKINSON: Every night of the week, and all weekends, we have members of the magistracy rostered to take telephone applications. They are practised in dealing with these applications. In almost six years as Attorney-General—yes, it has been that long—

Mrs Redmond: It seems longer.

The Hon. M.J. ATKINSON: Does it? I have not heard of a case of a magistrate's being gulled. Believe me, if it happened, it would be up and down Gouger Street, and I would have heard it in the cafés and bars of that street, so I do not think it has happened yet. I do not doubt that it might happen but, as the member for Heysen says, our magistrates have a pretty good nose.

Clause passed.

Clauses 26 to 30 passed.

Clause 31.

Mrs REDMOND: I want to clarify the operation of this clause. Under clause 30, we have provision for service and notification of a public safety order. Clause 31 commences:

> (1) Despite section 30, if a police officer—

it does not state 'senior police officer', so I assume that it is any commissioned police officer—

> is satisfied that a public safety order (as made or varied) should become binding on a person as a matter of urgency—
>
> (a) the officer may communicate the contents of the order—

as varied to the person, and on the information being communicated to the person the order will at that point be binding on the person.

First, I want to clarify that that provision applies only where an original order has in some way been made or varied—and that it applies only once there is actually an order that has been made by someone more senior—and that what is happening here is that any commissioned police officer is able to say, 'You are now bound by that order', even though there has been no service of the order. The police officer may not necessarily but could (by phone or something) have the details of what is supposed to be in the order. I want to clarify what this clause is aimed at doing.

The Hon. M.J. ATKINSON: The answer is yes. It may be that two gangs are on their way towards each other and that a police officer feels, on good grounds, that there is a need to alter an existing order to stop the oncoming clash. This is a provision to allow him to act.

Mrs REDMOND: At its broadest, subclause (2) seems to me to allow, for instance, an officer to issue that sort of order verbally—

The Hon. M.J. Atkinson: It should be 'orally'.

Mrs REDMOND: I think you will find that 'verbally' is all right in that circumstance—on, say, a Friday morning but, if it came up in a couple of weeks' time when we have a public holiday, the person would not necessarily get a written copy of it until the following Tuesday. I take it that that is the intention: it can be issued and simply communicated orally—or verbally—and that they will not necessarily see a copy of it for some days afterwards.

The Hon. M.J. ATKINSON: Yes.

Clause passed.

Clause 32 passed.

Clause 33.

Mrs REDMOND: I have a question (and it may be a bit of a comment) about this clause. I am sorry that the member for Stuart is not present in the chamber, as I seem to remember that in the earlier part of this debate he informed the house of a wonderful experience he had had recently when he was pulled over by a young police officer while he was travelling around the countryside on, I think, Australia Day.

I am a bit concerned about the empowerment of the police to stop and search a vehicle. I have no difficulty with that, provided they suspect on reasonable grounds. The first part of the question is: I know that this is a similar sort of provision to what we have in other legislation, but is there any case law in this state about the police satisfying the court of their reasonable grounds?

For example, we seem to have a lot of drug labs that are accidentally found by the police because they happened to be passing by when they were off duty and they sniffed something in the air, had their suspicion aroused in that way, and uncovered a clandestine drug house. I wonder whether there is some case law about that provision. Perhaps the Attorney can answer that question first.

The Hon. M.J. ATKINSON: There is much case law. I cannot think of the name of any cases, but we shall collect some and send them to the member for Heysen's Stirling office.

Mrs REDMOND: The real concern I want to express is that, in terms of penalty, this seems to have a remarkably high maximum—imprisonment for five years—the same penalty as for breach of a control order. That just seems to me to be a little over the top given that the essence of this provision is really a stop and search of a car.

Given the case law, provided the officer can establish that they had reasonable grounds to stop and search, in respect of failure to cooperate—and I imagine that there could be members of the community who might fail to cooperate with police simply stopping them and telling them they had a suspicion and wanted to search their vehicle—it seems to me to be a very heavy maximum penalty for that particular offence where I think there is far more likelihood that mistakes could be made than would be reasonable when you compare it with other sorts of offences such as breach of a control order.

The Hon. M.J. ATKINSON: Our experience of the gangs is that, if the penalties were not uniform, they would go for the lowest penalty. In this case, it is obstructing a search. They would obstruct the search because that is the weakest point in the legislation and they would take two years rather than five. That is our experience of the gangs.

These are people who require of candidates for membership that they commit serious criminal offences to become a full member. They would choose the lowest penalty and that might be obstructing the search, so we are trying to make the penalties the same. The other thing to mention is that, given our backlog in the District Court and the workload of the Office of the Director of Public Prosecutions, we have said that, under this bill, these offences can be prosecuted as summary offences even if the term of imprisonment is higher than two years. Watch this space; this is a harbinger.

Clause passed.

Clause 34 passed.

Clause 35.

Mrs REDMOND: I have a question that concerns subclause (3) which provides that:

(3) A person who—

(a) has a criminal conviction (against the law of this state or another jurisdiction) of the kind prescribed by regulation; and—

presumably they will be fairly similar and reasonably serious offences—

(b) associates, on not less than 6 occasions during a period of 12 months, with another person who has such a criminal conviction,

is guilty of an offence.

Again my question is in two parts. First, how will we know the criminal records of the people? Is there already a database which enables us to know of every person who is in this state even temporarily what their criminal history is around the country? Secondly, how is the person who is being accused of that offence meant to know?

The Hon. M.J. ATKINSON: The so-called innocent or less culpable party would be required by this provision to know of the criminality of the other party. That is a requirement. As I said earlier in response to a question by the member for Mitchell the police would warn before they prosecute.

Mrs REDMOND: I am comforted by the fact that the police would warn before they prosecute, but it seems to me that there is, in this particular provision, a real risk (notwithstanding subclause (4)) that someone could associate and be found to have been reckless as to whether or not the person with whom they were associating had the requisite criminal past. I can well imagine that there could be people who would be nervous, to say the least, about inquiring as to the criminal history of the person with whom they were associating.

The Hon. M.J. ATKINSON: It would be an awfully difficult job for the police to prove unless they had some evidence that the person knew or could not but have known; for instance, that one party served time in prison with the other party. Unless there is proof, there will not be an offence.

Mrs REDMOND: I thank the Attorney for that answer, and I am quite satisfied that, in that sort of circumstance, that is where this is directed. However, what if you had, for instance, a relatively innocent person who was associating with someone who wore a Hell's Angels or Gypsy Jokers or Finks or whatever paraphernalia and jacket? It seems to me that an ordinary reading of subclause (4) would mean that if they did not make the inquiry—and they may well be nervous about making the inquiry—that they would then be found to be reckless as to the fact and could be caught by the provision. I want to be clear about just who potentially can be caught. We are all agreed about who the bad guys are whom we want to catch; it is whether we accidentally catch the innocent.

The Hon. M.J. ATKINSON: Yes, I agree, but in the example the member for Heysen cites of the gang member being in uniform, and bearing in mind all the exemptions of work, commerce, family, supply of services and reasonableness, it could be a matter of, once the warning is made, 'Do it again and you're in trouble.'

Mrs REDMOND: There are then some exemptions of the types of associations that can be disregarded such as associations between close family members and lawful business associates. Then there is a definition in subclause (11) of a person being a close family member of another person if they are a spouse or domestic partner, a parent, step-parent or grandparent; a child, stepchild or grandchild; a guardian or carer; or a brother, sister, step-brother or step-sister. I wonder whether any consideration was given to including someone recognised in indigenous communities as having a kinship relation, because in indigenous communities clearly the concept of family can be somewhat different from that which we would recognise but would nevertheless be recognised within their kinship groups as a close family member, while not necessarily falling within the provisions of subclause (11).

I just wonder whether that was contemplated in the drafting of the section? I am not aware of the indigenous community being at all involved with bikie gangs, recognising that their involvement in our criminal processes is largely unrelated to gang and organisational activities, but

I wonder whether it is something that the Attorney would be minded to consider just because, in every other piece of legislation that we deal with, it appears that we do recognise kinship relationships rather than simply the legal relationships we are talking about in this section.

The Hon. M.J. ATKINSON: We believe in equality before the law.

Clause passed.

Clauses 36 and 37 passed.

Clause 38.

Mrs REDMOND: I move:

Page 23, line 12—Delete 'fifth' and substitute 'fourth'.

I will use this amendment as a test amendment. We felt it would be appropriate to bring the sunset clause back from 10 years to five years. In light of that, it would make no sense to have a review at the 5th anniversary if it is intended to expire the act at the 5th anniversary.

The Hon. M.J. ATKINSON: I think I predicted to Channel 7 that, given these powers, by the end of next year (2009) the police would make quite a lot of progress against the outlaw gangs and that the gangs may well be a shadow of themselves. Perhaps that is a bit optimistic—and, of course, we have more legislation to come—but I would like the act to operate for the longer period. It is only at the end of that longer period that I think we could confidently accept with equanimity its sunsetting. If we do it sooner, having cleared some of the gangs from South Australia and many of their troops and frightened others out of the gangs owing to the consequences, it would seem a pity to let them back in after only five years.

Amendment negatived; clause passed.

Clause 39.

Mrs REDMOND: I move:

Page 23, line 23—Delete '10 years' and substitute '5 years'.

Amendment negatived; clause passed.

Clause 40 passed.

Clause 41.

Mrs REDMOND: I have already spoken on this topic. We canvassed it comprehensively when we dealt with clause 13 when we resumed this debate this afternoon. I do not intend to speak to it again. I simply move:

Page 24—

After line 4—After subclause (1) insert:

(1a) Proceedings may be instituted by a member of a declared organisation for judicial review of the declaration made under Part 2 in relation to the organisation (and in any invalidity or illegality of the declaration).

Line 5—Delete 'The' and substitute:

Except as provided in subsection (1a), the

These amendments to clause 41 seek to put in some judicial review provision.

Amendments negatived; clause passed.

Clauses 42 and 43 passed.

Schedule 1.

Mrs REDMOND: This is the only further comment I want to make on the bill during committee. Whilst I appreciate the intention of the provisions of sections 248 and 250 of the legislation, it always seemed to me when I dealt with orders in terms of Family Court and people getting police to issue orders against husbands who might have their wives living in fear, and so on, that little bits of paper do very little to control behaviour. I just wonder to what extent the Attorney is confident that the new sections will have any real effect on the behaviour of members of, for instance, an outlaw motorcycle gang who do take it into their minds to seek physical reprisal against public officers or judicial officers?

The Hon. M.J. ATKINSON: It is an attempted preventive approach to give judges, coppers and, more importantly, people (laymen) who participate as witnesses or jurors confidence to participate in the justice system. We are doing what we can, and I know that the Police Association in particular requested this kind of provision.

Schedule passed.

Clause 39—reconsidered.

Mr HANNA: I move:

Page 23, line 23—Delete '10 years after the date on which this section' and substitute:

two years after the date on which Part 1

Mr HANNA: I thank the Attorney-General for his cooperation in this matter and the opportunity to move the amendment standing in my name to clause 39. As a result of the concerns that have been outlined by the Liberal opposition and by me in relation to the rights of innocent people and this legislation, I believe that an appropriate safeguard would be for a sunset clause to have this bill expire after just two years. It seems to me that, because the legislation has been some time in formulation and it has been publicly available to the police and others for some months now, the police should be ready to respond swiftly once the legislation is through parliament. It seems to me then that within two years the good work of the bill, to the extent that it achieves its objectives, should be achieved. I put that proposition that the sunset provision should allow for expiry after two years.

Mrs REDMOND: Again, I indicate that the opposition took a great deal of time considering the proposal by the member for Mitchell; and, to some extent, we were minded to accept his proposal because, as he knows, we moved an amendment seeking a five-year sunset clause. We thought about it long and hard and discussed it at considerable length because there is, I think, a good deal of merit in having a shorter than a 10-year sunset provision, if you are going to have a sunset provision at all. Ultimately, we felt that two years probably was not quite long enough to assess whether the impact of this bill has been sufficient, well targeted enough and achieving its outcomes. We decided that, in fact, we needed to have a little longer than the suggestion of the member for Mitchell. Unfortunately, we will not be supporting the amendment.

The Hon. M.J. ATKINSON: I concur.

Amendment negatived; clause passed.

Title passed.

Bill reported without amendment.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (17:45): I move:

That this bill be now read a third time.

I thank the policy and legislation people from the Attorney-General's Department. I thank parliamentary counsel. I thank the police and all who have worked on this bill, and I thank the members for Heysen and Mitchell who have given this bill the scrutiny it deserved clause by clause. I acknowledge that the members for Heysen and Mitchell do that without the secretarial support that I have, and I commend them for their diligence.

Bill read a third time and passed.

At 17:46 the house adjourned until Wednesday 27 February 2008 at 11:00.