HOUSE OF ASSEMBLY

Wednesday 29 February 2012

The SPEAKER (Hon. L.R. Breuer) took the chair at 11:01 and read prayers.

PARLIAMENTARY STANDARDS

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (11:02): I move:

That standing and sessional orders be and remain so far suspended so as to provide that—

1. Direction to leave the chamber

    1. The Speaker may direct a disorderly member to leave the chamber for up to one hour. The direction shall not be open to debate or dissent, and if the member does not leave the chamber immediately, the Speaker may name the member in accordance with standing order 138.

    2. A member who has been directed to leave the chamber under this sessional order is excluded from the house and its galleries for up to one hour. However, the member may enter the chamber during the ringing of the bells for the purpose of forming a quorum, an absolute majority or voting in a division. Once the Speaker or Chairman of Committees has declared the presence of a quorum or the business for which an absolute majority was required has concluded or result of the division has been declared, the member must immediately withdraw from the chamber for the remainder of the period of exclusion.

2. Time limit for answers to questions without notice

    During the period for asking questions without notice, an answer to a question must not exceed four minutes. The Speaker has discretion to extend the time for a minister's answer if the answer is interrupted.

I might just clarify at the outset that this is a procedural motion and I understand that there is one speaker each side, although if the opposition would like a different process, the government is more than happy to suspend standing orders.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: We are happy to proceed with the process that is set down in the standing orders, which is that this is a procedural motion with 10 minutes each side. If the opposition has a different point of view about that, we are more than happy for that to be known and we are more than happy to suspend standing orders.

Mrs Redmond: You can't do that.

The Hon. J.W. WEATHERILL: I can suspend standing orders any time.

Mr Williams interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Premier has the call. It is a procedural motion, and we will deal with it, 10 minutes each side. Premier.

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: When I first was given the privilege of assuming this role, I made some points about the way in which the community views this parliament and, indeed, us as parliamentarians and the effect that has on public confidence in our public institutions. It seems to me that the view of politicians, politics generally, is a very sad one at the moment, and I do not think that assists any one of us. I do not think it assists any one of us who actually thinks this is—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —an honourable profession that we aspire to, to act in the public interest. It should be regarded as an elevated vocation where we come in this place to debate the big issues which are about the purposes and the interests of the South Australian community. Instead, what they see on the television is disruption, abuse, petty politicking, the very things that have the effect of reducing public confidence in our institutions.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: I think the community expects more of members of parliament than this, and that is why I have sought to elevate the debate in this chamber to be a debate about ideas rather than descending—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —into a bearpit of abuse.

Members interjecting:

The SPEAKER: Order! Premier, can you just hold on for a moment. Members on my left, the Premier is speaking. One of you will get an opportunity to speak afterwards. You do not need to constantly interject—this is what this is about. This is about upholding standing orders as they stand now and introducing something that would make it easier in this place for people to be able to hear and talk. So, you will listen to the Premier in silence. The Premier.

The Hon. J.W. WEATHERILL: Madam Speaker, I have been routinely interrupted in my earlier remarks by the Leader of the Opposition, and it surprises me because I do not even think she thinks that this is the way in which we should be conducting ourselves in this place. I think she probably has been told—

Mrs Redmond interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —that somehow this is how it has to be done, we have to muscle up. I do not know what was said—

Mrs REDMOND: Point of order: on what basis is the Premier able to make comments about what I may have been told, or anything else, in addressing the question that he has put before the chamber?

The SPEAKER: I do not think there is a point of order there. You did not mention standing orders. Premier.

The Hon. J.W. WEATHERILL: I will return to the substance of this point. The substance is this: when the community looks at the way in which we seek to resolve disputes in this chamber, they are given, I think, a very poor role model for how disputes should be resolved in the balance of the community. I think that we owe it to the rest of the community to show that we can debate the big questions that face our community in a constructive way and resolve those disputes in the most constructive way possible, rather than the most destructive way possible. I make no bones about this, but I think the federal parliament has descended into probably one of the most destructive phases that I have witnessed in all of my period of observing politics.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: I think those opposite have decided to—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —use the same play book. They think that somehow by disrupting question time, by employing the tactic of escalating their interjections to the point where you, Madam Speaker, are forced to use the processes that you have available to you—that is, having a number of opportunities where you call members to order and then attempting to bring

people to order by warning them—they realise that extended process allows them to upset and destroy question time somehow in a—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! Member for Davenport, you are warned.

The Hon. J.W. WEATHERILL: —way to provide an advantage to themselves. All that is being sought here by these changes is that we give you the authority to uphold standing orders. All of the things which are the obstructive behaviour which you can act upon are, in fact, themselves already in breach of the standing orders of this house, standing orders we have all agreed to. All we are simply doing is giving you the capacity—

Mr MARSHALL: Point of order, 104: the Premier is lecturing us on standing orders. There is a very specific standing order (104) that says that all remarks should be addressed through the chair. All his remarks today have been made directly to the cameras.

The SPEAKER: Thank you, member for Norwood. The Premier is talking and he is addressing his remarks through the chair.

The Hon. J.W. WEATHERILL: All of the conduct that is complained of—the interjections, the frivolous points of order—are all matters which are contrary to standing orders, and so the capacity for you to enforce order in this house will be enhanced by these changes. These new sessional orders will strengthen your authority to deal with disorderly behaviour during question time.

Can I point out, Madam Speaker, that there is nothing revolutionary about these changes. Indeed, exactly the same procedures have existed in the House of Representatives over successive governments of both persuasions since 1994. We are putting these in place in this parliament until the next session in the hope that it will affect the conduct of proceedings in this house. It will still require those opposite to cooperate—we realise that—but we are giving you the authority to enforce, we believe, a better standard of order in this place.

I should point out that the member for Croydon put forward a similar motion in 1998 during the debate on a standing orders report. The amendment was defeated by the then Liberal government, so this is not a matter that is without precedent or has not even been considered in this place. The new sessional order will provide the Speaker with a disciplinary procedure of lesser gravity but of greater speed of operation. It will be a means of reducing a source of disorder rather than as a punishment, enabling a situation to be diffused quickly without disrupting proceedings to a great extent.

I will also briefly mention the time limit on the four-minute answers to questions. This limit will apply in respect of answers to both government and opposition questions. Under this proposed provision, the Speaker will have the discretion to extend time if a minister is interrupted. We recognise that one of the complaints of those opposite is that sometimes the answers go on for longer than they feel is appropriate. Hopefully, that will assist in reducing some of the unrest of those opposite.

As I mentioned in my first ministerial statement last year, we should all make a commitment to focus on debate about policy, about—

Mrs Redmond interjecting:

The SPEAKER: Leader of the Opposition, you are warned. You will have an opportunity to speak later if you wish.

The Hon. J.W. WEATHERILL: I will leave my remarks there and reserve myself a few moments to respond to that which might flow from those opposite.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (11:13): Let us make no mistake: this is the jackboot of tyranny on the throat of democracy. This is what one would expect if—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: —visiting the parliament in Zimbabwe. This is what happens—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: —in every tyranny across the planet: the opposition is silenced. The opposition is silenced by tyranny, and that is what this is about. Let me come back to the beginning. This is a new Premier who has preached bipartisanship, yet he chose to ambush the opposition yesterday and this morning.

I understand that the Premier and his government actually consulted with the member for Fisher but did not consult with the opposition or the other Independents. He did not consult with us, notwithstanding this has been a plan of attack upon the opposition and upon this parliament by this Premier since the day he first rose in this place as the Premier. He on that occasion talked about behaviour as so robust; robust question time was something that did not occur under the Westminster system.

We work in a form of government known as responsible government. Why is it called responsible government? Because the ministers—the executive government—are responsible to the house. How are they responsible to the house? Through question time. That is the only time they are responsible to the house. They are only responsible to the house if they answer questions.

If time permits, I will give some examples of why question time becomes unruly. It is not because the opposition does not want to participate in question time: it is because the government and the ministers do not want to be responsible to the house. They do not want to participate in question time, because that is where they are held accountable. That is where they are held accountable to the people of South Australia—by being responsible to the house.

Under the previous premier, the opposition was guaranteed 10 questions per question time. Since the new Premier has sat in the chair, that regime has gone. One might ask why. Maybe the Premier recognises that he has a very weak front bench and he does not want them to be subject to 10 questions each question time. Under the previous premier, if we ran short of the 10 questions, he would extend question time. I argue that that might be one way of appeasing the opposition and keeping the level of noise and interjection slightly lower.

Another way might be by the Premier instructing his ministers to do what he said he would do on the first day he stood up in this place as Premier, that is, to answer serious questions with serious answers. I will now give an example. Yesterday, the last question asked by my colleague, the member for Kavel, in question time concerned mainly young South Australians who have gone out and worked hard to improve themselves and be qualified in a trade. He asked the minister responsible why were we being told that it was taking months and months for the qualifications of these young South Australians to be recognised through the licensing system administered by this minister. It was a very important question, a serious question. Did we get a serious answer? No.

The minister knew about this question a fortnight before, and he claimed, by way of an answer, that he could not answer it because he was not given the details. Why did he not go back to his department and say, 'What the hell is going on?'—because he did not want to answer the question because it was going to embarrass him. That is why the opposition gets a bit rowdy during question time.

In the last sitting week—the sitting week the government claims brought this on—the minister responsible for manufacturing, small business, energy and trade was asked a Dorothy Dixer. He entered straight into a tirade of debate against the opposition. Question time is not about debate, because it is one-sided. If you are going to have a debate, both sides have to enter into it. That is why the opposition gets rowdy during question time: because the government ministers enter into debate.

On that particular occasion, I rose to call a point of order no less than seven times, I think, over a period of some minutes. Eventually, Madam Speaker, you sat the minister down. If the minister had been sat down—as per standing order 98—the first time I raised the matter, it would not have been a problem.

The SPEAKER: Member for MacKillop, I think you are reflecting on my position as Speaker; you are reflecting on a decision made by me. I ask you to withdraw that.

Mr WILLIAMS: Madam Speaker, with all due deference, I in fact said that you made the decision at the end of my raising it a number of times.

The SPEAKER: The implication was there that I should have done it earlier. I ask you to withdraw that.

Mr WILLIAMS: Madam Speaker, if I reflected on you then I certainly withdraw it. However, and with all due deference, any opposition in the world would only countenance this sort of measure if there were a truly independent Speaker. The reality is that in this parliament the Speaker has a partisan allegiance to the government benches; that is the reality. I have been a student of human nature for many years, and I know that—

The Hon. P.F. CONLON: Point of order.

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

The Hon. P.F. CONLON: I ask you to consider whether the statement that you have partisan allegiance is a reflection on you as Speaker.

The SPEAKER: I will allow that comment to pass at the moment. I think the member is reflecting in general; however, I will listen very carefully. You will not reflect on the Speaker.

Mr WILLIAMS: Thank you, Madam Speaker. I point out to the Leader of Government Business that in the parent parliament, in Westminster, the Speaker leaves the party room. They do not enter the party room of the party they come from. That is the sort of thing that, as a very minimum, should be considered before we even take this measure.

This state achieved responsible government—and I have already talked about that—in 1857, many years ago. Not one premier in all those years needed the protection of applying the jackboot to the throat of the opposition; not one premier needed the protection because he had such a weak front bench that he needed to put the jackboot on the throat of the opposition. That is what this is about. Let's not fall for this nonsense that limiting questions to four minutes has anything to do with this. The Premier at any time could say to his ministers, 'Enough of this nonsense, enough of these 10-minute answers to Dorothy Dixers. Four minutes is all you're going to get and I don't want you to go over that.'

Mrs Redmond: In fact, he could say, 'Let's not have Dorothy Dixers.'

Mr WILLIAMS: That's right; he could indeed say, 'Let's not have Dorothy Dixers.' That would improve question time. There are a significant number of improvements that could be made to question time in this place, and that is one of them. However, as my leader points out, the most important thing about question time is accountability: it is about ministers giving serious answers to serious questions.

The Premier suggested that if we ask a question that might have some political connotation it should be ruled out of order. Goodness gracious, Madam Speaker! If we ask a question about the fiasco down at the tourist information centre, maybe that has some political connotation. Maybe we should be banned from asking those sorts of questions. The escape of 25 per cent of the inmates at the Cavan correction centre would have some political implications, I would have thought; the Premier would have this house believe that the opposition should not be allowed to ask questions about that.

I have never seen such a pathetic proposal put forward. I can count, the opposition can count, and we understand that the government is going to roll this through, but I say to the government: do not expect cooperation from the opposition from this moment forward. This is a dastardly thing you are doing not to the opposition but to the people we represent—and that is the people of South Australia.

Not one serious question is asked on behalf of the people of South Australia by backbenchers of the government, posed as Dorothy Dixers, not one. They are there for the self-aggrandisement of the ministers. That is what Dorothy Dixers are about. It is only the opposition that holds the government of the day to account, and all you want to do is throttle us. This is a disgrace and, Premier, you will go down in history as the only premier in this state in 157 years who needed the protection of applying the jackboot to the throat of the opposition.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (11:25): All we are simply asking those opposite to do is to abide by standing orders. That is—

Members interjecting:

The SPEAKER: Order! Point of order.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: I am somewhat disturbed, Madam Speaker, that it seems that the Premier is reflecting on you, and suggesting that you are not upholding the standing orders of the house.

Members interjecting:

The SPEAKER: Order! That is a nonsense. Premier.

The Hon. J.W. WEATHERILL: Frivolous points of order, such as the ones we have just heard, are precisely the sort of things we are seeking to guard against. I actually do believe that governments are stronger when you have strong oppositions. I think the—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —quality of debate in this place will assist us to be a better government. I think there are people on your side of the house who do not have confidence in the way in which you are seeking to promote this campaign of disruption in relation to the parliament. I think it is obvious by the looks on their faces when they see the way in which you conduct yourself during question time.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Precisely, I can. Madam Speaker, can I say this—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —when you want to fill the air with noise and fake laughter, it is just a demonstration that you have nothing positive to offer for the people of South Australia. That is what this chamber should be about. It should be about a debate of ideas about—

Mr Pederick: It should be about getting answers.

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —the future of South Australia and I will not rest until—

Members interjecting:

The SPEAKER: Order!

Mr Marshall interjecting:

The SPEAKER: Order! Members on my left, I cannot hear the Premier. This is about standing orders. You will listen in silence. Premier, have you finished? Thank you.

The house divided on the motion:

AYES (26)

Atkinson, M.J.	Bedford, F.E.	Bettison. Z.L.
Bignell, L.W.	Brock, G.G.	Caica, P.
Close, S.E.	Conlon, P.F.	Fox, C.C.
Geraghty, R.K.	Hill, J.D.	Kenyon, T.R.
Key, S.W.	Koutsantonis, A.	O'Brien, M.F.
Odenwalder, L.K.	Pegler, D.W.	Piccolo, T.
Portolesi, G.	Rankine, J.M.	Rau, J.R.
Sibbons, A.L.	Snelling, J.J.	Thompson, M.G.
Vlahos, L.A.	Weatherill, J.W. (teller)	

NOES (17)

Chapman, V.A.	Evans, I.F.	Gardner, J.A.W.
Goldsworthy, M.R.	Griffiths, S.P.	Hamilton-Smith, M.L.J.
Marshall, S.S.	McFetridge, D.	Pederick, A.S.
Pengilly, M.	Pisoni, D.G.	Redmond, I.M. (teller)
Treloar, P.A.	van Holst Pellekaan, D.C.	Venning, I.H.
Whetstone, T.J.	Williams, M.R.	

PAIRS (2)

Wright, M.J.	Sanderson, R.

Majority of 9 for the ayes.

Motion thus carried.

STATUTES AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL

Adjourned debate on second reading.

(Continued from 15 February 2012.)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (11:38): By way of clarification, because two bills are serious and organised crime related legislation, it might be helpful for all of us to get our language clear. As I understand it, we are dealing with item No. 2 on the *Notice Paper*—and I think the member for Bragg and I are on the same spot about that presently—which basically we have been referring to as the 'offences bill'. Item No. 3 on the list, which we are not dealing with now, contains the amendments to the serious and organised crime legislation, which we call the 'control bill'.

Even though I understand it is called Statutes Amendment (Serious and Organised Crime) Bill 2012, it is item 2 and is what we are calling the 'offences bill', for the sake of differentiation from the other one, as the names are very similar and there could be confusion otherwise. As I and the member for Bragg understand it, we are on offences.

The SPEAKER: I understand we are on item No. 2; is that your understanding, member for Bragg?

Ms Chapman: Correct.

The SPEAKER: Which is what you have named the 'offences bill'?

Ms Chapman: Which is what we are calling the 'offences bill'. In the government business program issued for the week, it is actually described as the 'serious and organised crime—offences bill', but we are talking about item No. 2.

The SPEAKER: Yes, we are all on the same page. We will get the show on the road.

Ms CHAPMAN (Bragg) (11:39): I rise to speak on the serious and organised crime bill, which is item No. 2. I indicate that the opposition will be supporting the second reading of the bill. We are giving notice that there will be amendment considerations between the houses of parliament. It is our objective, however, that the progress of this matter through this house not be delayed, the reasons for which I will identify in due course, and I will outline some of the areas of concern we have which may culminate in an amendment. There may well be other speakers from the opposition. Of course, anyone is entitled to speak on these bills; we are not in the business of crushing discussion or debate on this important matter. But the opposition at least is mindful of the importance of progressing some of this legislation, given the enormous gestation period it has had.

Can I say at the outset that the opposition is disappointed at best—concerned, certainly—about the progress and how the government has handled quite a serious matter, namely, serious and organised crime in this state. It is true to say that crime networks of any kind, particularly when serious criminal activity follows, are indeed a cancer on our society, but they do need a customised, targeted response. The concern we particularly have is not just the legislative process the government has undertaken to deal with this and where it has been aborted by the intervention of High Court decisions and, of course, the challenges that have come about that process, but also the worsening situation for our state, which appears to be the case, given their strategy of management of this issue of organised crime.

Our objective as an opposition, as it has always been, is that, on the understanding that there is a problem, that there is a risk and that there is a danger and an issue in the community, no matter how badly the government handles it, and has handled it to date, we work with the government to try to repair that strategy, get it on track, and insist ultimately, with amendments, that we end up, at least in the legislative management of this issue, with intervention that actually

works and is effective and at least in part addresses the mantra of the government, which espouses the desire to deal with this matter effectively. We will not allow legislation to pass through this parliament in total without there being some comprehensive assessment of the legislation and making sure that we do not end up as we did with the SOCA mark I legislation.

To facilitate a thorough but, we would suggest, expeditious as possible scrutiny of this legislation, the Liberals has established an anti-gangs task force (that task force has been convened and, indeed, convened as early as this morning) to take written and oral submissions from key stakeholders that will inform the Liberal Party's position. The members of that task force are the opposition's shadow attorney-general (Hon. Stephen Wade), the shadow minister for police (the member for Morphett) and myself in my role not as shadow minister but as the opposition spokesperson in the House of Assembly on law and order matters. The opposition task force has not only invited a broad group of stakeholders to contribute their submissions but has also commenced the receiving of submissions, oral and written, this morning, by one of those.

That will take place in the early part of next week; that is the plan for receiving further submissions. Evidence, of course, is not given on oath, as we know, but the stakeholders will not only be invited to provide an open and frank contribution to assist us in our deliberations but they will also be given the opportunity to present material confidentially to us, which, of course, we will respect.

We hope the program will then allow the legislation, with amendments, to be considered in the March sittings of the Legislative Council. I have no control over what happens in the Legislative Council; however, I have had an indication from the lead speaker (our shadow attorney) that they will use their best endeavours to deal with any consideration, including amendments, as expeditiously as possible, that being subject, of course, to their having a reasonable level of scrutiny of the bill.

In general, the opposition's intention is that there will be no delay on our part. We are as keen as we were back in 2009, after we had the first High Court challenge to legislation that had previously passed through the parliament in the High Court. We are as keen as ever to have at least the legislative strategy remedied. I understand further that the government has advised that there are no applications for declarations that are ready for submission to a court or ultimately to a nominated judge under this legislation that we will be dealing with that are ready to go. In any event, the regulations required to operate the legislation are not yet drafted.

I just want to make it absolutely clear that, whilst we will be as expeditious as possible, with the qualification of scrutiny, with the passage of this package of legislation through the parliament, it is important to understand that, as best we understand, there is no waiting application pending in the wings. The government does not have something that will be delayed because of the passage of this bill, and as we understand it we still do not even have draft regulations. There can be no criticism of the opposition. There is no basis upon which there will be any scintilla of support for an allegation by the government that there is any delay on the part of opposition and, therefore, it is holding up the commencement of cases to prosecute under this tranche of legislation.

We are further advised by South Australia Police that, in their estimation, there are five criminal organisations in South Australia that would be eligible for declaration. I think it was described as 'only' five; probably five is bad enough. Who these five are is pretty much well known. We are talking about what are colloquially known as the 'bikie gangs' in South Australia. To this extent, it is some comfort that we are receiving advice from the South Australian police that, as we speak, a myriad of other groups of organised crime have not mushroomed or developed here in South Australia. It is also of some comfort to know that there are no more or less than there were a few years ago, when this legislation hit a hurdle—a fatal hurdle—in the High Court.

Those criminal organisations are there and, on current estimates as we understand from the South Australian police, if this legislation is successful it may take years for the declarations to be prepared, submitted and made. That may not be right; it may be that this is a much quicker process, and other law enforcement agencies may that have a different view on that; maybe the Attorney-General also has a different view.

On this package of legislation that we are considering now, even if it transpires that there are amendments, I think it is accepted that the preparation of the work to present a case for a declaration will largely be done by the South Australian police. I think it will be their preliminary work that needs to be considered even to start a case or establish sufficient preliminary work to prepare a declaration. On that basis, it is reasonable that we as an opposition, and I think

parliament generally, relies on what the police tell us; that is, it could be some years before they would be in a position to progress an application for a declaration.

We also understand that the government is considering further amendments, and I note that, on a bill we will deal with later—what we are generally referring to as the 'control bill'—there is a tabled amendment in respect of review of the operation. I have not received any other amendments from the government; during the course of discussions, there has been some indication that there may be some others. If there are, we look forward to receiving them; however, if they are not provided today, then it may be difficult for us to give an indication as to whether we will be accepting them in another place. As I have indicated, we will be progressing this through our house, and we hope that, if the government has any other amendments, it tables them today so that we can attend to that.

I think it is also important that we understand that, in the legislation before us, as a general rule (and again, I am speaking in respect of both pieces of legislation, that is, the offences and control bills) over the last 10 years the government rhetoric which has been thrust out in the media—usually subsequent to events that have caused fear and anxiety for members of the public, and sometimes serious injury or death to alleged members of organised crime, and are unsettling, unnerving and worrying to the community—and the government's strategy has been to announce all sorts of reviews and legislative reform with a commitment to addressing these matters in a strong way. Usually, this is to support their presentation to the public that they are on the case and they are going to deal with it and be effective and crush this threat to the community.

Some of it is no doubt designed to give the public some reassurance that something is going to be done. Some of it, of course, would be to conceal the embarrassment of the government that the situation yet again explodes into a dangerous event. However, largely, it is to conceal the embarrassment of the government in their failure to have actually dealt with this matter.

In a matter of days, it will be the 10th anniversary of this government. In that 10 years, the situation of organised crime, or, in particular, the gangs that we have referred to, has deteriorated substantially. Firstly, there are more members in these identified gangs. In the three years since the first SOCA—that is the SOCA mach 2 legislation—outlaw motorcycle gang membership is up 10 per cent. We have gone from 250 members, apparently, to 274 members. Whilst we have not, apparently, got any more gangs or organised crime groups that might come under the scrutiny of this legislation in due course, we have certainly got more members.

We also have the transformation of one of the gangs—that is the New Boyz street gang that has transformed into the Comancheros. Sadly, we have no fewer bikie fortresses. Recently, I was inspecting a transport and infrastructure project in the northern suburbs. It was a very interesting project and I will not, of course, dwell on that today. However, after that inspection I travelled past the street where the Hells Angels establishment is there emblazoned with flags. They have the usual barbed wire around a high fence and so on. There are high fences, security cameras brazenly there in the clear light of day.

The flag was flying with the big insignias on the front. It is sort of like a rather poor taste motel. It is all advertised and proudly displayed. After 10 years of this government they are still there. They still have a big high fence there. They are still operating. They still have a big fortress. So, all of the rhetoric we had from the previous premier and Attorney-General about how they were going to—it was a bit like a 'fight them on the beaches' speech from the former premier when, election after election during his reign, he would promise to get rid of the fortresses and break down the walls. He was going to fight the bikies and bring peace and harmony to every household. Of course, that has not happened.

Also in the last 10 years—I think the public understand this very clearly—whatever internal controls we have had over the management of the members of some of these gangs, the situation has become more dangerous. Somehow or other our current enforcement procedures have become weaker or, alternatively, these people have become a whole lot smarter and diverse in their activities, or more bold in what they attempt in a public way. However, what we have seen as members of the community is bolder and more risky behaviour out in the public.

The classic example of this is dangerous behaviour between alleged motorcycle gang members—shootings, stabbings—behaviour which, to a large degree, historically, has not been out in the streets and in the public arena where others are exposed to the risk. The idea that members of the public have not been in the fray as such no longer exists. There is now more public and more risky behaviour, tragically, in circumstances where occasionally innocent people have been hurt. In

the past 10 years something has gone terribly wrong, all this rhetoric has not worked and we now have innocent people in the fray.

Not surprisingly, we have more fear. Assessments have been done on this—some are academic, some are statistical data collection (surveys) and some are just those who contact talkback radio—but most members of this house understand from talking to people in their own electorates the level of fear people have when walking around locally at night, and that that has heightened rather than lessened. The government's promises of protection and of ridding the community of these insidious cultural crime networks have not placated that. Even if it has put it out there, the public does not believe it and, as a result, there is even more fear in the community.

The other aspect, notwithstanding the crime rate statistics often quoted by the government that in certain select areas there has been a reduction from one year to another, tragically, the South Australian homicide rate is the equal highest of any state. Far be it from a situation where the government would have us believe that its strategy and the crackdown on crime has resulted in a diminishing number of serious crimes in this state. Whilst it cherrypicks certain offences that have reduced from one year to the next, the reality is that homicide—which, clearly, has to be one of the worst and most serious felonies—is the equal highest of any state.

Recently, in another debate, I raised a concern about the number of homicides in the 2010 year being 37. This is quite high even relative to what we have had in the past. It is fair to say that the majority of them were committed by men and in about a third of the cases the alleged offender had been known to the victim—they were either a spouse, a partner, an ex-partner, a friend or a relative of some kind—which is concerning in itself. According to the data for the preceding year, a third of our murders are committed by people known to each other.

Historically, in this state, as a general rule, the majority of our murders have been committed in-house, if I can put it that way, by people who know each other: husbands killing wives, wives killing husbands, children killing a parent, and the like.

Notwithstanding the fact that the government has not addressed that issue—and that is a matter for debate on other legislation and for other forums—there has been an extra number of homicides by strangers to the victim. It would not be unreasonable to presume from that that, if the organised crime in this state is increasing in number of members and if there are no fewer fortresses and no impediment to their criminal activity by legislation or prosecution under current laws, then there is a reasonable expectation that the increased number of homicides could be related back to organised crime.

I do not think anyone would accept for a moment that the Focarelli death earlier this year and the injury to the victim's father, who subsequently went to prison, was some domestic dispute or accidental death or injury. Clearly, the public understand that the origins of that type of public shooting are in organised crime. We may be wrong; the case is still being investigated. I do not know that anyone has been charged with that unlawful death at this time but I think the public can be sure that that is not in our usual type of unlawful death in this state. We are now moving into an era where it is dangerous, not just in domestic circumstances but also in the streets, where we are exposed to those who want to have a war with members of other gangs or, alternatively, unresponsive or uncooperative victims of organised crime; that is, those victims who might be resisting an extortion attempt by a member of a criminal gang and become a victim as a result.

The Director of Public Prosecutions, Mr Stephen Pallaras QC, has recently made some comment about this situation over the last 10 years. He made it very clear that the phrase 'get tough' means absolutely nothing. It means making a lot of noise, but what we have to do is 'get effective'. He is someone who has been brought in by this government, replacing Mr Rofe QC as our director of public prosecutions. It is an agency within our whole law enforcement area which is independent and which deals with the most serious crimes in this state—the prosecution of them, particularly. He would clearly see what is coming through in files and case load in his department and be concerned about what is happening. I think it is reasonable that we rely on his assessment, given his experience and that he is very close to the action at this high level of crime in this state and its prosecution.

The other thing that is coupled with this is the government's rhetoric and strategy in dealing with this problem. It is focused in direct response to events that happen in the community or to the breakouts that bring into the public the existence of these criminal gangs. What is happening alongside that is a large area of crime that is going unnoticed, and I want to touch on this for a moment.

I was recently looking at some statistics of the people in this state who are currently charged with murder. There is a number at any one time, of course, awaiting trial to have their case heard. The prosecution may still be preparing the case and it gets adjourned, and so on, but, for whatever reason, at any one time, there is a number of people awaiting trial for murder. Although we do not have a big sign on the particulars of a case or of a defendant and whether they are a suspected motorcycle gang member or a member of an organised crime gang, it seems to me that, as we speak, we have this situation in South Australia where the government's strategy in dealing with organised crime has failed to the extent that there may be only a very few people who are actually suspected organised crime members who are currently charged with murder and that we actually have more children in this state charged with murder than people who are identified in organised crime.

I get very concerned every time I pick up the paper or hear on a news bulletin that someone has been killed, whether they are in a car accident or there has been some other intervention, and it is a non natural death; and I am sure other members do. But, it absolutely sickens me when I hear a news report where the offender or offenders are children, where the alleged murderers are children, sometimes killing other children. Yesterday, we dealt with a piece of legislation concerning a 2008 incident in Grenfell Street where one 14 year old stabbed to death another 14 year old. Just a few weeks ago, we had a 15-year-old boy in court who was sentenced for a significant nonparole period, which I cannot quite remember now, on a life sentence for the murder of a 63 or 64-year-old woman.

We have a number of these cases, and children are now lining up in the docks in our courts and they are not members of motorcycle gangs, as best we know. These are children, for goodness sake who, ordinarily, under our laws would be in school; who, ordinarily, would be expected to have the support of their parents; and who, ordinarily, would be expected to be captured, not slip through the net of our families and community services, to make sure that they have a happy, healthy and productive life, not be languishing in children's youth facilities (otherwise, our children's prisons) awaiting trial for murder.

That is not acceptable to me. It shocks me that we now have a number of children who are awaiting trial for murder, not just in what I would call historical cases where there has been an incident in a family situation where there has been protection of a family member and someone has been killed by a child, but in circumstances where they are out in the street perpetrating murder on other young people or older people, usually the more vulnerable ones in the community, and they are now awaiting those charges.

While the government has been out there screaming from the rooftops about what it is going to do about organised crime, we have very few from those crime gangs who are actually sitting in docks awaiting trial for serious offences. We have an alarming number of children involved. I think it is time that the government understood how seriously it has dropped the ball in other areas and deal with these issues—not to be critical for attempting to deal with these but for being out there carrying on at large about how effective it has been when it has been demonstrably unsuccessful, and meanwhile the very people in our community whom we should be trying to protect—our children—are out there either as victims of serious crime or now perpetrating serious crime, including the most foul charges of homicide and murder.

I do despair at the government's approach on this. I am going to be considering the more specifics of the direct bill that we are talking about today. It is a little hard to separate the offences bill from the control bill (and we are going to be dealing with these consecutively), but the government has in its consultation on this presented in fact three bills; however, we are considering the two bills as part of a package that went out for consultation.

A number of submissions have been received, and, as I understand it, notwithstanding the government's obstruction since the ascension of the current Attorney-General on the provision of submissions to the opposition on other bills (and it has been quite difficult for the opposition to then be able to properly scrutinise and debate prior bills), in this instance I place on the record my appreciation—and I hope that he is listening to this—of the publication of submissions that were made on this package of bills on the website.

I hope that is the beginning of the dawn of a new era of openness and transparency by the Attorney-General and that, as he approaches his two-year anniversary as Attorney-General, he has now seen a new light on the horizon, that he is now reformed and he is going to make sure that this is a precedent for his future conduct in ensuring that all parties—not just the opposition, but all parties—via the internet at least have access to these submissions so that they can meaningfully

contribute to the debate, instruct and advise us, and, of course, be able to make a contribution to make it work. Well done to the Attorney. We will see how long it lasts on other bills, but I would encourage him with this compliment—rare as I give them—for him to be enthused enough in the future to keep up the good work.

Of the submissions, a number came in from interstate attorneys-general, and I will be asking some questions about others that may have been consulted. They were most interesting because members would be aware that there are other jurisdictions waiting in line to see how we might progress this situation in South Australia, or alternatively they have taken up other models. They have decided, following South Australia having led them into an abyss in the High Court, to restructure their own models and are progressing in a manner slightly differently. However, it is fair to say that the type of legislation we are dealing with is novel to the extent that it is really only in the last five or six years that we have had this type of legislation under debate and consideration, so it is important that we are in touch with what they are doing.

There was also a very important submission, I thought, from the Legal Services Commission of South Australia. Members would be aware that the Legal Services Commission is a body that provides legal services to certain litigants, some in the federal jurisdiction and some in the state jurisdiction. Not surprisingly, it receives funding from both state and federal governments because of that, and there are narrow areas of litigation at which they are entitled to have representation.

Under state law, largely this is available for criminal cases. There is a very narrow opportunity in some civil matters, but largely it is to be able to ensure that litigants are not prejudiced and not excluded from or denied justice in having representation in criminal cases in relation to the state jurisdiction, so they have a very significant role in providing legal representation for defendants in the state.

Some may say, 'Well, this is really going to be outside their area of work because this legislation is going to go after those gangs, who must have plenty of money, and they will be able to find their own lawyers and won't need to have representation.' However, it is fair to say that the Legal Services Commission understands that the issue of control orders—in particular, under the new legislation—will place extra financial burden on the commission's resources, and their understanding is that funding has been approved for the financial year 2011-12 in the amount of $325,000. The plea from the Legal Services Commission is that there be continuation of funding for that.

They do make some observations about the use of the Supreme Court jurisdiction rather than the Magistrates Court jurisdiction and the avenue of having an appeal process to the Full Court. It seems that largely their concern about that is twofold: one is that it is an expensive, superior court, and the process of appeal will of course be accordingly more expensive as well, and that is obviously going to attract a cost; the other, and I think more important concern, is that that court under this proposed legislation will have, in circumstances, the capacity to inform itself 'as it sees fit' which, in criminal cases, is certainly very novel.

It is not unique but it is novel, to the extent that that capacity and opportunity to ignore some of the rules of evidence has had its place quite appropriately in some civil litigation and special cases for certain witnesses and the like but, generally, there are good reasons for a high standard of evidentiary material being maintained in criminal cases.

I am not going to go through them in detail, but they have very considerable concerns about what is generally perceived as the whole tranche of this legislation as being contrary to the civil liberties, in flagrant disregard of rules of natural justice, etc. I am paraphrasing their position on that, but generally they take that view. They have the usual concerns about the use of hearsay, the use of criminal intelligence, making control orders ex parte, etc.

They raise a number of concerns, some of which we will be picking up as opposition, but it is fair to say that we do accept, and hence will be supporting the second reading passage of this bill, that crime networks and outlaw motorcycle gangs, whatever you want to call them, are a serious problem for our state.

Whilst the government have dropped the ball on it in their strategy of addressing it, we do say it is necessary for us to have a new level, a new era, a new approach, that is deserved of special circumstance. We are not going to simply allow a carte blanche disregard for all of the rules, but we do accept the fundamental principle that the whole law enforcement, including our criminal law, is simply not adequate to be able to have any serious impact on the gangs.

Meanwhile, as Adelaide has shootings happening in it, we have awaited legislation. Probably that is one of the reasons that the public are so frustrated by the government's extraordinary delay in bringing this legislation back. After the High Court decision on the question of excluding judicial determination of matters—that is, effectively going to require the judiciary to automatically undertake an executive position, which of course they ruled as out of order—the opposition said to the previous attorney-general, 'Look, come back in and let's resolve this in the parliament. Let's sort this out. If this is clearly going to not cut the custard as far as it goes with the High Court—'

An honourable member: 'Cut the mustard'.

Ms CHAPMAN: —this is a new one—'then we need to deal with it.' But he would not do it. Four months later, we had an election, of course, but ever willingly we were to call back the parliament and get this resolved, ever helpful that we are.

Now, of course in 2011 there was a further decision in New South Wales—I will not go through the whole of the detail; the Attorney has referred to these in his second reading—in which the High Court also said on legislation of a similar vein, 'Look, this is also defective because we cannot have these orders being made without reasons being given.' I hope in my summary of that I have not butchered the High Court's very extensive deliberations of judgement but, in essence, we have had no adequate judicial determination, we have had no reasons, and we have had a problem.

We are here in 2012, after we have had another shooting, with haste being employed upon us to get this legislation under way. It just concerns me that if the government were really serious about this, even if they were to argue that, 'In hindsight, as it turned out, we may as well have waited for the second High Court decision anyway before we dealt with some of this,' the reality is that they have had plenty of opportunity to put this out for consultation, back in 2009, and have this matter dealt with. Then, of course, post-March 2010, with the new post-era of Atkinson, we had a new regime that could have moved this along considerably. However, it seems it took another shooting before the government was suddenly galvanised into moving this forward.

The Hon. M.J. Atkinson: No, it was another High Court decision.

Ms CHAPMAN: I will be asking a few questions about the costs on that when we get down there. In any event, the Legal Services Commission was quite concerned about a number of aspects. I will refer to the fact that it also raised—and not a lot of others raised this—the question of the presumption against bail. The commission is particularly affected by this, and I say that because the people it is going to be representing, I am assuming, do not have any money or have no disclosed assets and, therefore—

The Hon. J.R. Rau: That's not the people we're talking about.

Ms CHAPMAN: That is right. We have been through that, but some of these others who may suggest that they need representation are the ones who need to be able to prepare for trial, and if there is a presumption against bail and the defendant is in custody, then the Legal Services Commission is somewhat impeded in its representation because it becomes more costly to represent that party. So, not surprisingly, it is concerned about that.

The commission also raised the idea of having the revocation of bail based on the feelings of victims and other persons—which is reasonable because it adds to this very general approach that has come in—because it does remove the objectivity of the judges in these instances to make decisions that will lack certainty as a result. If you introduce an element of taking into account the victim's feelings on these it does—

The Hon. J.R. Rau: Risk, not feelings.

Ms CHAPMAN: If it is to be an objective risk assessment of whether the victim is going to be exposed to some intimidation or approach, or even assault, and that there is a genuine fear, then that is an objective assessment. They can hear evidence or statements from the prosecutor identifying where the risk is—that there may be some intimidation or worse towards a victim—but that is an entirely different matter. However, remember that the presumption against bail puts the onus back on the defendant to raise it.

I make the point that the Legal Services Commission has expressed its concern about accessibility and extra cost, but also a level of uncertainty comes into the application of the bail

revocation applications even when giving advice. Again, that is an area which, not surprisingly, is of concern to the commission.

I now turn to the joint submission provided by the Law Society of South Australia and the South Australian Bar Association. I place on the record my appreciation—and I am sure that the Attorney does, too—to Mr Ralph Bönig, President of the Law Society, and Mr Mark Livesey, who was president of the Bar Association at the time, who provided a comprehensive submission.

Although there has been, in the past, a level of disrespect towards these organisations by prior attorneys-general, I think that the current Attorney would agree that these are important legal bodies that do provide assistance to us here in the parliament and provide—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: I warn the member for Croydon of the new powers of the Speaker.

Ms CHAPMAN: I hear some chirping noise in the background from the other side, and I make it clear that it is not from the Attorney: it is from some former ghost of the past, who—

The Hon. M.J. ATKINSON: Point of order.

The DEPUTY SPEAKER: There is a point of order. Member for Bragg, please resume your seat. Member for Croydon.

The Hon. M.J. ATKINSON: When a member is canvassing the merits of an organisation, it would be appropriate to declare whether he or she is a member of that organisation.

The DEPUTY SPEAKER: Member for Bragg.

Ms CHAPMAN: I am glad that the member for Croydon has come in to give me advice on potential conflicts of interests. I am pleased he has raised that but, as I was just opening on this matter, I do intend to proudly confirm that I am a member of the South Australian Bar Association, and have been for 10 years, and, prior to that, a member of the Law Society of South Australia for about 20 years—a proud member.

The DEPUTY SPEAKER: Thirty years?

Ms CHAPMAN: Total.

The Hon. J.R. Rau interjecting:

The DEPUTY SPEAKER: That is the point I was trying to make.

Ms CHAPMAN: I thank the former attorney-general for his usual inane interruption, but on this occasion it is to remind me to tell the house of that interest.

The DEPUTY SPEAKER: Member for Bragg, there is no need for those comments.

Ms CHAPMAN: As I was saying, former attorneys-general have not had a very respectful relationship with these organisations, but I know that the current Attorney has a different approach. Although it quite often seems as though he does not take a lot of notice of what they say, at least we have not had as much aggressive public dismissal of those who attempt to represent these organisations as best they can to put forward good law reform and development in this state.

In their joint submission—and I particularly refer now to what we are calling the offences bill—the Law Society of South Australia and the South Australian Bar Association identify aggravated offences. During the luncheon adjournment, I will find a schedule that will help me more quickly summarise as to where the government has picked up some of the recommendations of these two bodies. However, in respect of the whole notion of aggravated offences, on the amendments to the Controlled Substances Act 1984—and in particular section 43(1)—they state:

> We express concern that the newly created aggravated offences are not in fact an aggregated version of the basic offence. The definition of aggravated offence includes offending which does not relate to an organisation as such.

They go on to state:

> The difference in maximum penalty between the basic and aggravated offences is substantial and cannot be justified for the many offences falling within the aggravated offence definition.

They provide examples, but in particular they point out the definition of who may form a criminal group which, under the definition, is to consist of at least two people being captured in the definition

of 'criminal organisation'. Therefore, their concern is that if two people get together for a criminal purpose within that meaning, they can be liable to substantially greater penalties.

They say that the expansive definition of 'criminal organisation' will capture a greater percentage of offenders who are not part of an organisation. In their recommendation they also highlight that the definition of 'criminal organisation' should be limited to organisations in the definition in section 3 of the Serious and Organised Crime Control Act 2008. This would then exclude at aggravated offences the multitude of offences that are routinely planned or committed by more than one individual.

The width of the definition is also raised on a second aspect, in that they suggest that this is effectively a deeming provision. In particular, they say:

> A person is taken to have committed an aggravated offence if he or she displays a tattoo or wears clothing identifying a criminal organisation. There may be no connection whatsoever to the organisation; however, the offender will be taken to have committed the aggravated offence and be exposed to a much greater penalty unless the offender provides otherwise.

Here the discharge of burden of proof may be difficult, and their recommendation is that aggravated offences should not be established by a deeming provision, with the onus of proof to the contrary on the accused. They say:

> The risk of miscarriage of justice is too great to so determine circumstances of aggravation. It is otherwise unfair for the accused to carry the burden of proving that he or she should not be found guilty of the greater offence.

The second area that they deal with is the excessive sentences on participation in the criminal organisation. Under section 83E they suggest that the maximum penalties there would be manifestly excessive, and they say:

> Each of the penalties appears to be highly disproportionate to many offences to which they apply.

They further point out:

> Mere participation in a criminal organisation attracts a maximum penalty of 15 years if it contributes to any criminal activity, no matter how minor.

They give some very helpful examples of the differences that would apply in these circumstances. For common assault the maximum penalty is two years, but if you are part of a criminal organisation it will be 20 years' imprisonment. For property damage, which currently has a maximum penalty of 10 years' imprisonment, and for threatened property damage, which is five years; under these new rules if you are part of a criminal organisation and you do exactly the same thing you would have 20 years' imprisonment for both.

Assault on a public officer is a serious offence and currently has a maximum penalty of seven years, but if you are in a criminal organisation and do exactly the same thing you get 25 years. So, according to the Law Society, we are introducing a manifestly excessive difference simply as a result of being a person who is in a criminal organisation, which, they highlight, is so broad and will capture so many that it will be unjust and unfair.

It is important to remember that this is particularly dangerous because the removal of discretion in sentencing is also part of this bill.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: On section 83E(5), the Law Society says, 'This provision removes the discretion of sentencing court to impose concurrent sentences.'

The Hon. J.R. Rau: It is hardly mandatory sentencing.

Ms CHAPMAN: The Attorney says it is hardly mandatory sentencing; not in the sense that we understand of mandatory time frames. That has been set in maximums. What is mandatory for the judge, in these circumstances, if this passes, is that there will be no capacity to impose a concurrent sentence. In doing that, the Law Society and the South Australian Bar Association—and this is nothing new for them—have often indicated that the principles of sentencing are well settled and are able to be applied to ensure a just outcome. Judges do not need to be directed by this legislation. They cannot allow for concurrent sentencing. Again, all this does is increase the risk of unfairness in the sentencing process. We have a broad application capturing potentially innocent people and we have a manifestly excessive regime. If you do happen to be called into that group, the judiciary has reduced discretion in the sentencing.

The Attorney has made statements publicly—and I think it is the tenor of some of his statements in his second reading speech, although that seems to be a little more disciplined—that people will be warned, they know, they do the crime, if they are going to be tied up with these groups, then they will pay the price. Again, I paraphrase his rampant public statements on talkback radio and the like.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: Rampant. The reality is that greater legal minds than his and mine will have looked at these and will understand that it is important to target those who we are really trying to address here. However, to go forward with a piece of legislation, having received the advice of how dangerous that would be, and for it to be so broad that you end up capturing people in the community who may have done the wrong thing and who will be labelled as being complicit in some organisation rather than simply being an accessory or in a joint venture, we then create a dangerous situation for abuse of this legislation for those who should not be captured by it and, who, clearly the government says it is not trying to capture.

We also place an unfair disparity in the sentencing that will apply, and we further restrict judges in being able to remedy injustice. Part of the idea of having some discretion in sentencing is always to ensure that judges can take into account the particular circumstances of cases and, if they felt that there had been an aggravation—

The DEPUTY SPEAKER: Point of order.

The Hon. J.R. RAU: Thank you, Mr Deputy Speaker. I do not want to interrupt the honourable member's flow because I know she is in her rhythm at the moment, but I think there may be a point of relevance here, and I have raised this simply from this point of view: my understanding of what the honourable member is saying is that she acknowledges that we have consulted with a large number of people and, as a result of that, there has been an amendment to the legislation. Indeed, Mr Bönig recently said that, by and large, they thought it was now fine, and again I paraphrase.

I am just wondering, because I am puzzled, whether the critique that the honourable member is running over the legislation is the critique that was applied to the original draft bills as opposed to some later comment of which I am not aware that is applied to these bills that are before the parliament. If the critique is referring to draft bills, with respect to the learned honourable member (I think that is an appropriate title, or honourable learned member), I think it is not relevant because that point in time has been superseded by those matters being taken into account by me and other people who worked on the legislation.

The DEPUTY SPEAKER: As much as I may agree with your sentiments, honourable Attorney-General, I do not think there is a point of order because you will have an opportunity in your closing statements to correct the member's digressions.

The Hon. J.R. RAU: Thank you, Mr Deputy Speaker, but it will help me to understand what she is saying if she could just help me a little bit on that.

The DEPUTY SPEAKER: It would probably benefit all of us. We can only pray. Member for Bragg, you have the floor.

Ms CHAPMAN: I did indicate, on referring to the submission by the Law Society, that some of these may have been taken up by the government in the draft that is now before us; that was acknowledged, so I am sorry you did not hear that. I indicated that my summary of those few things they have picked up is not currently before me and that during the luncheon adjournment I would find it and put on the record what you have actually complied with in relation to listening to their advice.

The Hon. J.R. Rau: I thought you were saying we had it wrong.

Ms CHAPMAN: You certainly had it wrong, that's for sure.

The DEPUTY SPEAKER: Member for Bragg, you do not have to actually use your time until 1 o'clock if you do not want to.

Ms CHAPMAN: I have a number of other topics to raise, but I am just trying to identify whether it would be more helpful to the parliament if I do so in the control bill, which is to follow, than in this bill.

The Hon. J.R. Rau: I can address this one in the next few minutes and then we can do the control one after.

Ms CHAPMAN: I think that is probably easier.

The DEPUTY SPEAKER: Notice how seriously the Attorney-General is taking your serious comments?

Ms CHAPMAN: Yes, I think I will raise all other matters in the control bill. On that basis, I indicate that I would like to move to the committee stage.

Dr McFETRIDGE (Morphett) (12:52): I will not take long, as I understand the Attorney is keen to wrap up this bill before lunch. As the shadow minister for police, I want to make some points about this legislation. Let us hope that we do not see the legal minds in South Australia and other places do what they did to the previous attempts by this government to control outlaw motorcycle gangs and others involved in serious crime.

The need for control of outlaw motorcycle gangs and others involved in serious crime in South Australia is one I am well aware of, having had three briefings from SAPOL. It is disappointing that the former premier, despite his grandstanding and threatening to bulldoze bikie fortresses, achieved so little in the 10 years that he was in government.

Even in my own electorate, down at Glenelg North we had a drive-by shooting. The owner of that house said it was mistaken identity, and I have no reason not to believe that man. The fact that people feel they can drive around the place and just shoot bullets willy-nilly is turning Adelaide into Dodge City, and we need to make sure that is never, ever able to continue, whether it is under this government or the Liberal government in 2014.

The need to have tough legislation is important. I stand by the fact that I have said in the past that we need tough legislation but, not being a lawyer, I should have used the term the DPP used, that is, 'effective legislation'. If legislation is not effective, it cannot be tough, so it has to be effective, and effective legislation is what we are trying to achieve in this place today. I support the opposition's urging of the government to make sure that this legislation is what everybody wants—that is, to have legislation that is effective in controlling serious and organised crime.

We cannot go through endless legal battles. These bikies and others seem to have very deep pockets and very clever lawyers. We cannot keep going through the endless legal battles we have seen in the past. The penalties in this legislation have been ramped up significantly, but it does not seem to be the penalties that deter these people—they seem to live in a parallel universe, where they are unconcerned by going to gaol or by penalties. The chance of getting caught, as for any criminal, is a serious deterrent, so we need to ensure we are supporting SAPOL by having legislation that is effective.

The Firearms Act is a powerful piece of legislation. People say, 'Well, why don't you just use the legislation like the Firearms Act?' Once again there are issues there with firearms prevention orders, issues with bail and so many other issues. I am not a lawyer, but the police have told me they have a number of issues with the current legislation, so the changes in this legislation to the Bail Act, where there is a presumption against bail, is a good thing, as is the Australian Crime Commission involvement with the powers to coerce people to give evidence.

We see all the time the code of silence. It is ridiculous that they can sit there, shut up and say nothing, yet we are unable to act, unable to enforce the law and allow South Australians to live in complete safety. The Controlled Substances Act: increasing the penalties significantly and making sure the main source of income for these bikies and other groups, which we all know is drugs, is something we can all get on top of and it is very important.

One of the biggest things we have to overcome with these bikies is the intimidation and fear, so the Evidence Act is being changed so that evidence can be taken and people's identities can be protected, because we know these people have long arms and seem to have feelers out everywhere and are able to intimidate witnesses. The police evidence given to both the shadow Attorney-General, the member for Bragg, myself and the Leader of the Opposition is that the bikies and others involved in serious crime can achieve what they want through fear and intimidation. It has to stop and stop now and this legislation hopefully will go some way towards doing that.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (12:57): As always, I thank the member for Bragg and the member for Morphett for their contributions. If I am permitted to do so, I

give high points to the member for Morphett because, as I listen to him, he seems to be more on the same page as the government, the police and the Director of Public Prosecutions whereas, unless I am reading the tea leaves incorrectly, my learned friend, the member for Bragg, appears to be channelling my other very good friend, the Hon. Sandra Kanck, formerly of another place, so that is an issue.

I start by thanking the member for Bragg for her kind words. They do not fall from her lips often, and when they do it is to be treasured and I will cut out the page from *Hansard* when I receive it tomorrow; it will be framed and I might ask the honourable member if she would not mind signing it as a memento.

I was thrilled to hear about the task force. I am not sure whether that sits in the hierarchy above a working party or a steering committee, but it clearly has some gravitas. I am wondering whether, to be entirely consistent with the honourable member's repeated requests of me and the government that we reveal all our submissions online, I assume the task force will be posting on the Liberal Party website all submissions made to it by the various people to whom the task force is addressing their interest and concern. I look forward to seeing that, and I will keep a tab on the honourable member and her task force in the same way she has been keeping a tab on me in respect of the revelation of these matters.

Ms Bedford interjecting:

The Hon. J.R. RAU: It's a bit like that, yes—following closely I think I would rather say. As is often the case—and I will probably have to seek leave to continue my remarks shortly: that will leave everyone hanging, won't it?

Mrs Geraghty: About now.

The Hon. J.R. RAU: About now. You will have to wait until later to hear the rest of this, unfortunately. I seek leave to continue my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 13:00 to 14:00]

VISITORS

The SPEAKER: I draw honourable members attention to the presence in the gallery of Ms Martha McEvoy, who is the Consular and Cultural Attaché to the Embassy of Ireland. Welcome.

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

ADELAIDE SYMPHONY ORCHESTRA

In reply to **Mrs REDMOND (Heysen—Leader of the Opposition)** (26 October 2010) (Estimates Committee A).

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised:

The Adelaide Symphony Orchestra's operating grant for 2008-09 was $2,594,000. This included one-off funding to enable the orchestra to undertake its tour to the United States in January 2009 to participate in Australia Week 2009 (G'day USA), as well as a final Reserves Incentive Scheme payment provided under tri-partite funding arrangements with the Australia Council for the Arts. The orchestra's base funding for that year was $1,812,000.

In 2009-10, the orchestra received funding of $1,867,000.

SALMONELLA OUTBREAK

In reply to **Dr McFETRIDGE (Morphett)** (10 March 2011) (First Session).

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I am advised:

Proceedings have been received and a defence has been filed.

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Adelaide Oval Redevelopment Report 1 July 2011 to 31 December 2011
[Ordered to be published]

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

Health Advisory Council—Public and Environmental Health Annual Report 2010-11
Public and Environmental Health in South Australia, The State of—Report

TRADING HOURS

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:03): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: The vibrancy of our city centre is critical to our sense of ourselves and to how we project our region to the world. I have committed that one of the seven key priorities for this government is creating a vibrant city. This week, the government will introduce legislation which will open up our central business district to public holiday shop trading on all but Good Friday, Christmas Day and ANZAC Day morning. As we have seen on Proclamation Day and Australia Day, opening up the CBD to shop trading brings the city alive on those days. For instance, approximately 130,000 people came to the CBD on 27 December, and $17 million was generated in retail sales.

The legislation leaves unaltered the shop trading provisions applying to the suburbs in Adelaide. This fits with our understanding of the people of Adelaide, who want a vibrant, open, heart of the city, but want to preserve the best of our quiet, family-friendly neighbourhoods. By doing so, the legislation protects our local businesses like our independent supermarkets, our convenience stores and their suppliers, from the pressures we see interstate of the dominant players, Coles and Woolworths. There is no doubt that one of the reasons we have the strongest independent supermarket sector in Australia, and a strong produce sector, is that the government has stood strongly against the total deregulation for which the big players and their supporters have lobbied.

The legislation also provides for two part-day holidays from 5pm to 12pm on Christmas Eve and New Year's Eve. This recognises that these are precious times, like some other special times during the year, for workers to spend with their families and friends. People who are working on these nights while the rest of us are enjoying ourselves should be compensated for it.

The legislation is a package. It is a package because it represents a great strength of South Australia—parties coming together in a spirit of compromise to resolve a longstanding issue. It is a package because it represents all that is good about the South Australian lifestyle: vibrancy in the city centre, quieter neighbourhoods, strong local businesses and protection of those special times to share with friends and families.

It is also a package because it will settle once and for all this issue of shop trading deregulation, particularly as it affects the suburbs. Those local businesses will be protected. This is not just the government's commitment, it is the political reality that will be brought about by the historic compromise. There will no longer be any significant constituency seeking broader deregulation.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: That is why this package has the broad support of a genuine coalition, not one of a narrow group of self-interested employer organisations, but one of employer groups, business organisations and businesses—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —local government, unions and people who share with us a vision for the future of our city which gives life to the centre and protects what we love about our suburbs.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:07): I bring up the second report of the committee, entitled Subordinate Legislation.

Report received.

Mr SIBBONS: I bring up the third report of the committee, entitled Subordinate Legislation.

Report received and read.

PARLIAMENTARY STANDARDS

The SPEAKER (14:08): Earlier today we changed our sessional orders. However, I am prepared to give some leniency today. The provisions are there. Members on my left will remember that. There are also still provisions in the standing orders for people to be named, and you will keep that in mind also.

Mrs Redmond: What about them?

The SPEAKER: Members on my right are very aware; I have already consulted with them and told them the same.

Members interjecting:

The SPEAKER: I have told them the same, so we will have some order in the place today.

Mrs REDMOND: Madam Speaker, as a point of clarification, can I ask how it is that the government got a separate notification from the opposition in open parliament?

The SPEAKER: Because I was in a meeting at lunchtime with some of my colleagues. It happens in this place. I am sure you all had meetings with your colleagues also. It was not about standing orders or anything else, but I did mention to them that today these new provisions have come in and everyone in this place needs to be aware of it. There is no hidden agenda in any comments I have made to members.

Mrs REDMOND: Madam Speaker, as a further point of clarification; I am still confused as to why the members on this side of the house get told of the new order and not the members on the other side of the house.

The SPEAKER: Well then, Leader of the Opposition, I think perhaps you should reflect on your behaviour over the last couple of weeks.

Members interjecting:

The SPEAKER: Order!

QUESTION TIME

SCHOOL VIOLENCE AND BULLYING

Mrs REDMOND (Heysen—Leader of the Opposition) (14:10): My question is to the Minister for Education and Child Development. Following the bashing of a student at Birdwood High School, why weren't the police called, as recommended in the Cossey report, which was commissioned after the Craigmore High School bashing?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:10): I thank the Leader of the Opposition for this question, which is a very important question. I have to say, Madam Speaker, we take this matter very seriously, which is why the government did commission the Cossey review. It has been made clear, since the conclusion of that review—and I made it clear the other day on the Leon Byner program—that Birdwood High School should have contacted the police.

I was very clear about that, but the other thing I have to be clear about is the fact that the policy is a good one, and the policy is that there is an expectation—I have made it very clear, the leadership in my department has made it very clear—that police are contacted. My agency has been meeting with site leaders to ensure that the policy is complied with. What we are dealing with

here—and I have to say, it is a tragedy; parents drop off their children at school and expect their children to be picked up from school safe and sound.

We also have to acknowledge that our school communities don't breed violence and bullying, they don't breed violence and bullying, and we are dealing with a thousand sites, and with children; it makes it very complex. But I have been very clear: the police weren't called and they should have been.

Members interjecting:

The SPEAKER: Order! Member for Light.

MINING INDUSTRY

Mr PICCOLO (Light) (14:12): My question is to the Premier. Can the Premier inform the house about the development of the mining industry in South Australia and its benefits for South Australian workers and their families?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:12): I thank the member for this important question, and I note that the growth of mining and the associated industries with it has meant that your home city of Whyalla, Madam Speaker, has enjoyed the largest fall of unemployment of any comparable region in Australia, from 12.5 per cent to 5.2 per cent between the years 2003 to 2010, which is a remarkable testament to the effect that this industry and its associated industries are having on South Australia.

The number of mines, of course, has increased from four to more than 20 in over the past decade, and just last week I had the privilege of opening the new Hillgrove Resources mining venture at Kanmantoo in the Adelaide Hills. Over the weekend, I visited four other mine sites in the north of the state, all of which are engaged in major new development on top of their existing operations.

I think that is something that we need to remember. We talk about these four mines that have grown to 20-odd, but three of those four mines are substantially increasing their existing operations: OZ Minerals at Prominent Hill, OneSteel at the Middleback Ranges, the Beverley mine site and, of course, Olympic Dam.

The OZ Minerals operation at Prominent Hill is expanding, and about to start extracting its new underground development, the Ankata deposit, as well as opening a new very promising deposit at Carrapateena. OneSteel is transforming itself from (as the name might suggest) a steel producer into a very substantial mining enterprise. It already is a mining enterprise, but is going to double its iron ore—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —production over the next four years. I visited the Beverley uranium mine, which is on the cusp of development of its new Four Mile mine, considered to be one of the most significant uranium deposits discovered anywhere in the world, because of its richness, in the last 25 years. I visited Olympic Dam and, of course, we all know that this, when it gets the go-ahead, will be the world's biggest open-cut mine, with jobs for many thousands of South Australians.

These changes, though, are transforming the lives of individual South Australians. I had the privilege of meeting a young woman, who is a farmer's daughter on the Yorke Peninsula. She used to drive the truck around the family farm there. She is now driving a truck that would have trouble fitting into this chamber and doing a fantastic job at it. We have seen young people from the APY lands taken through pre-employment programs at Prominent Hill and guaranteed work in the mine.

We are also seeing the benefits of the mining boom extending far beyond the mine sites themselves, to suppliers and their employees. Just last week we opened up and expanded the Osmoflo plant, together with the member for Taylor, out there in Burton. It is a fantastic new factory, which is providing great benefits. We are seeing Santos take advantage of the work there to deliver its fantastic desal opportunities. But these opportunities will not fall into our lap; we have to grasp them. We will make sure that this mining boom benefits all South Australians as we develop these fantastic opportunities.

SCHOOL VIOLENCE AND BULLYING

Mrs REDMOND (Heysen—Leader of the Opposition) (14:16): My question is again to the Minister for Education and Child Development. Why did it take the minister's office nearly two weeks to contact the Birdwood High School bashing victim's family, that contact being only an acknowledgement of the father's email and only after the opposition raised it in the media?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:16): We have sought to make contact with Mr Miller—

Mrs Redmond: Be careful, he is here.

The Hon. G. PORTOLESI: Well, that's fine, and I am very happy to meet with him after question time. I am available to do that. As I said, I take very, very seriously the reports and the experiences of his son. We did receive Mr Miller's email. We took that seriously. Of course—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —at the time that it was being received we were seeking advice and it was being investigated. I have to quote from Mr Miller's email, when he said—and I think he is very reasonable; I haven't met him, but I am looking forward to it—'I visited Birdwood High School today and, despite some minor issues, I believe that they have carried out the appropriate procedure as it stands.'

I have to say, I apologise to Mr Miller: the school should have called the police. They should have called the police. The policy says they should have; they did not. I am very, very disappointed about that.

Members interjecting:

The SPEAKER: Order!

INDEPENDENT COMMISSION AGAINST CORRUPTION

The Hon. M.J. WRIGHT (Lee) (14:17): My question is to the Attorney-General. Can the Attorney-General update the house on progress to establish an Independent Commission Against Corruption in South Australia?

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:18): I thank the honourable member for his question. This is a good opportunity for me to update the parliament on where we are up to in relation to this. The government—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: The government announced last year that South Australia would have an Independent Commission Against Corruption and an Office of Public Integrity to act as a one-stop-shop for all public integrity complaints. I am pleased to announce that Mr James Hartnett has been appointed to the position of project director, with a brief to steer the establishment of the office of the ICAC and OPI.

Mr Hartnett is a highly capable individual with extensive experience in delivering technically complex and sensitive services to government. His previous roles include the Director of the South Australian Legal Services Commission, the Chief Executive Officer of the County Court of Victoria and the Victorian Public Transport Ombudsman. Most recently, he was General Manager of Plenary Conventions, overseeing the $1.4 billion Melbourne Convention Centre development project.

Mr Hartnett has significant experience in the justice system. He is admitted as a legal practitioner in South Australia and Victoria. He has taken up his role this week and will lead the establishment of the ICAC and OPI offices (both which were announced last year) with a budget of $32 million over five years.

The next step is for the ICAC bill to be introduced to the parliament. Only after the bill has been passed can we move to appoint the independent commissioner who will lead both the ICAC and the OPI. I am pleased to advise the house that drafting of the ICAC bill is nearing completion, and I am hoping to introduce it to parliament within the next month. The bill is the result of extensive consultation which dates back to 2010 when a discussion paper was publicly circulated.

Under the model supported by the government, the ICAC will be a powerful investigative body with complete independence from the government. The OPI—also overseen by the independent commissioner—will receive and forward complaints to the appropriate agencies, such as the police and the Ombudsman. The independent commissioner will decide which complaints should be investigated by the ICAC. The ICAC will be powerful, effective and truly independent, and this week marks an important new step towards its establishment.

SCHOOL VIOLENCE AND BULLYING

Mrs REDMOND (Heysen—Leader of the Opposition) (14:20): My question is to the Minister for Education and Child Development. Given that the Cossey report recommends support for school bashing victims, why has the Birdwood High School bashing victim received no support, leaving him unable to return to school even though the alleged attacker is back at school; and perhaps the minister could also tell the house when she tried to make contact with the victim's family?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:21): We sought to make contact with Mr Miller yesterday.

Members interjecting:

The Hon. G. PORTOLESI: This is not a laughing matter, Madam Speaker. We sought to make contact with Mr Miller directly yesterday. Of course, I am absolutely concerned about the welfare of Mr Miller's son, the victim, as well as how we manage the other student—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —who has perpetrated the violence. I can assure you that I give my commitment to this place that we will get to the bottom of what has gone on, but, more importantly, we will seek to do our very best to support Mr Miller and his child, the school and the families involved.

FLEET SA

Mr SIBBONS (Mitchell) (14:22): My question is to the Minister for Finance. Can the minister inform the house of the benefits of the government's decision to introduce Holden Cruze vehicles into the South Australian fleet?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (14:22): I thank the member for Mitchell for the question, and I know that the member for Mitchell has had a longstanding association with the automotive industry in South Australia. I am pleased to inform the house that more than 1,000 Holden Cruze vehicles have now been purchased or ordered for the government fleet, and, by the end of August, there will be 1,163 Cruze motor vehicles in our fleet.

The switch to small four-cylinder vehicles will save the government an estimated $3.9 million a year in leasing, fuel and operating costs. The environmental benefits are also considerable in that, based on this number of 1,163 Cruze vehicles, there will be an estimated annual saving of 790 tonnes in carbon dioxide emissions. This is a small but important contribution towards achieving the South Australian Strategic Plan target of reducing the state's greenhouse gas emissions by 40 per cent of 1990 levels by the year 2050.

I am pleased to inform the house that there are now more than 4,000 Holden vehicles in the fleet worth a total of $120 million. There are also an additional 1,000 new Holden vehicles on order with a total value of $27 million.

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: In 2011 the Holden Cruze was the fifth highest selling car in Australia and the only locally-manufactured small vehicle in the nation. I am advised that the two-

litre diesel manual Cruze is the most fuel-efficient car made in Australia with a fuel economy of 5.6 litres per 100 kilometres.

Australian consumers are increasingly switching to driving small cars for economic and environmental reasons, and it is entirely appropriate that the government adopts the same logic for its vehicle purchases. The production—this is important—of the Cruze in South Australia was made possible by the co-investment of $149 billion by the federal government and $30 million by the state government.

This funding allowed Holden to introduce a second and separate production line for Cruze at Elizabeth, additional to the Commodore line. This new line has led to a substantial increase in production capacity and has incorporated the use of more advanced manufacturing technology. The addition of a second line has helped reinforce the long-term sustainability of motor vehicle manufacturing in this state and has been enthusiastically welcomed by Holden workers and their families, and I know that from first-hand contact with these families.

The co-investment by the state and federal governments allows the local car industry to reposition itself to focus on the future of small and greener cars. Not only does this investment benefit Holden, but it also supports component manufacturers and South Australian workers in Adelaide's north. By supporting GM Holden through the purchase of the Holden Cruze, we are supporting Holden's presence in South Australia because we cannot build an advanced manufacturing state if our existing capacities disappear.

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: The death of manufacturing in South Australia would be devastating for the state, given 40 per cent of the economy is reliant on this sector. That is why we have identified advanced manufacturing as one of our seven primary areas of focus for action. The addition of more than 1,000 Cruze vehicles into the government fleet demonstrates the government's confidence in local car making while at the same time generating cost savings for taxpayers.

Mr Gardner interjecting:

The SPEAKER: Your time has expired. I don't need your help, member for Morialta; I do have a clock in front of me.

Members interjecting:

The SPEAKER: Order!

Ms Chapman interjecting:

The SPEAKER: Order! Member for Bragg, you hide behind the member for Waite there and shout out across the floor. I will not remove you yet, but—

Members interjecting:

The SPEAKER: Order! There is too much background noise. The member for Unley.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

Mr PISONI (Unley) (14:27): Thank you, Madam Speaker. It is clear the first breach of standing orders came from the government side. My question is to the Minister for Education and Child Development. Will the minister confirm that newly graduated teachers are moderating or changing student grades of the new SACE, awarded by veteran teachers of 30 years' experience, and that some teachers are moderating SACE grades outside of their specialist field?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:28): I thank the member for this question which, of course, goes to the matter of the new SACE. I have learnt, Madam Speaker, not to automatically accept everything it is that the member for Unley—

Members interjecting:

The SPEAKER: Order! Point of order.

Mr WILLIAMS: Point of order, Madam Speaker: surely it is against standing orders for the minister to begin her response to a question by reflecting on the motive behind the question, and basically calling the questioner a liar.

The SPEAKER: When you can quote me the standing order then I will take your point of order.

Mr WILLIAMS: It is standing order 98 that says that the minister, in answering, should address the subject of the question.

The SPEAKER: Thank you, you've made your point. The minister can answer as she chooses; however, I will follow the relevance.

The Hon. G. PORTOLESI: Thank you, Madam Speaker. It is a well-known fact that the member for Unley doesn't let the fact get in the way of the question—

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Clearly, standing order 127—

The SPEAKER: Order! The member will sit down. You will not shout out at me. If you choose that I will close question time. You have a point of order, member for Unley?

Mr PISONI: Thank you, Madam Speaker. Clearly, the minister is in breach of standing order 127, which states:

Digression; personal reflections on Members

A Member may not:

1. digress from the subject matter of any question under discussion;
2. or impute improper motives to any other Member;

The SPEAKER: Thank you.

Mr PISONI: I ask that it be withdrawn, Madam Speaker.

The SPEAKER: Thank you. I would ask the minister to be very careful in her wording and withdraw that.

The Hon. G. PORTOLESI: I withdraw that. The issue of—

Mr PISONI: Point of order, Madam Speaker. Withdrawal and apology, please.

The SPEAKER: The comment has been withdrawn. The minister does not have to apologise.

Members interjecting:

The SPEAKER: Order! You have asked a question. Give the minister the courtesy of listening to her response.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: The issue of the moderation is a complex one. It is an issue that a number of schools are grappling with as a result of the new SACE. I do take that matter seriously. It is an important issue and, in fact, the member for Unley had a meeting just recently with the head of the SACE Board and Mr Bill Cossey, who is leading the evaluation of the SACE, and I would imagine that he in fact asked Mr Cossey this very question.

Members interjecting:

The SPEAKER: Order! Point of order, the Minister For Transport.

The Hon. P.F. CONLON: The member for Unley, being a stickler for standing orders, should know that he should not yell across the chamber.

The SPEAKER: Thank you, minister, and I uphold that.

The Hon. G. PORTOLESI: I expect that this will be one of the issues that will come up in the evaluation. It is an important issue and if the member has specific examples he would like me to ask the SACE Board to follow up, I am very happy to do that.

ACTIVE CLUB PROGRAM

Mr ODENWALDER (Little Para) (14:31): My question is to the Minister for Recreation and Sport. Minister, how is the Active Club Program helping to support community-based sport and recreation groups?

Members interjecting:

The SPEAKER: Order!

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:32): I thank the member for Little Para for this question. He has a very keen interest in his local sporting groups and is a very strong representative of them, and I am very pleased to work with him in his electorate supporting those community clubs.

The Active Club Program is a fantastic opportunity for sport and recreation organisations to obtain financial assistance to strengthen their clubs and create active communities. In fact, it is one of the major ways that the state government is able to help grassroots clubs financially and make sure communities have the facilities and equipment they need to encourage healthy, active involvement in sport.

I am happy to report to the house that, following the last round of Active Club grant applications, I have approved funding totalling more than $1.2 million to benefit 211 regional and metropolitan organisations representing a wide range of recreation and sporting activities. Among these were a variety of fantastic projects such as: facility upgrades for Cleve District Bowling Club, Keith Golf Club and the Findon Skid Kids; new lights for the Mallala Netball Club and Cumberland United Women's Football Club; new surfaces for the Crystal Brook and Sheidow Park cricket clubs; and crucial sports equipment for Waikerie Hockey Club, Port Elliot Cricket Club and Enfield City Soccer Club.

More than $22 million in Active Club funds have now been distributed to over 4,000 grassroots organisations since 2002, providing an enormous boost to recreation and sporting activities throughout the state. As part of our strong commitment to supporting grassroots sports, the Active Club Program was an important part of our recent review of the grants administered by the Office for Recreation and Sport which was completed in December.

I am happy to advise that following this review, Active Club will benefit from a simplified application process while maintaining a total budget of $2.35 million and a notional allocation of $50,000 over two rounds for each state electorate. The first round will open next month for applications for facility projects as well as programs and equipment. A second round later in the year will provide a further opportunity for clubs to apply for programs and equipment with a streamlined 'tick and flick' application, designed to save club volunteers time and make the process as simple as possible.

I am also pleased to advise the house today that the first round of the Active Club Program for 2012 will open on 3 March and close in late April. I will write to all members informing them of this and would urge them to encourage all eligible groups in their electorate to apply.

ST MICHAEL'S COLLEGE

Mr PISONI (Unley) (14:34): I look forward to the next lizard race meeting.

The SPEAKER: Order!

Mr PISONI: My question is to the Minister for Education and Child Development. What action has the minister taken after the Ombudsman ruled that the SACE Board had acted 'contrary to the law' when addressing the process and marking grievances raised by St Michael's Catholic college?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:34): I thank the member for this question. I actually undertook quite a bit of activity as a result of this issue, including meeting with St Michael's and, again, this is the point I was trying to make earlier. I don't have any information in relation to this in front of me, but the Ombudsman made two

findings: one was positive for the SACE Board and one was negative, and that was the one that the member for Unley refers to. I met with the SACE Board also in relation to this matter—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: I am aware that the issue of moderation is an issue that a number of schools are grappling with. It is also an issue that the SACE Board is grappling with, and I look forward to the member's submission to the SACE evaluation in relation to this matter.

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Point of order: the Premier promised that serious questions would be given serious answers. The minister has admitted that she is aware of this situation, yet she is not sharing it with the house.

The SPEAKER: Minister, did you want to add something?

The Hon. G. PORTOLESI: It was very clear that there were two activities as a result of this issue. I met with the school, and the school—they can check for themselves—walked away, I believe, very happy from the meeting—

Mr Pisoni: Why did they ring me, then?

The SPEAKER: Order, member for Unley!

The Hon. G. PORTOLESI: —and I also met with the SACE Board to discuss that issue in particular, as well as the issue from a policy perspective more broadly.

The SPEAKER: Thank you. I think the question was answered.

Members interjecting:

The SPEAKER: Order! If members want to chat amongst themselves, go out into the refreshment room. The member for Ashford.

CLIPSAL 500

The Hon. S.W. KEY (Ashford) (14:36): My question is directed to the Minister for Transport Services. Minister, you may be surprised at me asking you this question, but I would like you to inform the house about how the state government is assisting the Clipsal 500 racegoers with travelling to the event this weekend.

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:37): Thank you, and I acknowledge the member for Ashford's great and continuing interest in motorsport of all sorts, especially ones with bicycles.

Ms Chapman interjecting:

The Hon. C.C. FOX: Yes, green motorsport. As we all know, the Clipsal race kicks off this weekend and what we are trying to do—

Members interjecting:

The Hon. C.C. FOX: Is that when you are going to the function?

Members interjecting:

The SPEAKER: Order! A question has been asked, and the minister will answer the question.

The Hon. C.C. FOX: The race kicks off this weekend, and we want to make it as stress free as possible for those who are trying to go there. We do know for a fact that driving your car into the city during this time is quite difficult, and I am sure those in the eastern suburbs are particularly aware of certain issues. What we are encouraging racegoers to do is to take your—

Members interjecting:

The SPEAKER: Order! I can't hear the minister. I know you are probably excited about the car race, and you are all dying to go, but please let the minister answer the question.

The Hon. C.C. FOX: By showing your entry tickets to the Clipsal, you will be able to get free transport in and out of the city. This is going to make quite a big difference to those people going to the race and, indeed, to the quality of the city itself. As the member for Adelaide I am sure knows, it can get quite squashy at this time of year.

Ms Chapman interjecting:

The SPEAKER: Order, member for Bragg!

The Hon. C.C. FOX: We will be providing extra capacity as well on all the train lines, and we will also have extra tram services. The Clipsal people themselves—and I should point out that it is not the state government, it is Clipsal, and we are grateful to them—will be providing a free shuttle bus during this time which will be moving people around the city from race points to the actual centre of the city. We are very proud to be doing this. We would like to get as many people into our energetic city as we can, and I urge all of those, including the member for Ashford, keen motorist that she is, to get on the bus, get on the train, get on the tram, and enjoy the race.

OVERSEAS TRADE OFFICES

Mr MARSHALL (Norwood) (14:40): My question is to the Minister for Manufacturing, Innovation and Trade. Why do South Australia's trade offices in Chile and Vietnam remain unstaffed? What trade opportunities have been missed by having the Santiago office unstaffed for the past nine months?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:40): I think that the opposition are a bit confused about the role of trade offices. The state government is—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The state government makes no apologies for the approach it has taken to trade representation. I think the days of having highly paid offices open up all around the world are well behind us. I think the establishment of overseas offices focuses on major economic growth in emerging markets such as China, India, South America and South-East Asia.

Mr Marshall interjecting:

The SPEAKER: Order! Member for Norwood, stop yelling across the chamber.

The Hon. A. KOUTSANTONIS: He is very excited, ma'am. ABS statistics show that South Australia's exports, during this period that the member for Norwood is talking about, hit an all-time high of $12 billion in 2011. This growth rate of 29 per cent is the highest in the nation.

Mr Marshall interjecting:

The SPEAKER: Order! Member for Norwood, you will be the first person to take a walk if you are not careful.

The Hon. A. KOUTSANTONIS: He will be missed, ma'am, by all of us.

The Hon. P.F. Conlon interjecting:

The Hon. A. KOUTSANTONIS: He is the future. He is the only one we fear. Efficiencies have been achieved by locating representatives within Austrade offices. The current vacancies in Santiago, Chile and Ho Chi Minh City, Vietnam are due to staff moving on to other roles. While the state government-funded positions in Santiago and Ho Chi Minh City are vacant, Austrade continues to provide its service. I know this is shocking for the Liberal Party of South Australia, but we are part of a federation. We are a subnational jurisdiction and we use the offices of the federal government—

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Very successfully.

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Yes. Where South Australia does not have an office or a dedicated resource (North America is an example), South Australian exporters can utilise Austrade's arrangements in those regions. I think it is important that we maintain a presence in Chile through Austrade, and we are looking at the—

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: You would like the job, would you?

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: It is important that we raise the awareness of South Australian products in growing markets demanding these goods and offering strong economic opportunities for South Australia. There is a growing interest in Australian mining services, manufacturing and technology companies that are exporting to Latin American mining industries. South Australia and Australia are competing quite fiercely with South America in terms of mining and mining services. We are undertaking a review and we want to get that practice absolutely right. I tell you what we will not be doing. We will be taking a considered approach to this, not just shouting.

MANUFACTURING, INNOVATION, TRADE, RESOURCES AND ENERGY DEPARTMENT

Mr MARSHALL (Norwood) (14:44): My question is to the Minister for Manufacturing, Innovation and Trade. Will the minister advise the house why his department failed to pay over 10 per cent of accounts by the agreed due date, which represents a 50 per cent deterioration on his department's payment performance in the previous year?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:44): I will first of all undertake to the member to find out exactly what the accurate figure is and get back to the house with an answer.

HEALTH, ORACLE CORPORATE SYSTEM

Mr HAMILTON-SMITH (Waite) (14:44): My question is the Minister for Health, affectionately known from now on as 'Crazy John' because of the wonderful mobile phone business he is running out of the health department—but it has to do with financial matters.

The Hon. P.F. CONLON: Point of order, Madam Speaker.

The SPEAKER: Minister for Transport, I think you probably have the same point of order as I have.

The Hon. P.F. CONLON: Well, yes. It is disorderly to ask a question that way. Standing order 97 dictates how questions should be asked.

The SPEAKER: The member for Waite has been here long enough to understand that that was a very provocative question and to be very careful.

Mr HAMILTON-SMITH: Thank you, Madam Speaker. I don't know what came over me. Did the minister mislead cabinet when he presented a cabinet submission which stated that the Oracle corporate system would require an investment of $21 million when he knew the full cost would be $33.6 million and which failed to include a business case to justify the spending by cabinet?

The Hon. P.F. CONLON: I rise on a point of order. I would point out that that question contains quite a good deal of argument.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: It is standing order 97. I really wish you people would read the standing orders. It contains argument and therefore—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I think 'when he knew', 'misled the cabinet when he knew' is a substantial amount of argument. It having—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Madam Speaker, can I finish my point of order? It having been said it cannot now be withdrawn and I would ask that the Minister for Health and Ageing be given some leeway given the argument that was contained in the question.

The SPEAKER: The member for Waite.

Mr HAMILTON-SMITH: The Auditor-General describes 'inconsistencies' in the process used by the minister in this matter in his annual report ending 30 June 2011. He notes with concern the following:

> The Cabinet approval differed from State Procurement Board approvals of November 2009 and December 2009 which totalled $33.6 million.

Audit considered the minister had failed to include in his cabinet submission the whole-of-life cost for the proposal and that cabinet was therefore misinformed. The Auditor-General describes these failures as 'significant matters'.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:46): I appreciate the opportunity to explain this issue to the house because the member, and others, have been making comments about this outside of this place. If I can first go to the comments made at the beginning of the member's statement. He referred to me as 'Crazy John'. I would have thought that for someone who is the shadow minister for mental health to use that kind of language in a derogatory way at a time—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —when this state government is running an anti-destigmatisation campaign focused on trying to improve the way our community deals with people with mental health—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —he should be ashamed.

Ms Chapman interjecting:

The SPEAKER: Order, member for Bragg!

The Hon. J.D. HILL: The second point I would make—

Mrs REDMOND: I rise on a point of order. The minister is impugning an improper motive to the questioner.

The SPEAKER: I think if you reflect back to the way the question was asked—we will not go into that. Minister, could you get back to the substance of the question.

The Hon. J.D. HILL: The member opposite raised questions about mobile phones. He has not had the guts to come in here and ask a question about that because the facts on which he was making that claim are totally wrong. The other point I should make is that I cannot possibly comment on matters which are subject to cabinet confidentiality because I have taken pledges, but I can assure the house that I did not mislead cabinet. The advice, and my recollection, is that the actual value of the Oracle contract is $9.6 million, which covers five years only. That was the essence of the contract we signed with Oracle.

Members interjecting:

The Hon. J.D. HILL: I am not sure what that means, Madam Speaker. The contract was for a five-year period. It did not cover the whole length of the process because Oracle corporation policy prohibits it from contracting for periods of greater than five years. So, the matters brought before the cabinet were absolutely in keeping with the contract.

HEALTH, ORACLE CORPORATE SYSTEM

Mr HAMILTON-SMITH (Waite) (14:49): My question is again to the Minister for Health and Ageing. Why have there been so many delays in the implementation of the Oracle corporate system and what has been the full cost of that delay, including the cost of having to continue to maintain the legacy financial management systems Oracle was designed to replace? The Auditor-General, in his annual report for the year ending 30 June 2011, states:

> There is doubt about the ability of the project to be completed within the original financial approval.

The Auditor-General then says:

> Significant costs continue to be incurred and benefits remain deferred. This is due to the inability to decommission legacy systems and the unfinished implementation of full system functionality.

The Auditor-General then states that he is unable to report on the department of health and the parliament still awaits a full audit on this minister's department.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:50): I would say to the member opposite that he should distinguish between quoting from the Auditor-General and his own comments, because he led both of those things together as if the Auditor-General said them. He ended up with comments from himself at the end of his statement.

It is true, and I think the Auditor-General is correct to draw attention to this new system. The Oracle system is an integrated system to help us manage our finances in the health system. The history of health in our state is one that I am sure most members understand, but there were separate governance arrangements, separate IT systems, separate financial reporting systems, separate procurement systems, and separate industrial relations systems in place right across the health system.

Each of the health boards had their own culture, their own development, and their own structures, and what I have been trying to do under the state Health Care Plan is to bring all these systems together in an integrated way, and we go through each of them in time. As a result of that we are seeing some real improvements in the way we manage the real improvements in performance.

Introducing this new technology has been problematic. I agree with the assessment by the Auditor-General. As to the cost, I will certainly get some advice for the member in relation to that. It has taken longer and is more complex than was originally anticipated because we are having to train staff and get rid of one system and introduce another. It is taking longer; it is more difficult than was originally anticipated. It is absolutely the right thing to do and by the time it is completed it will give huge benefits to our state.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Madam Speaker, it is fair enough to ask these questions. I am happy to give all the information. I am not trying to cover anything up, but I think the mocking and the interruptions that go with it just demonstrate something about the character of those opposite.

Members interjecting:

The SPEAKER: Order!

PORT ADELAIDE

Ms CHAPMAN (Bragg) (14:52): My question is for the Minister for Transport and Infrastructure. When did the minister provide cabinet with a copy or even a summary of, and I quote, 'Optimum decision making framework and precinct level multi criteria analysis' in respect of government-owned land at the Port Adelaide waterfront, including Newport Quays, and received by the Land Management Corporation on 3 June 2010; and what is the financial exposure for taxpayers?

The SPEAKER: The Minister for Transport, I hope you understood that question.

The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:53): Come again? I actually don't really understand the import of the question. I would need to have it again, I'm sorry.

Ms Chapman: Do you want me to read it?

The SPEAKER: Member for Bragg.

Ms CHAPMAN: When did the minister provide cabinet with a copy or even a summary of, and I quote—have you got your pen ready—'Optimum decision making framework and precinct level multi criteria analysis'? It's a document. When did you provide that to cabinet, in respect of the government's own land at Port Adelaide waterfront, including Newport Quays? The Land Management Corporation received it on 3 June 2010. And what is the financial consequence of that to taxpayers?

Members interjecting:

Ms CHAPMAN: I'll let you read it. You can phone a friend—Rod Hook.

Members interjecting:

The SPEAKER: Order! Minister. I point out that the question took almost as long as the four minutes.

Ms Chapman: Under four minutes.

The SPEAKER: Minister, do you have a response?

The Hon. P.F. CONLON: Well, I would wonder why the member for Bragg believes I did present it or a summary. She obviously hasn't decided whether I presented it or a summary, but I will leave her—

Members interjecting:

The Hon. P.F. CONLON: I will leave her to ponder through that.

Members interjecting:

The Hon. P.F. CONLON: No, it was two questions; you don't understand. I will leave her to ponder through that, but I assume the member for Bragg is referring to cabinet's decision to terminate our relationship with Newport Quays.

Ms Chapman interjecting:

The Hon. P.F. CONLON: No, actually you asked a number of questions; you asked whether I—

Ms Chapman interjecting:

The Hon. P.F. CONLON: You asked when I gave them the report, or when I gave them the summary. Now, those two things aren't mutually consistent; I would like to know which one you think I did.

Ms Chapman: Either.

The Hon. P.F. CONLON: Either? So you don't know what I did? Okay—

Members interjecting:

The Hon. P.F. CONLON: Okay, and you want to know what the cost to the taxpayer is of me presenting that report or that summary. So, which one; the report or the summary?

Ms Chapman: Either.

The Hon. P.F. CONLON: I don't think it costs us anything to provide a report or a summary to cabinet.

Members interjecting:

The Hon. P.F. CONLON: No, let's be clear here: we came into this place today and the opposition complained about new standing orders—

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Point of order.

The SPEAKER: Order! Just a moment, minister. Point of order.

Mr PISONI: This is clearly debate, Madam Speaker—clearly debate. It doesn't relate to the question whatsoever.

The SPEAKER: I don't uphold that point of order.

The Hon. P.F. CONLON: With the greatest respect, Madam Speaker, you would have to be Nostradamus—

The SPEAKER: Point of order, member for Davenport.

The Hon. I.F. EVANS: Standing order 127: the minister can't digress. He is digressing from the question in regard to the cabinet document. He is seeking to talk about a debate this morning about standing orders.

Members interjecting:

The SPEAKER: I think it is within the context of the question. However, I refer you back to the substance of the question, minister.

The Hon. P.F. CONLON: I simply make the point that the opposition come here and complain about not getting answers when what has occurred today is a deliberate attempt to somehow hide whatever question it is they are trying to ask. All I would say is—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: All I would say is that you—

Members interjecting:

The Hon. P.F. CONLON: And if you particularly believe that I am a simple man, give me a simple question, and I'll answer it. What we heard today was apparently, in asking people to abide by the standing orders, was that it was the jackboot of tyranny. Can I say: more the gumboot of hyperbole.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: But I say this: if the member for Bragg believes that I gave a document to the cabinet—or a summary; whichever she believes—which caused lost cost exposure to the taxpayer, I am quite happy to hear the question in a less obscure fashion. I am a simple man; I just ask her forbearance and ask me the question in simple terms.

Members interjecting:

The SPEAKER: Order! Member for Bragg.

Ms CHAPMAN: I am happy to make it clear. He has the name of the report down there, and my question was: when—w-h-e-n—did you provide that or a summary of it to cabinet?

The Hon. P.F. CONLON: Which did I do?

Members interjecting:

The SPEAKER: Order! Minister, do you have anything further to add?

The Hon. P.F. CONLON: What I would say is, if documents were presented to cabinet and considered by cabinet—I would point out, as John Hill, the Minister for Health, pointed out earlier, we actually do not disclose what goes on in cabinet, unlike—

Ms Chapman: Julia Rudd!

The SPEAKER: Order!

The Hon. P.F. CONLON: —the habits of former governments, but if the member has a discernible question which doesn't involve a breach of cabinet confidentiality, I am more than—but I repeat this: don't come in here—

Ms Chapman interjecting:

The Hon. P.F. CONLON: Don't come into this—

Ms Chapman interjecting:

The Hon. P.F. CONLON: Don't come into this place complaining you don't get answers when you ask obscure—

The SPEAKER: Order! Point of order.

Mr WILLIAMS: If the minister is incapable of answering the question, he should just simply sit down and not abuse the opposition for asking a question which he is obviously incapable of answering.

The SPEAKER: Thank you, member for MacKillop; we don't need any more from you. Minister, have you finished answering your question?

Members interjecting:

The SPEAKER: Order! Are there any more questions? I don't appear to have any more questions. Member for Chaffey.

MURRAY-DARLING BASIN

Mr WHETSTONE (Chaffey) (15:00): My question is to the Premier. Does the Premier support the federal government's decision to resume water buybacks in the southern connected Murray-Darling Basin? The federal government's resumption of water buybacks in the southern Murray-Darling Basin is a breach of commitments given to a moratorium of buybacks until 2013 in the interests of irrigators and regional communities on the river system. This breach of trust has been roundly condemned by the state governments in New South Wales and Victoria, which have called on the federal government to direct its efforts into infrastructure improvements.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:00): The commitment that the federal government made at the last federal election was a very substantial one. It went way further than the commitment that was given by the Coalition parties, and it was a very important commitment for South Australia. Indeed, I think it might have found its way onto the front page of *The Advertiser*, so I can understand why those opposite might have missed it. It was that the federal Labor government would buy back the gap between the water that was needed to bring the River Murray to health and the present level of flows down the river. So, it was the commitment to bridge the gap, in a sense, in relation to water buybacks. That was the commitment the federal government made.

The truth is that there will be a need for us to engage in a combination of measures, whether they be the purchasing of water entitlements or the investment in infrastructure. The point South Australia has been consistently making is that the burden of adjustment should not fall on South Australia. Ninety-three per cent of the waters of the River Murray that are taken for consumptive use are taken by the upstream states. Seven per cent—

Mr Whetstone: That is not true.

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: Well, whose team are you on?

An honourable member: South Australia's.

The Hon. J.W. WEATHERILL: If you want to get onto South Australia's team, stick with the South Australian position, which is that the burden of adjustment to get a healthy river should not fall on South Australia. When I was up in the Riverland, standing next to the member for Chaffey, he pledged his commitment to take a united position with me in respect of the upstream states. I know that he has come back to town and been talked out of that by his colleagues, who are saying, 'No, stick with us, mate, because—'

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: '—this isn't playing so well.'

Members interjecting:

The SPEAKER: Order! Premier, sit down. Point of order.

Members interjecting:

The SPEAKER: Order! I will hear the—

Mr Goldsworthy interjecting:

The SPEAKER: We've got one person on their feet with a point of order. I don't need you yelling from the background, member for Kavel.

Mr WILLIAMS: Standing order 98. The Premier is clearly debating this matter, because he is struggling to understand what in the hell is going on. The question—

The SPEAKER: Thank you. You are now debating the point of order.

Mr WILLIAMS: —was about a moratorium promised by the federal government now overturned. That's what the question was about.

The SPEAKER: Thank you. You also debated the point of order. Premier, I direct you back to the substance of the question.

The Hon. J.W. WEATHERILL: Thank you, Madam Speaker, and, if I could not be interrupted by the member for Chaffey, I am happy to return to the substance. The substance is this: we need a healthy river, and that means that upstream interests are going to have to put back into the river that which they took. That is going to occur in two ways: there are going to be infrastructure improvements that release new water or there are going to be water buybacks. We support either of those mechanisms but none of them bearing the burden of adjustment on South Australia, its water users here, the cities, the industrial users or our irrigators, because we have done the right thing.

Since 1969, we have pegged our take from this river. We have consistently done the right thing by living within our means with this river. We simply ask those upstream to pay the same respect that we are paying to this river. It would assist me in those national negotiations if we had a united position and those opposite stood with me in the South Australian interest.

Members interjecting:

The SPEAKER: Order!

MURRAY-DARLING BASIN

Mrs REDMOND (Heysen—Leader of the Opposition) (15:04): As a supplementary question, is the Premier saying that the federal government didn't agree to a moratorium on water buybacks until the year 2013?

The SPEAKER: I don't think that is a supplementary question. It is a question, but—Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:04): No.

HEALTH DEPARTMENT STAFF

Mr HAMILTON-SMITH (Waite) (15:04): My question, again, is to the Minister for Health. How many—

Mr Williams interjecting:

The SPEAKER: Order! The member for MacKillop, I cannot hear your colleague.

Mr HAMILTON-SMITH: How many public sector jobs in our hospitals are to be axed, at which hospitals and when as a result of the privatisation of maintenance services to private contractor Spotless? In November 2011 parliament heard that the government intended to provide a contract extension to Spotless worth around $100 million over three years without going to a competitive tender. It is understood that discussions are being held at hospitals now by the minister and the CEO, David Swan, to discuss the job cuts, with the most recent meeting being held at Noarlunga Hospital last Friday at 12.30.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:05): Thank you, Madam Speaker, and I thank the member for this question. The facts are that the CEO of health, David Swan, and I visited Noarlunga Hospital last week to thank the staff there for the excellent work they have been doing to reach our goals in terms of health performance. A number of the workers in the facility's management section asked a series of questions. I said that I would meet with them to give them specific answers, but I will just give a broad overview.

We have, within government, an entity called the across government facilities management arrangements which are managed by the Department of Planning, Transport and Infrastructure and they provide engineering and building maintenance services and minor works across various government agencies. They do not currently cover Health. Government made a decision a little while ago to include Health.

I might point out to the member opposite that this system came into place in 1998 when the other side was the government of the day. So this scheme that the member for Waite is criticising, in fact, was a Liberal Party initiative. Our government has said, 'Okay—'

Mr WILLIAMS: Point of order, Madam Speaker. Standing order 98: the minister should not enter debate. When he said that the Liberal Party 'criticised', the Liberal Party in fact, via the shadow minister, simply asked a question about how many jobs were going to be lost.

Members interjecting:

The SPEAKER: Order! No, I do not uphold that point the order. Minister.

The Hon. J.D. HILL: Madam Speaker, I just encourage the member to have a look at the words used by the member because he said, 'is the government privatising', and words to that effect. What I was pointing out is that the scheme is a scheme that has been in place—

Mrs Redmond interjecting:

The SPEAKER: Order, Leader of the Opposition!

The Hon. J.D. HILL: —since 1998. It is not—

Mrs Redmond interjecting:

The SPEAKER: Order, Leader of the Opposition!

The Hon. J.D. HILL: It is not—

Members interjecting:

The SPEAKER: Order! Minister, could you just sit down until they go quiet so that we can hear your response. They have asked the question, they should listen.

The Hon. J.D. HILL: Thank you, Madam Speaker. It is a scheme that has been in place across other parts of government. Health is now being included in it. The services are currently delivered by two—

The Hon. I.F. Evans interjecting:

The SPEAKER: Member for Davenport, behave!

The Hon. J.D. HILL: The services are currently provided, I am have advised, by two providers: Spotless is one of them; and Building Management Facilities Services, which is a government directorate within the Department of Planning, Transport and Infrastructure. Transitional arrangement for this new process are occurring. None of the workers who are government employees who work in health at the moment will need to transfer into it if they do not want to. They will not be compelled to make changes to their government employment contracts. They can stay on the government books if they choose to; so, there are a range of ways in which they can be employed.

I have assured those workers—and I have had my office talk to them—that they would continue to be providing the services that they wanted to as government workers. So this is not a privatisation: this is adopting across health a system which was created when they were in government to provide these kinds of services across government agencies. I am very surprised that they are now criticising it, Madam Speaker.

HEALTH DEPARTMENT STAFF

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:09): Supplementary, Madam Speaker.

The SPEAKER: Supplementary.

Mr WILLIAMS: The minister in answer to the question said that none of the people currently employed doing this work would lose their jobs. Does that mean that the government is

going to employ one or other of these contractors to do this work and continue to employ the same people who have been doing the work so far and then claim this as a saving?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:10): If I can explain, and I thank the member for the question. There are two ways of doing it: there is Spotless and the government agency. Both could provide the service. The workers could choose to work with Spotless if they wanted to. I understand that there is some incentive payment that is available to them if they want to transfer their employment across to Spotless, or they could stay working for the—

Mr Hamilton-Smith interjecting:

The SPEAKER: Order, member for Waite!

The Hon. J.D. HILL: They could stay working for the government entity and keep their government employment industrial benefits and all the rest of it, and provide the services from the government entity. Alternatively, they could say that they do not want to be part of either of those and they can seek work elsewhere in government. They are the options that it would go through.

The benefit, as I understand it, comes from having an agency which is focused on the maintenance and management of those services, so that Health, as well as running health services, does not have to do these. The benefits from having a centralised agency which looks after particular kinds of services then flow; so that is where we get the savings, not by reducing, necessarily, the number of workers.

Members interjecting:

The SPEAKER: Order! I'm sorry, question time has finished.

WESSELINGH, PROF. STEVEN

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:11): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Madam Speaker, I—

Members interjecting:

The SPEAKER: Order! Members take their seats or leave the chamber.

The Hon. J.D. HILL: I rise to congratulate the Executive Director of the South Australian Health and Medical Research Institute, Professor Steve Wesselingh, on being inducted into the Johns Hopkins Society of Scholars. Steve undertook a postdoctoral research and neurovirology fellowship at Johns Hopkins University and will now join a list of around 551 members from across the world, each of whom have made significant contributions in their research field.

This is a wonderful achievement and a reflection of the great researcher, doctor, professor and leader that we have in South Australia to lead the South Australian Health and Medical Research Institute. I am sure all members would want to join me in congratulating Steve Wesselingh on receiving this enormous honour.

GRIEVANCE DEBATE

SCHOOL VIOLENCE AND BULLYING

Mr PISONI (Unley) (15:14): During question time today the Leader of the Opposition asked the education minister a series of questions about the latest bashing in a school in South Australia. I want to take this opportunity to remind the house about the promises that have been continually made by this government about dealing with violence in schools. Simply, if we go back to 2007, there is a list of disturbances and violent instances that have happened at schools. I have a quick summary that I would like to inform the house about.

In May 2007 a northern suburbs school was put into lockdown after a student bashed teachers and students and damaged school property. In May 2008 three girls were arrested at Salisbury High School after bashing three other girls. One of the victims was taken to hospital with minor injuries. From June to August 2008 *The Advertiser* reported a bashing at Evanston, filmed on mobile phones; a bashing at Kadina, filmed on mobile phones; a bashing Salisbury High School; a

bashing at Parafield High School; and a stabbing at Golden Grove High School. In August 2008, *The Advertiser* reported that a student was forced to change schools after being bitten by another student. In April 2009, a disabled student at Mount Barker school was dressed in a fluoro vest and sent to a fenced-off playground and locked in a room to avoid being bullied.

In May 2009, a student was stabbed at Fremont-Elizabeth City High School. On 11 July 2010, *The Advertiser* reported Chloe Hill as suffering severe bruising at Airedale Primary in Port Pirie. In January 2010, a Vale Park mother described how her son became depressed after he was repeatedly bullied at school. In one incident, she told how another student strangled her year 3 son. In September last year, a boy was hanged at Para Hills High School and, in February 2011, an autistic boy from Craigmore High School was viciously attacked in the schoolyard, which missed the latest report because after all of these reports there is a media response from the government.

We have heard all sorts of media responses, from previous education ministers and from this education minister, that always referred to a report. I think at one stage we had the Anti-Bullying Coalition. I think the Hon. Jane Lomax-Smith, who was education minister at one stage, blamed *Funniest Home Videos* for the behaviour in schools, but it was the severe bashing of Marcus at Craigmore High School that led to the former education minister—now the Premier of South Australia—to call for the Cossey report.

What is interesting in some of the findings of the Cossey report is that 10 years ago, under the previous Liberal government, a safer school centre was set up that consisted of DECS staff and seconded police officers. In 2008, Labor cut the funding to this program, and the police then decided that, without the full support of the department and the government, they would withdraw from the program. These are not my words; these are from Bill Cossey, who wrote the report for the minister.

The report also notes that there was no uniform policy or procedure in dealing with bullying and violence in schools and no sense of urgency in reporting these incidents to police or even to parents. In a nutshell, the minister tabled that report, which was completed in May 2011, in the parliament in June 2011 and promised to act for the 2012 school year.

Here we have a situation where not only did the school not contact the police—a key recommendation accepted by this government in the Cossey report—but the minister was told in an email the next day by the father, who did not even receive an acknowledgement letter that the minister had received that email for five days. Only after this incident was reported in the *Sunday Mail* and discussed on Adelaide talkback radio did the minister participate in the debate, and only yesterday did the minister's office make any attempt to contact the father in this situation.

Leadership comes from the top. It is unreasonable for this minister to expect her school leaders—

The SPEAKER: Order! Member for Unley, there is a point of order. Minister.

The Hon. G. PORTOLESI: Madam Speaker, I seek your guidance. I am not sure as to the number of the point of order, but the member for Unley refers to something that is actually not correct. I think he suggested that Mr Miller had not received an acknowledgement to his email, and that is not correct.

The SPEAKER: Minister, you can make a personal explanation afterwards. It is usual practice. Member for Unley, I will give you a few more seconds.

Mr PISONI: First of all, I did not say that. For the minister's benefit, it was five days before her office acknowledged that she had received that email—five days. Leadership comes from the top, and this minister is not providing it.

Time expired.

COUNTRY NEWSPAPERS CENTENARY

Mr BIGNELL (Mawson) (15:19): As someone who grew up in the country and then started their professional life working on newspapers, I have always taken a very strong interest in country press in South Australia. I was delighted last week on Thursday night to attend a dinner to celebrate the centenary of country newspapers here in South Australia, and then on Friday to attend the book launch of a very good book called *South Australia Through Our Eyes*. It is a publication compiled and written by my old colleague, formerly of *The Advertiser*, Kym Tilbrook, whose own family has a long tradition in rural newspapers in South Australia. His family founded

The Northern Argus in Clare in 1869 and had that paper right up until 1996 when they sold it to Rural Press. So they probably could not have found anyone better than Kym Tilbrook to put this book together.

It celebrates the history of all the papers that have come and gone, but in particular the 31 newspapers of South Australia's regions including: *The Leader*, *The Plains Producer*, *Riverland Weekly*, *Border Chronicle*, *The Mid-North Broadcaster*, *West Coast Sentinel*, *The Northern Argus*, *Eyre Peninsula Tribune*, *The Bunyip*, *Yorke Peninsula Country Times*, *The Islander, Coastal Leader*, *The Loxton News*, *The Flinders News*, *The South Eastern Times*, *The Courier*, *The Border Watch*, *The Murray Valley Standard*, *The Naracoorte Herald*, *The Pennant*, *The Border Times*, *The Transcontinental*, *Port Lincoln Times*, *The Recorder*, *The Murray Pioneer*, *Roxby Downs Sun*, *The Southern Argus*, *Barossa and Light Herald*, *The Times*, *The River News* and *Whyalla News*; and also two interstate members, *Katherine Times* and *Barrier Daily Truth* in Broken Hill.

The very first paper established in provincial mainland Australia was set up in a tent in Port Lincoln around 1840, and soon after that we saw many papers flourish throughout the state. *The Border Watch* was established in 1861 by Janet Laurie, a woman who was a real pioneer of newspapers in South Australia. She and her teenage sons established the business with fellow Scot, John Watson, who had a colourful career serving as an editor for 62 years until his death at 91 in 1925.

For a time he held the world record as the longest serving newspaper editor, and I remember as a kid seeing Mount Gambier in the *Guinness Book of Records*, and that was near to my home town of Glencoe, and was something a bit rare and special. It was actually his son, John R. Watson, who took over from him and continued as editor until 1941 so, by that time, two members of the Watson family had held the editorship for an extraordinary 78 years.

There were some quite colourful editors. In Kapunda in 1860, *The Northern Star* was printed and George Massey Allen, who was the editor of this paper, made his mark on the mining town. He had 'a wonderfully colourful turn of phrase which often got him into terrible trouble,' according to Kym Tilbrook's book. It says:

> In the first weeks of publication, he was taken to the Supreme Court for libel over an article in which he described a visiting Italian Opera as a 'a superlative humbug...(who) should at once amalgamate...with the crocodiles and the singing duck'.
>
> His criticism was not restricted to the Italian opera. He described the Kapunda Institute Committee as having not one 'educated man' on it, and later lampooned the local Magistrate in his reports on local court cases. At one stage he dubbed the Magistrate 'Chief Baron Ball-o-Wax'.

So, quite colourful characters. We are told:

> In 1872, *The Yorke Peninsula Advertiser and Miners' and Farmers' Journal* appeared on the streets of Moonta, publishing twice weekly...

And they were not big fans of politicians in South Australia:

> There was uproar in State Parliament with the local MP labelling the newspaper 'utter and pointless rubbish'. On one occasion the paper referred to two MPs—one as a 'sucking land shark' and the other as a 'slimey pig salesman'.

I might say the coverage over the years has been a lot fairer, and I recommend this book to anyone. It is available through Country Press for $33 and they have also provided a copy to the library here at Parliament House. It is a great read. There are lots of photos of the member for Light in there. There is a story about the member for Schubert, saying 'Ivan's irate' because no decision had been made on his future, and he objected to being called a timewaster. So, that story is in there, and for each paper there are about four or five pages of pictures and words to describe the history and capture the events of the past 100 years.

Time expired.

MARINE PARKS

Mr PENGILLY (Finniss) (15:25): I picked up on some comments yesterday from the member for Goyder during the Address in Reply in relation to the marine parks debacle that has permeated South Australia for the last umpteen years. It is interesting to me to note that one of the first things the Premier did was to back off at about a thousand miles an hour from the marine parks. Quite clearly, the Department of Environment and Natural Resources has made an absolute, total and catastrophic mess out of this. They stand condemned over the way they have treated the

people of South Australia but, more to the point, the fact is that they operate under the minister of the day. With the Department of Environment, you could well question that from time to time.

It is rearing its head again in my electorate and, from the information I have from other members around the coast, it is rearing its head again there. I know that on both sides of the water in my electorate, people are anxious about this matter. Some Kangaroo Island people have organised an action group to pick up the cudgels on this yet again, and I suspect that is going to happen quite quickly down on the Fleurieu and around the eastern and western Fleurieu.

Premier Weatherill has clearly understood that this is an absolute, total and catastrophic loser for the Labor Party, for the government. It is a disaster. Fortunately, there are a couple in the Weatherill Labor government who have the intestinal fortitude, particularly minister O'Brien, to take these people on and call them to some sense of order. The longer the government fools around with this and does not bring it out, the angrier people will be. As the Premier well knows, we are two years out from an election; people have not forgotten how they were hoodwinked by this devious department with the nonsense it has permeated. I am pleased that minister O'Brien, as Primary Industries Minister through the fisheries, actually picked it up and took it on and gave the department a good belt around the ears because they certainly needed it.

The reality is also that this matter of the sanctuary zones is something intensely close to my electorate's and other electorates' hearts, and they are not going to put up with some clandestine operation going on behind their backs which is going to be dumped on them possibly in the next few months. We do not know. Certainly, they come to both my offices—my main electorate office in Victor Harbor and my smaller electorate office at Kingscote—and they want to know what is going on. They are building up a head of steam, they do not like it and they think this government is sneaky and devious, and they are probably right on a number of occasions.

They do not like what is going on. They want some clarity about it. By and large, they have put forward a multitude of views on the sanctuary zones. I remind the house that the Leader of the Opposition, Isobel Redmond, said that in government we would can the sanctuary zones. She said that at a public meeting at Burnside, and that is on the record. I do not know where they are going with this. I do not know what subtle plots are taking place in departmental offices. Some people have gone out of the department who were probably in it up to their ears who have moved on to other positions. However, it is no good. It never was any good.

I suppose I have to be a bit careful about what I say here but I will say that it was a dog of an idea. It was an absolute dog of an idea that they tried to put across to the state. People are not that silly. The tens and thousands of people who want to go fishing, both professionally and recreationally, are not that stupid that they are going to fall for the three card trick and be hoodwinked by this government when eventually they come up with some sort of outcome.

Mrs Geraghty interjecting:

Mr PENGILLY: Well, you know, member for Torrens, if you want to get up and have a go, you have a go after me. Feel free. I tell you I am on a winner on this one, so are the members for Goyder, Flinders and MacKillop, and the list goes on.

Members interjecting:

Mr PENGILLY: The member for Chaffey said he is a winner, too, but he does not have any sea water where he is as far as I know. This thing is not going to go away. I urge minister O'Brien to continue to take it up in cabinet and belt these fools around the head at every opportunity and come up with some sensible outcomes.

Mrs Geraghty interjecting:

The SPEAKER: Order! The member for Torrens will behave. You may be the first person to leave. Member for Ashford.

BIKINI GIRL MASSAGE CAFE

The Hon. S.W. KEY (Ashford) (15:30): It is interesting to note that Bon Levi from the Bikini Girl Massage Cafe on South Road has withdrawn his application to the Marion council to run that business. Members of this house would remember that I have regularly reported on the local campaign waged against the establishment of this business. I have also said that constituents, both the primary school community and the other businesses providing services to children, have felt that the location of the massage service was inappropriate.

I would like to congratulate the community for their campaign, including a Facebook campaign, a petition and demonstrations by parents out the front of the business of mention. I would particularly like to acknowledge Amanda Exindaris, who was the originator of the Facebook campaign. The Black Forest Primary School council also needs to be acknowledged for its role in the campaign and the Marion council staff who worked closely with me and residents to try to resolve this issue.

The Marion council lodged legal action against Mr Levi in the Environment, Resources and Development Court in June of last year after he failed to apply for the appropriate development approval to use the premises for a massage service. This service was a change of usage, so he was in breach of those regulations.

One other issue that may seem trivial but proved to be a real problem was the pink balloons and pink signage out the front of the massage service. This was a real drawcard for children, who wanted to get a balloon and go into the pink coloured service to see the girls in their pink bikinis. I think I have told the house before that one young person told me that she was very disappointed when she did see a worker from that service that she was not in a pink bikini at all, she seemed to be in very boring underwear. I am not sure about the validity—

Ms Bedford interjecting:

The Hon. S.W. KEY: How boring, did you say, member for Florey?

Ms Bedford interjecting:

The Hon. S.W. KEY: For how long was she in—I do not know. This is just a story I am telling you second hand. There are a couple of fundamental points that have been raised by this whole campaign. First of all, in speaking to the parents and business owners, I said to them, 'Look, I need to make it very clear to you that it's my intention to introduce a bill to decriminalise the sex work industry in South Australia, so I need to say that to you,' but that was not the problem for parents and businesses. Their issue was with the location of the business.

Bon Levi, who has a number of businesses, as I understand it, has always emphasised that this was a massage service, that sex work was not provided at this premise. I do not want to get into that debate, but I think what it does emphasise to us is that we need to look at the provision and location of personal services. We also need to look at the fact that sex services are provided in this state and that, in my view, it needs to be decriminalised.

I note the parliamentary library has just put out an excellent summary looking at the different models and approaches by South Australian parliaments with regard to sex work, so I commend it for that work. I think that will be very instructive to the debate we will have again this year in this place about this issue. I hope that members will have a look at those models and support me when I introduce a bill to decriminalise sex work in South Australia.

YAMBA

Mr WHETSTONE (Chaffey) (15:34): I rise to speak on quite an iconic institution in the north-east of the Riverland: Yamba. Many people here today would have heard me speak on several occasions about the quarantine station at Yamba. It is good to see that minister O'Brien is here, and I congratulate him for seeing the sense in continuing the 24/7 operation out at Yamba.

First, I would like to speak about Yamba in its entirety. Yamba is an iconic symbol of the gateway into South Australia, represented by the big tyre. As people come into South Australia from Victoria and New South Wales they go under that tyre. It really is a welcoming into the Riverland. It was erected many years ago by a local engineer, Neil Webber. It really did symbolise those people, to give them a bit of a feeling of coming into South Australia, coming into a fruit fly free region, but also coming into one of the nation's capital motorsport states.

Those of you who have come into South Australia through Yamba of late would have noticed that the new $6 million quarantine station is up and running. It is a great piece of infrastructure that is long overdue, considering that the permanent road block has been in place since 1957. This is the first real piece of redevelopment or upgrade that we have seen there. I consider that quarantine station as almost a safety lens on South Australia's food-growing region in the Riverland.

I visited the other day and met with the staff and with the Road Traffic Authority. The quarantine station is now complemented by a weighbridge, so that both cars and trucks are

inspected for the carrying of fruit and vegetables, and diseased weeds, etc. The trucks also have to conform to the weight standards and obviously their logbooks are checked.

But in saying that, today I presented a petition of over 900 signatures directly to the Minister for Transport and Infrastructure, minister Conlon, with a real concern for what the upgrade at Yamba has presented to a very iconic business that complements the road block, and that is the Yamba roadhouse. The proprietor of the Yamba roadhouse, John Rowley, is very concerned that the beautification of the highway and the extra parking bays on the other side of the highway are hindering his business. Unfortunately they are having a detrimental effect because the beautification of the highway, the gardens and the kerbing hinder trucks from pulling in to the service station to refuel.

As many members would know, the pressure on heavy vehicle drivers is immense. If those drivers pull into Yamba they know that they have a good safe place to rest, and they have even better facilities with good showers and good food. The Yamba roadhouse is renowned for its famous roadkill burger, and those members who have tried a roadkill burger would know it is a sensational piece of cuisine. It is something that really has to be experienced to be appreciated.

I spoke to the truck drivers and to the people signing the petition when I visited about a week ago, and the truck drivers said that it is just too hard to get into the facility. Now they think, 'We'll just continue to drive on and find another truck stop.' It is having a significant impact on a business which has been there for decades and which has provided an outlet for the young to go to and have a hamburger at midnight. More importantly, it is about a safe truck stop that provides a great service to the federal highway, truck-driving fraternity.

Many truck drivers I have spoken to over time have said that Yamba is probably the iconic place to stop for quality food and quality showers, and I would like to think the minister will consider changing the gardens and the kerbing so that the trucks can stop.

The SPEAKER: Thank you. I look forward to one of those roadkill hamburgers.

COMMUNITY SHEDS

Ms BEDFORD (Florey) (15:39): I am grateful for this opportunity to speak on why we are all here: to advocate for and support our community. Communities, along with the family unit, are the very substance—the foundation—of society and life as we know it. The strengths of community endeavour are a wonderful example to our young people and prove the value of teamwork or solidarity. There are many examples of this sort of collective action and the powerful good it delivers. I would like to bring two such examples to the house's attention.

On 21 February, the community Men's Shed was officially opened at Bentley Reserve's amenity building, which is adjacent to the Holden Hill Community Centre in the electorate of Torrens. Along with the member for Torrens and the Mayor of Tea Tree Gully, I was there for the opening. Delivered through the Neighbourhood Development Program, it is also important to note that this is the City of Tea Tree Gully's first Men's Shed, and the project was guided by the very talented Community Development Officer, Cathy O'Loughlin.

Men's Sheds have become an increasingly popular national phenomenon, with now over 600 in the Australian Men's Shed Association. Sheds encourage men to engage in their communities; in fact, men are encouraged to visit other sheds when they travel around Australia. Outcomes include a decrease in social isolation, opportunities to contribute to their community through various projects, increased awareness about men's health issues, physical and mental wellbeing, and a chance for men to talk to each other and get to know men from diverse cultural backgrounds. Men of all different skills and abilities are there, with everyone able to participate in a non-demanding and safe environment.

The reference group now has 11 members in the Men's Shed at the City of Tea Tree Gully, led most ably by Keith. We also have Trevor, Robin, David, Terry, Arthur, Bob, Duncan, Clive, Bill and Barry. These men have already found 64 other men interested in being involved in working in the shed, and this is all without any other outside promotion. The reference group has been volunteering every Tuesday morning since September in order to progress the shed, and a formal induction and training program has been developed for the shed which has started to be rolled out. Congratulations to all involved.

The other example is the work done at the Modbury High School Pedal Prix workshop, which is the home of the North-East Human Powered Vehicle Supporters Association Incorporated. Four years ago, a group of enthusiastic parents, teachers, volunteers and students had a dream of

creating an opportunity to support and grow Pedal Prix in the north-eastern suburbs to support the Modbury High School Pedal Prix program, as well as other schools and groups in the area. As a result, they have had the ability to apply for grants, and these grants are not normally available for people in schools.

This dedicated team has been led by Greg Taylor and Wayne Ferguson, with the help of Rob Greenhalgh, Kevin Clarke, Rodney Ling, Mike Tansell and Elaine Pearce; with bike mechanics, David Poole and Ron Gibbons; catering manager, Lyn Gibbins; and many other supporting parents and students. The team has found equipment and spares, such as marquees, exercise bikes and trailers, and has been able to develop their own bike design. They have also built six bikes and are constantly developing bikes to keep up with the opposition.

As they have grown, they have gone from competing with three bikes to four, then five, and this year they will have six bikes on the grid for race 1 in Victoria Park. They also embarked on travelling interstate to Wonthaggi in Victoria in 2010, where they raced two bikes. This year at Wonthaggi, in approximately four weeks' time they will be racing three bikes and hopefully improve on previous results. Fast Cats Racing has also started a fitness program for members and friends, holding weekend bike rides—mostly on Sunday mornings—to various destinations around Adelaide.

At the end of 2010, after negotiations with the management of Modbury High School, they applied to the state government for a facilities grant to help contribute to the building of a shed that would provide a new home where the bikes could be stored and work could be carried out. After much fundraising and negotiating with the Department of Education Services and Modbury High School, they were able to build—literally build—this huge shed. After the last race in Murray Bridge in September 2011, with help from local businesses, parents, students and volunteers they were able to erect and finish the shed we see today.

On their behalf, I would like to acknowledge all the effort put into building this facility and to thank the management of Modbury High School, led by principal, Martin Rumsby; the governing council, led by Julie Caust; Health Norris, the earthmoving specialist; and Jeff McLaren, who provided the scaffolding. Thanks also go to all the parents and volunteers who worked on the shed, sold raffle tickets and chocolates, ran quiz nights, bingo, barbeques, and did the Bunnings barbeque. We all understand that long-suffering wives have had to lend their partners to this big venture, and we would like to thank them as well—the whole project would have been impossible without them.

The beneficiaries, of course, are the students who will participate in future Pedal Prixs and maintain the high standards and expectations of Modbury High and associated schools, such as East Para Primary School. This project personifies the benefits of teamwork and, in an event such as the Pedal Prix, as I mentioned earlier, there are many, many disciplines the schools involve so many children in. I know that this year just at Modbury High over 70 students are involved in the Pedal Prix.

STATUTES AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL

Adjourned debate on second reading (resumed on motion).

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:45): Before lunch I know that many of you were quite interested in the progress of the debate on this bill, so I am pleased to say that it is going to continue a little longer.

The DEPUTY SPEAKER: You are about to enlighten us.

The Hon. J.R. RAU: I am hoping to. I want to make a couple of points about the legislation and some of the remarks made by the honourable member for Bragg. First of all, I do appreciate that the honourable member has not had a long period of time—nor has the gentleman in the other place—to fully consider the detail of these two bills. However, they were presented to the parliament when we last sat and I did actually personally brief the honourable member and the Hon. Mr Wade about some of these matters. I cannot recall exactly when—

Ms Chapman: On the package.

The Hon. J.R. RAU: Indeed, about the package, which included these measures. I am a little less—I do not want to say judgemental, but I suppose I am slower to become agitated than the honourable member was in her contribution about me. I do not entirely blame them for not having

all of their amendments here ready to go right now. However, can I say that it would be very helpful if we had some particularity about areas of concern in relation to these pieces of legislation, because we do want to make sure that we have as much time as possible to consider and reflect upon, first of all, whatever points of difference there might be in a general sense, but also any changes in particular wording that might be contemplated.

So, when the honourable member or her counterpart in the other place get whatever amendments it is that they might be contemplating—and I hope there are not that many—I would be very appreciative if they could provide me and those who advise me with copies of those as soon as possible. I do not want to be in a position where, when this comes into the other place, we obtain for the first time notice of any detail of the amendments that the opposition might be wishing to proceed with. I make that request of the honourable member and, in the context, I think that is reasonable.

I do not wish to be unfair in saying this, but it is a little bit unsatisfactory that, in many instances, we have had the experience of legislation being presented here and we do not have much more than a vague intimation of matters of concern on behalf of the opposition. Therefore, I do not have the opportunity to place on the record here the views the government holds about those particular proposed amendments. What the result of that is, of course, is that when the matter goes to the other place and the amendments pop up for the first time, if any member of the other place wished to understand whether there was agreement or disagreement—and, if so, why—in relation to any particular amendment, that would not be possible because there is no record of me or, when it is not my legislation, any other government representative for that matter having placed on record our particular view, and I am not sure that is conducive to the best use of parliamentary time.

As I said before, I do not wish to press that too much in relation to this matter because I do realise that time has been short, and I do understand that the task force has been out and about and I am looking forward to reading their material. As I said, I think it is important that we do actually have a debate in here if we can about matters that are of substantial difference, if there are indeed any; and can I say that I hope there are not, or at least not many.

I just want to recap briefly on the consultation process that has gone on in relation to these bills because I think it is probably relevant. In August of last year we distributed draft legislation. That draft legislation contained, from the point of view of its direction and its basic content, pretty well exactly what we have in front of us now. However, it is true that, as a result of the consultations—which I should indicate, Mr Deputy Speaker, included sending a copy to the Hon. Stephen Wade, and I am pretty sure the member for Bragg might have seen or at least received a copy at that time; so we were not trying to hide anything from anyone—we received responses back from the Law Society, the Bar Association, the Commissioner of Police, the Crown Solicitor, the Legal Services Commission, the Director of Public Prosecutions, the judiciary and so forth.

In light of those responses we then went back to the draft bills that we had, and we had what to me now seems like a blur of endless meetings. At one point there was a sense of going around and around the mulberry bush, I think; it even got to that point, but, nonetheless, we did it. Everyone who had a stake in the thing was invited and, indeed, did make contributions, and after literally months of intense discussions the final form that has been presented to the parliament emerged.

I think it is important for those in the other place, and for the opposition in particular, to at least recognise and pay some respect to the considerable amount of balancing that took place during that process, because, at the beginning of the process, there were a number of people who had fairly strong views about different things, and there was a genuine and considerable attempt to bring all those people together, and I think that, on reflection—and I will pay credit and tribute to the people involved in the process—they largely did come to a point of broad consensus about these bills and the measures contained in the bills.

In particular I would like to acknowledge the tireless work of Matthew Goode, who did a great deal of work on this, and his—I am trying to find the right term—muse, I should say, Ms De Palma, who helped him consider a whole range of other perspectives—

The DEPUTY SPEAKER: Insights?

The Hon. J.R. RAU: She gave him insights, yes, and he gave her insights, and then they traded insights and the insights went on and on. For a long time they had a lot of insights.

The DEPUTY SPEAKER: Very insightful.

The Hon. J.R. RAU: It was one of the most insightful episodes of legislative evolution I have witnessed, although my career in that context is not that long. I genuinely expect not to live to see such a thing again.

The DEPUTY SPEAKER: I knew Mr Goode when he was a mayor in local government.

The Hon. J.R. RAU: Yes; he is a formidable interlocutor, I think is the terminology. The point is that they do a great job. I would ask, in all seriousness, the parliament, in particular the opposition, to appreciate that none of the words that are in here have gone in without a great deal of thought; indeed, parliamentary counsel were involved throughout this whole process as well. It is not as if this is some sort of cut-and-paste thing and people have just slapped any old thing down, and near enough is good enough. It is quite the opposite of that.

When the honourable member for Bragg was making her remarks a while ago about the various critiques which had been offered in relation to the original draft bills, I think it is fair to say that most if not all of those were taken into consideration, and in most if not all cases—I would not say 'all' because I cannot not say that for certain—you will see material changes in the actual wording, the construction or the interaction between various provisions in the legislation.

It might be, for instance, that particular concerns, or a particular point they had made, which were expressed at one point in time by the Law Society, the Legal Services Commission or anybody else may not now have resulted in a change. That may well be the case, but by and large there was a genuine attempt to balance all of those things. Obviously, in relation to the Law Society, I am not allowed to join the Law Society, apparently, or the Bar Association.

Ms Chapman interjecting:

The Hon. J.R. RAU: No. The Bar Association told me that I had to go.

The DEPUTY SPEAKER: They wouldn't have a bar of you?

The Hon. J.R. RAU: They would not have a bar of me, indeed. I had to leave. What has happened is that I am ex officio, by virtue of my commission, a member of the Council of the Law Society. I declare that because the honourable member declared her affiliations. I was also very proud to have been an ordinary member of the Bar Association and the Law Society and I have great respect for those two institutions. However—

The DEPUTY SPEAKER: You have no other conflicts?

The Hon. J.R. RAU: Not that I can think of. I just wanted to mention a little something in that context because much was made of the remarks made by the Law Society, the Bar Association and the Legal Services Commission in relation to the earlier drafts. I got something off the computer while ago, which I think is apposite in a way.

Ms Chapman: Is this another pig story?

The Hon. J.R. RAU: No, not really. I am quoting here. I suspect the honourable member for Bragg is probably too young to have any recollection of this, so she may have to look it up. While giving evidence at the trial of Stephen Ward, charged with living off the immoral earnings of Keeler and Rice-Davies, the latter made this famous riposte when the prosecuting counsel pointed out that Lord Astor denied an affair or having even met her: 'Well, he would, wouldn't he?'

Members interjecting:

The Hon. J.R. RAU: Exactly. It was Mandy Rice-Davies.

Ms Chapman interjecting:

The Hon. J.R. RAU: It was Mandy Rice-Davies. The point is that it is often misquoted, can I add. The actual quote, which is from Mandy Rice-Davies, not Christine Keeler, is, 'Well, he would, wouldn't he?' It is misquoted often as, 'Well, he would say that, wouldn't he?' It is important to get these things right. Apparently, that appears by 1979 in the third edition of the *Oxford Dictionary of Quotations*, just for a bit of background.

The reason I took you to that particular little point is that one might say that of many of the remarks made by the Law Society and the Bar Association. That is not to be critical of them: that is their job. In the end, we have listened to them carefully, we have taken them into account and we have made adjustments but, so far as I am aware, we have to accept that we have been elected to

make laws in this place and in the other and that the Law Society and others are not de facto legislators.

They may have an opinion, but the opinion they have has to be balanced against the opinions of others and, indeed, can I say, against the efficacy of any legislation in terms of the capability of SAPOL to deliver. You can construct the most elaborate legislative scheme which is ultimately not particularly of any utility because police officers are not capable of jumping through all the hoops and whatever that are required to make anything happen. There are elements of practicality that need to temper whatever people might think.

Again, I am not particularly identifying the honourable member for Bragg, but there is an element of unreality about some of the high-minded amendments that have been offered in relation to some of the legislation that has previously gone to the other place. As I have said, if it was my friend the Hon. Sandra Kanck, with whom I had many enjoyable years on the Natural Resources Committee, I would understand exactly what was going on because that is the space she was in, but I am a little bit more puzzled about why the opposition has now decided to occupy that particular space.

The DEPUTY SPEAKER: Are you suggesting they are in outer space?

Ms Chapman: And he's off the planet.

The Hon. J.R. RAU: It's quite good, isn't it—outer space, off the planet.

The DEPUTY SPEAKER: I got there first.

The Hon. J.R. RAU: Anyway, we should not talk about particular planets because that always leads us to the seventh planet, I think, but let us not worry about that. I think what we need to do here is to say, on the question of delay, the honourable member has made this comment a number of times. Can I please just reinforce the record—not, I realise, that most people lie awake at night waiting for their copy of *Hansard*, although I will tomorrow.

Ms Chapman: You'll get it framed.

The Hon. J.R. RAU: I'm going to get it framed.

The DEPUTY SPEAKER: You can have a ceremony.

The Hon. J.R. RAU: I will speak to the honourable member about that. I just wanted to make the point that we knew, at the time that I became Attorney, that there was a challenge pending to the then legislation. That transpired to a result, I think in December 2010, or thereabouts, in a decision which was unfavourable to a part of the South Australian act—I think section 14(2). We looked at that early on and thought, 'Well, what are we going to do about this?'

We then became aware that the model that appeared to be the next logical progression for any change, which was the New South Wales model, was itself the subject of a challenge. At that time, I remember the then New South Wales attorney (Hon. John Hatzistergos) saying that he was very confident that their legislation would withstand a challenge, because they had decided that they would be a little more cautious than South Australia had been when they drafted their original legislation.

As it turned out, the then New South Wales attorney was wrong, and the High Court found that there was a defect in their legislative arrangements and, indeed, the defect that was found in their arrangements was more serious than ours, as it turned out, because it could not be severed, and the whole lot collapsed.

Had we gone forward any time before July of last year with any attempt to amend, certainly the existing legislation—the 2008 act—we would have been taking a constitutional risk and, had we done what the prevailing view would have been at that time, which was to copy New South Wales, we would be right back in trouble again. In July of last year, we received the High Court's decision. Again, a 6-1 decision, I think, with Justice Heydon being in the minority. Anyone who enjoys a good read should certainly read Justice Heydon's dissenting judgement in the Totani case, where he refers to a one-time leader of the Soviet Union as the benevolent Georgian, and Adelaide as the Athens of the South and various other things—it is a great read.

The Hon. S.W. Key interjecting:

The Hon. J.R. RAU: No, he doesn't mention jackboots, or gumboots for that matter. Then, at an attorneys level—that is, the state and territory attorneys—we had several conversations

either at or before SCAG meetings, now called the Standing Committee for Law and Justice—SCLJ. Terrible name, isn't it? I do not know where we are going with that one. We had several meetings about this and there was a lot of talk among the attorneys about how could we deal with these things. The view was formed that it would be better if there was some consensus about approach, at least in terms of these declaration control order matters, which I appreciate is the next bill, but I am trying to put all of this in context.

That went on for some time and, in August last year, we distributed our first cut. That was then not only consulted upon locally but we were consulting with the other jurisdictions about what they were doing to give some added perspective to what we were doing. I think in November or December last year the West Australian parliament introduced its version of the legislation which is No 3 on the *Notice Paper* here. I think the Northern Territory did the same thing around the same time; New South Wales has just done more or less the same thing; and we are now doing more or less the same thing.

With the greatest respect, I do not think the suggestion, inasmuch as the honourable member for Bragg says 'a stitch in time could have saved nine', is right because a stitch in time might have meant that we were even worse off than we are now and we would have suffered the humiliation of another rewrite courtesy of the Wainohu decision in July last year. So, I do not accept that. I think we were cautious and prudent and we have a better product for the fact of having done that.

Of course, we are talking here predominantly about the offences legislation, and the honourable member in her remarks made a couple of points about, first of all, the Legal Services Commission's views. Again, I will not take a trip down memory lane with Mandy Rice Davies, but they have a particular perspective, and they are entitled to that perspective but, the chances that the people to whom we are directing our attention will be in need of assistance from the Legal Services Commission are quite small.

I do not recall that any of the major individuals who are notable members of alleged outlaw motorcycle gangs are represented by legal aid lawyers. In fact, I think it is a well known fact that Mr Caldicott, who is a frequent contributor on the airwaves, has a proportion of his practice that is supplied by these people when they stray into difficult territory. I do not believe—I am not sure and I do not know—and it is not my understanding that all those people are recipients of legal aid funding. I think any concern about a blowout in the budget of the Legal Services Commission based on the fact that (a) there will be an avalanche of these people (because I do not expect there will be—they will be relatively far and few between); and (b) they would actually be so destitute as to require or be entitled to the assistance of the Legal Services Commission, I think, is drawing a very long bow.

Now, the presumption against bail. We are saying in this instance that a small class of people who are charged with serious offences are to be put in a position where there will be an expedited trial; so, they will not have to wait in the line like everybody else. They will have an ex-officio information filed in the Supreme Court, as I understand it, and there is a six-month window within which they are expected to go from the laying of the information to the commencement of the trial. If that has not happened within that time, the six-month bail thing goes back to normal, in effect.

The reason for that is that, one, we are going to be dealing with very few people; two, the trade-off is that they are getting an expedited hearing; and three, the impact on witnesses and victims is minimised because these people (a) are not waiting a long time for a trial and (b) they are not out and about being able to harass or intimidate.

Some people might think that what I am about to say is not true, but I can assure members that these things do happen. There are many cases—and I am able to conjure up at least one where there was a shooting in Wright Street and I think three people were killed—where nobody actually saw anything, as best I can recall.

Mrs Geraghty interjecting:

The Hon. J.R. RAU: Yes, or they gave a statement but later on they either had amnesia or had decided that they would like to live in Lombok or somewhere, and they were unavailable. It is no laughing matter that key witnesses in cases against people who are particularly nasty individuals either disappear, have amnesia or become mute. It is an odd sort of coincidence that is not a problem across the whole criminal justice system to the degree that it is a problem in respect of these people.

That extends not only to witnesses—and it does not necessarily mean that the person has gone up and said to the witness, 'You do this or else.' Every afternoon when you bring your children home from school there might be a man who looks like he should be a member of ZZTop sitting on a large motorcycle admiring your letterbox who waves at you as you drive in. That man is not saying anything to you; if anything, he is admiring your letterbox. But what does that say to you about how you are going to approach this event which looms large in your life, namely giving evidence about either that particular chap or some of his friends. That is really what we are talking about here.

I realise that if one wants to adopt what I agree would be the normal standards for a normal person who does not have a demonstrated history of violent crime or is not associated with one of these criminal outfits where you would say, 'All of these presumptions in favour of bail and everything else should apply.' I agree with that; I do not have an issue about that. But we have to accept that exceptionally dangerous people have to have provisions within the law which protect the community from them.

We also have to accept that the justice system is not working in respect of these people because we cannot even get evidence at trial about these people so that a judge can even make a determination. It does not even get to that point. That is a very serious matter. The legislation that we are talking about now, which is bill No. 2 (the offences bill) has things like the presumption against bail for these people; it provides for again in circumstances where there is a credible threat to jurors or intimidation of jurors for the Director of Public Prosecutions to make an application to the trial judge that the matter be dealt with by judge alone.

Again, I am a big defender of the jury system, but when the jury system becomes an Achilles heel for the whole justice system and when that is turned on its head and goes from being a strength of being judged by your peers to being a weakness because your peers can be intimidated out of doing what they believe in their heart of hearts they should be doing, we cannot ignore that.

Another provision in here that we are talking about is where we have a statement obtained from an individual which provides clear and useful evidence but by the time the trial comes on the individual has either vanished or whatever. At the moment, we have no facility to give the court, even with protections, the opportunity to be made aware that that statement exists.

We have put provisions in which state that, with protections—and they are court protections, they are not reliant on the Attorney of the day, the police commissioner or anybody else—if a prosecutor wants to get this material in, for example, a statement made by a person which is contemporaneous with an event which is useful to understand the context, or whatever it might be, then with certain safeguards we are providing within here the opportunity, first of all, of that being admitted, with caveats, and then it is a matter for the trial judge (a) to make the decision about the admission and (b) to determine what weight, if any, that statement is to be given in the context of all the evidence before the court.

Again, all of these things are being devolved to the courts in terms of them having discretion. There is none of this attitude about: we are telling the courts, 'You must do this, you must do that, you must do something else.' We are saying to the courts, 'Look, you hear the evidence, you're the best place to make these rules, not me, not the police commissioner, so you go ahead and do it.'

Another example in the legislation that I think is relevant in this context is that, you might have one of these individuals who is charged with an offence but not an offence carrying a huge maximum penalty. It might be that the appropriate penalty for an individual upon conviction for that relatively minor offence would be either a suspended sentence or a bond. At the moment, that is about the end of it, as far as the court having any control over these individuals. They might have to turn up to a parole officer, or whatever, but that is about it.

What we are doing is saying to the court, 'Look, you can not only do that but you can put place and person restriction orders on these individuals as an element of the conditions of their release.' For instance, there could be a condition attached to not approaching any witness in the matter, not approaching any victim, either personally or by reference to a place, not hanging around a certain place where it is known that the associates of these people regularly hang out, and so on.

I would urge the opposition, when considering the detail of this legislation, to have careful regard to the danger that these people represent, first of all, in a direct sense to the community by

reason of their propensity for violence and to injure others, secondly and less directly, look at the consequences of the crimes they are committing, look at the unspeakable suffering in the community caused by drugs, money laundering, loan sharking and standover tactics. Think about the impact of that on the community and whether, given what these people are doing, it is not appropriate that the courts have more tools in their armoury to deal with these people, if the court thinks it needs to do that. That is all we are putting up here. We are giving the court the opportunity to have a better range, or menu, of measures it can adopt to keep some control over these individuals.

The honourable member talked about, 'Yes, the Law Society doesn't like the aggravated offences.' They are maximum penalties. They are not mandatory minimums, or mandatory anything, for that matter, except for the fact that we are saying they should not have concurrent sentences, and I am not walking away from that. I do not think that is an unreasonable proposition, given the small group of people with whom we are dealing. The honourable member and I both know that that would be a matter which would subliminally work on the judge's mind anyway, but let us not spend too much time on that.

Let us get back to the point. They are not mandatory increased penalties. They are options for increased penalty. I am happy to justify from a philosophical point of view why it is that we should say that blackmail, for example, committed by a member of an organised criminal group should attract a greater maximum penalty than blackmail committed by a lone ranger.

I put this proposition: every time an act of that kind—blackmail, for example, or intimidation of a public official, or whatever it might be—is committed by one of these individuals it advances not just that individual. It advances the whole group of which that individual is a member. It adds to the public fear of that group. It adds to the aura—if that is not a completely bizarre word to use for these people—or the gravitas that these people have, and it means that other people in that group are treated with fear by members of the community because they derive a collateral benefit from the crimes committed by their brethren.

If I commit a crime myself, nobody gets a benefit from that except for me if I get away with it, perhaps. (Although, how do you live with yourself, Mr Deputy Speaker—but that's another matter.) When these characters commit a crime, it does not just benefit them; it benefits in a direct financial sense, and other senses, all their colleagues, but also it adds to the esteem and the aura and the completely bizarre sense of invulnerability that these people hold about themselves and which members of the public hold about them and are therefore intimidated more by them.

I do not think it is unreasonable. I do not think it is unreasonable that we should be able to say, 'If you perform these criminal acts in the furtherance of a criminal group, expecting the benefits to attract to all of you, and those benefits are all deficits as far as the community is concerned, then you should be prepared to receive a more severe penalty, because what you are trying to do is spread the kudos'—again, a bizarre word—'for your crime to others who get the benefit or the kudos from what you have done but are never at risk themselves of standing trial for it.'

With the greatest of respect to the Bar Association and the Law Society and whoever else has critiqued that business about aggravated offences, I think they need to think a little more deeply about the philosophy behind this and the psychology of these groups. We are trying to attack the code of silence that these individuals flourish underneath and we are trying to attack the sense of invulnerability that they have about themselves and that the community has about them.

Another point that was made by the honourable member in the context of bail was about victims' feelings. It is not about victims' feelings. As I said before, the reversal of the presumption in relation to bail is based on the fact that these individuals are behaving in an extraordinarily bad way. They are totally disrespectful of the rule of law. They have decided that none of the norms of our society apply to them and that they can behave as if they are in a Wild West town, doing whatever they like.

In those circumstances I do not think that it is unreasonable to draw a comparison—though not a direct comparison—with people who engage in terrorism. They believe that because they have some grievance, justified or otherwise, real or imagined, they can go out and commit atrocities and horrible crimes on other people, but it is okay because they had a good reason for it. You know, the person who walks into a supermarket and leaves a bomb, and people are killed—children, completely random victims—and some lunatic who thinks they have a political point, or some other point to make, reckons that is okay.

These people may not be routinely planting bombs in supermarkets, or driving vehicles full of high explosives into large buildings, or whatever, but they are supplying drugs to people in our community. They are inveigling other people into the criminal networks, because they use them as farmers, and they use them as distributors. They are luring young people, who might have issues in their lives anyway, and who get involved in some of these silly street gangs—they are luring those gangs as sort of ancillary, bolt-on networks. They are spreading the web of crime. They are decreasing the intolerance of this behaviour in the community, and they are telling young people, particularly young people who have a bit of a rocky road to hoe—

Ms Bedford: You tread carefully.

The Hon. J.R. RAU: You tread carefully, that's right. These young people who are on a rocky road, what they need is somebody to say to them, 'Look, if you keep going down that track, you're going to get into serious bother; you are actually going to hurt your neighbours, your family, your friends, you will hurt yourself, and you will hurt the community in which you live.' That is what they need, but what do they get? They get these characters saying, 'Look, we've got a great lifestyle, we're immune from this, we're immune from that. We can do anything we like. Come and join us, all you've got to do is go out and do this,' and in no time at all these characters are being sucked into this vortex of misery.

I cannot overstate how seriously we should all be taking this problem. If people—particularly some of the more gentle souls in the other place—feel that some of these are a little bit harsh, well, yes they are. Yes, they are, and they need to be. So I implore the member for Bragg: please, if you are going to move amendments to these things, I would ask you to be very sparing in doing so unless it is absolutely necessary. Please have regard to the fact that we have consulted extensively in relation to this.

The Law Society, which is like the Southern Cross for the opposition, it appears—when it gets very dark, they just look up to the Law Society and say, 'Oh yes, that's the Pointer,' and they read their things as if they have come down from Mount Sinai on a big basalt tablet.

The DEPUTY SPEAKER: That's a mixed metaphor.

The Hon. J.R. RAU: It is a mixed metaphor, I know, star gazing and Mount Sinai doesn't go. Well, perhaps you could see—I don't know; anyway, I will stick with Mount Sinai. So, the president of the day comes down from Mount Sinai with a basalt letter, outlining the defects in the parliamentary proposal, and it is immediately snapped up, almost like one of those stick things you put in a computer; my son has one—

Mr Gardner: I'm not sure your example is clarifying things.

The Hon. J.R. RAU: He's got this tiny little stick thing; you put it into the computer and it sucks all the information out of the stick and it goes into your computer. That is a little bit like what is happening there usually—

The Hon. S.W. Key interjecting:

The Hon. J.R. RAU: You can do it the other way as well? I didn't know that. Anyway—

The DEPUTY SPEAKER: There is a pun in that, but I am not going to make it.

The Hon. J.R. RAU: Okay; so anyway, the point I am trying to make is this: even given the propensity, particularly of Mr Wade in the other place, to treat the views of the Law Society in that deferential fashion, he should be aware—

Ms Chapman interjecting:

The Hon. J.R. RAU: Actually, no, and this is what I am coming to; this is the really exciting bit. A few months ago, you might have heard breaking news. He said, on the day that these bills were tabled, 'Look, these are not bad. They are substantial improvements over the original bills that we saw. They appear to take into account the major matters of concern which we raised, and we regard the scourge of organised crime as so obnoxious that, on balance, we think these measures are appropriate.' I am paraphrasing him. You will be able to find his exact words, but they are not too far off what I just said.

The DEPUTY SPEAKER: You were encouraged, weren't you?

The Hon. J.R. RAU: I was encouraged, to be honest. I was actually very encouraged. Can I say, as I have said before, I respect the Law Society greatly. I have regular discussions with the

Law Society about a great many things and they do not always agree with me, nor do I always agree with them, obviously. If they come to this opinion, which the president is able to publicly express, then I think that should at least give some comfort to people in the other place who really need to tick off—it is almost like the Heart Foundation tick; if it has not got it, you do not buy it.

The DEPUTY SPEAKER: Are you suggesting he shouldn't wade in?

The Hon. J.R. RAU: That's good, I like that. That was very good. The opposition basically got the Heart Foundation tick on these two bills, so they can relax, chill out and allow them to go through. I am not saying they have the enthusiastic, unequivocal, every-comma support of the Law Society, but they have said that on balance this is okay. I appreciate that nobody is going to be entirely happy with every single provision in these proposals, but I can assure the parliament that these have not been put together in a haphazard fashion or without an enormous amount of thought, work and effort, and consideration of the views expressed by all the people whose titles I have already provided.

My request is that the opposition please take into account the matters that I have attempted to place in context today before making decisions about performing brain surgery with a chainsaw, because there has been a lot of work done on this and a lot of people have put a lot of time into it. I do not think I am in any way betraying a confidence in saying that the Director of Public Prosecutions, who, as everyone would know, is a very independent-minded person, has indicated—and I think said publicly—that he believes that these measures are a great advance from where we have been.

The DEPUTY SPEAKER: I think he suggested you should go further, didn't he? Didn't he say you should go further?

The Hon. J.R. RAU: No. He said that, if these measures work as intended, it might well be that South Australia has achieved not just a national leap forward in terms of being able to deal with these people but quite possibly something that even people elsewhere would want to have a look at. We have looked around the world for these things. There is a thing called the Palermo Convention to do with organised crime. We have had a look at what is in that. We have had—

Ms Chapman: Sounds like a Russian spy.

The Hon. J.R. RAU: My recollection is it's in Italy somewhere. Anyway, somewhere—

The DEPUTY SPEAKER: South.

The Hon. J.R. RAU: —south.

The Hon. S.W. Key interjecting:

The Hon. J.R. RAU: Let's not go off on regional nuances. That could take us anywhere. That is dangerous turf to explore. We have had a look at a lot of things. As I said, there is the Palermo Convention and there is the unavailable witness admission provisions, where we have looked to the United Kingdom for inspiration, and we have looked at how that has worked in the United Kingdom. There are provisions in there. And another one, for example, that occurs to me is that the Director of Public Prosecutions under the proposed legislation would be able to say to a person, 'Look, if you cooperate with us in relation to this particular matter and provide material assistance, then we can give you an undertaking that you will not be prosecuted for this particular offence.' Armed with that, that individual then does not have the privilege of self-incrimination to fall back upon when appearing in court, and there are cases where that has been of assistance.

We have also in the guilty pleas legislation provided for great concessions for people who provide this sort of information to the authorities in the context of an early guilty plea, or even a late one for that matter. We have also put in here the provision where someone has gone to gaol and has decided that the tucker is not too good, or they would like to get out and about a bit more. They can come forward and say to the Director of Public Prosecutions, 'Look, I've got material information which will assist you in an important investigation,' and in the event of them providing that cooperation and that being of material assistance to the prosecution, they can apply to have an opportunity to be re-sentenced on the basis of their cooperation.

We are offering them early guilty plea—or any guilty plea—and big remission for cooperation. If you are actually in gaol, still, if you are going to cooperate you can get some benefit out of it. In the context of the other legislation, the rest of the package, the one about the forfeiture of property by declared drug traffickers, even in that case, we say that they lose their property except if they cooperate with the authorities, in which case the very—I do not want to use the word

named after a certain Greek tyrant (it starts with a D)—tough provisions there are lifted from the shoulders of that convicted drug trafficker.

Look, we are trying to put incentive in the minds of these criminals. We are trying to break up the code of silence—or, if you grew up when I did, the cone of silence, because that was in the film. We are trying to break that up. We are trying to exploit the fact that we do not believe that, when push comes to shove, there is honour among thieves, and, if we can make opportunities for some at the expense of others, we can rely on their exceptional personal characters to do the rest of the work for us.

Also, we are trying to protect vulnerable witnesses. We are trying to enable the courts to have access to evidence. I cannot emphasise enough that this is an attempt to attack this problem from every conceivable angle. What can the police do? What can they charge people with? What evidence can they get out of people? What evidence can they put before a court? What can they do to defend witnesses from intimidation? What can they do to protect jurors from being intimidated? What can we do to stop these people associating with each other and cooperating together in schemes which advance their whole collective aura to the gross detriment of everyone else who is doing the right thing in the community?

I do actually feel very strongly that it is important for everyone to understand that this is not something where politics—and I do not want to be disrespectful in saying this—and tinkering for the sake of being seen to be doing something has any place. This is a time when we should just get on with it; and, for goodness sake, as legislators this is the only thing we can do. We cannot go out there on the beat and arrest people. We cannot bust down doors and do all this sort of stuff. What we can do is give the police and the Director of Public Prosecutions and the courts the tools to be able to put some shackles on these people.

If we do not, we should all be rightly condemned for not having done it. I urge everybody, please, think seriously about this. I know that nobody is treating this as frivolous, but this is not the sort of thing where mucking around, tinkering, because you can, has any place. If there is a huge, fundamental flaw in something that cannot work for some reason, let's talk about it; but, my God, if there is one, I am baffled where it might be.

I have had a lot of very good minds, much better than mine, some as good as the honourable member for Bragg's, look over this, and they seem satisfied. And, I can say also that SAPOL have said that, given the fact that they accept that the law requires certain things about evidence, and it requires certain things about procedures, and it requires certain accountability for the police doing various coercive activities, this is something that they believe is a step forward. So—

The DEPUTY SPEAKER: In conclusion?

The Hon. J.R. RAU: In conclusion, Mr Deputy Speaker, you have just got to love it. It is the best thing we can do. And if we do not do it we will be rightly criticised as being, quite frankly, asleep at the wheel.

Bill read a second time.

In committee.

Clause 1.

Ms CHAPMAN: So that we may be clear in respect of the issues that we wish to raise on this bill, and given the comments of the Attorney that there is little change to the bills that are before us and those that were presented for consideration to the world at large in about August last year, I make the point that the then Statutes Amendment (Serious Organised Crime—Procedures) Bill and also large portions of the Evidence (Out of Court Statements) Bill 2011 have aspects that are incorporated in what we now call the offences bill.

Whilst the minister has gone on to discuss other bills in the government's package of reforms to deal with serious and organised crime, they are not before us, and I will not answer in relation to them, because they are not before us and they are not coming for us. However, there were two other bills that went out for consultation that have significant portions which are now incorporated in the bill before us and the control bill, which we will deal with shortly.

I make that point for this reason: it seems to have escaped the Attorney's attention that there are very many aspects in respect of the procedural changes that are being initiated in this bill—the special procedure to expedite proceedings, the removal of the right to trial by jury, the

removal of privilege against self-incrimination—which I have not dwelt on but on which the Law Society has put pages and pages of submissions.

It may be that, during our task force submissions, there are some aspects of those things that are so dangerous to be implemented—given the broadness of definition of who could be captured under this legislation, and that is one aspect that is so concerning to us—that it will attract the attention of the High Court and we will need to have a look at it.

I do not want to go in detail in relation to that area. We will look at that still and we will look at those procedural changes which undermine, reverse and totally backflip what are ordinarily protections to defendants, but when the Law Society canvassed a number of these issues, it made it very clear that the High Court could be attracted to some of these. Whilst we can proceed and allow them to go through the parliament, just like the Totani case, we could end up back in the High Court.

It is not a light thing to remove the privilege against self-incrimination. We have tried it in some other legislation in the last nine or so years that I have been here, where the government has put up this weakening of the rights of defendants, but this is critical and I think it needs to be clear to the Attorney that, whilst we are not going to traverse all those in committee, the High Court may well be alert to the removal of these. If the government has obtained crown law advice on the validity of some of these very significant procedural changes and signed off on them on the advice that they will be valid and that they will not be overturned in High Court challenges, then that is a good thing—if he has that.

I am a bit disappointed, given the history we have had of legislation, particularly the control legislation, that we are never allowed to see that crown law advice and, frankly, in this type of novel legislation, I think we ought to be able to, but clearly the government takes the view that, whilst it put submissions on the website from lots of learned people, it is not prepared to put the Crown Solicitor's advice or at least make it available to us to view.

The government claims that it has put all this through advice, but that is exactly what it did when we were back here in 2008 and gave assurances about this novel legislation that it was going to be valid. We gave warnings then. The Law Society and other learned people have clearly given alerts as to where this could be an invitation to more and more applications in the High Court, and that is concerning to me as it should be to the Attorney because the more novel, the more cutting-edge, the more 'out there' legislation is, the more likely it will get knocked off.

If one were to have taken a little more conservative approach to this, as other jurisdictions have—and I will come to that more in relation to the control bill—then we may not be at such risk again, but I make the point on this area: there are very significant changes and if it just affected the really nasty, mastermind, intimidatory bastard who might occupy the space in a gang, that is fine, but our assertion through this legislation is that much of this could really attract a lot of people who ought not to be in that category. I make that point.

This bill basically provides some reinstated offences, such as participation in a criminal organisation or group, a new version of the old consorting offence, and a number of other non-association orders—that is, not identified as a crime, but orders that are being made not to allow association in a certain place or to consort with certain persons.

In addition to this aggravation issue and sentences being accumulated, which I have referred to in more detail, I have a general question about the whole concept of anti-association policing. I note that the minister said that he has looked at how helpful in England some of the evidence changes were in relation to allowing witnesses to give statements out of court. To just go back to the anti-association policing aspect of this bill, can the Attorney tell us whether he has any evidence of whether this approach works; if so, what is that evidence, where is it happening and, if it actually works, is there some study of that?

The Hon. J.R. RAU: I will give you an off-the-cuff answer, but I am happy to explore with people about whether detailed statistical material is available on this; I suspect not. I do not think it is any secret that the police commissioner has indicated that, from the perspective of SAPOL, there was a calming of the activity of a particular group. There was a noticeable calming of their activity and a falling off of their membership associated with the introduction of the 2008 legislation and, indeed, the declaration process that followed it.

He has also said publicly that since the decision in Totani, and the subsequent New South Wales case, the number of people who appear to be either directly or indirectly involved with these

groups has increased, and their degree of bravado or boldness appears to have increased. I accept that that is anecdotal. I accept that it is a perspective brought to the conversation by the police commissioner, but I guess from my point of view he would be best placed to be able to express an opinion about those matters.

As you would appreciate, I am not at the coal face in terms of confronting these characters in a day-to-day sense, and I am not sure how they conduct themselves presently compared with how they did a year or two ago. As I said, the police commissioner is on the public record as having said that about three or four weeks back, I think, when he said that there was a concern about the way these people were emboldened of recent times, and he compared their recent behaviour with what he observed during the period immediately following the 2008 legislation.

I also just mention briefly that the honourable member raised some questions about the High Court, and they are entirely legitimate questions. I want to place something on the public record here about the High Court. It is true that prior to the introduction of the 2008 legislation there were some people who said that that legislation would run into difficulty. There are many who said it would not.

As history has played out, it turns out that the people who said that there would be some difficulties (whether or not this particular difficulty is the one they alluded to I do not know) were proven to be right on this occasion. The honourable member knows as well as I do that in the time since Federation—or 1903, whenever the court was constituted—the court has gone through a series of phases, let me put it that way. The early court was preoccupied with intergovernmental immunities issues, and then you had the post-engineers case court, then you had issues around—

Ms Chapman: Banking.

The Hon. J.R. RAU: Banking—the bank nationalisation case, Victoria v the Commonwealth; you have all of that stuff about Cigamatic—

Ms Chapman interjecting:

The Hon. J.R. RAU: No; Huddart Parker and Moorehead, all the questions about Corporations Law. Strickland and Rocla Pipes—it is all coming back to me now. It is terrific. All of these cases have earmarked phases in the development of thinking within the court. Kiora v West is another one. You know what I mean: it has gone on and on. What has tended to happen is that the court has a period of relative stability, relative consistency in terms of approach, and then whether it is because of contemporary thinking or because of a change in personalities or key personalities, the court moves to a different place.

The court has moved in recent times to a different place. So, the degree of confidence that anybody can have in terms of making a cast iron prediction about what the court will or will not do, particularly in this contested ground between the judiciary and the legislature or the judiciary and the executive, is always going to be a matter of opinion which can be well informed but we are not dealing with that serene period of the Dixon court where things are as they always have been and always will be.

We are dealing with opinions expressed by learned people on the basis of the known, reported decisions of the present court. We have asked the question of people as eminent as the Solicitor General and various people, 'Please have a look at this and, if there is anything is here that you think stands out as being a beacon for concern, let us know and we will either modify it or take it out. If we cannot modify it sufficiently to make it harmless, we will take it out.'

I make the invitation to the member for Bragg: between the houses, if the honourable member and/or the Hon. Mr Wade wish to draw my attention to any matters of that sort of critical risk, I am all ears. I am happy to sit down—

Ms Chapman interjecting:

The Hon. J.R. RAU: Look, I am telling you that if you want to participate as you have indicated in the constructive passage of this legislation, I am interested in it. If that means that you and I and whoever I need to have present hear exactly what you have to say about things where you are worried about a constitutional minefield and you identify that (you or Mr Wade or whoever it might be) and say that you are worried about it, I am happy to engage with you about that and see if we can come to some agreement about whether that is a risk. If it is, we can talk about how we address that risk. But can I say that I would hope that in approaching that process it is not taken as an opportunity to tinker because somebody can wearing the clothing of constitutional anxiety.

If there is a genuine constitutional anxiety about something, I am very interested in talking about it and trying to resolve and understand it and give you as much comfort as I can if we genuinely think your fears are unfounded and, if your fears are based on something that I am advised has grounds for concern, then I will take that on board and probably make adjustments accordingly.

I am trying to explain that I do not want this sort of constitutional argument to be a stalking horse for policy points which may be unpalatable to some. We need to distinguish between those things. If it is a policy issue, let's call it a policy issue and let's have a policy debate; I am not worried about that. But let's hive off from the policy contest the bits which are genuine constitutional issues which might actually be corrupting the fabric of the whole thing.

Ms CHAPMAN: In answer to the question specifically, the police commissioner is the one who has given the reassurance to the minister that both the initial act calmed the subject matter that were going to be affected by this and when they won that they have been emboldened since. That does not give me a lot of comfort, not because the police commissioner may not have made those observations, he may well have done so, but one reason those in this category might have been emboldened was the fact that they won in the High Court and they were rejoicing in the fact that they had given the government a whack in the face over this issue.

As embarrassing and humiliating as that is to all members of parliament, who have to wear that because of the government's insistence on pushing it through in those circumstances, what I would like to know is if you have advice and you do not want to give us that advice—because it is the usual practice for government not to table crown law advice, I understand that, and it may well be the position that is going to continue—all you have to do in that situation is reassure the house that on all of the information you have received on advice, whether it is from the DPP, crown law, or the Solicitor-General, is to say to us, 'We have that advice and the best advice we have on this is that there are no sections of this piece of legislation or the control bill that we can identify that will be vulnerable to High Court challenge.' That is all you need to say in that regard. I would welcome it, and I think the parliament would welcome it, because we need to have some assurance on that, given what happened in 2008.

Getting back to the question itself, which relates to the effectiveness of the anti-association policing, and leaving aside what the police commissioner says, because I think there are some other pretty good reasons why they are partying in the streets over this, if there are other sources, if there are other jurisdictions that have dealt with anti-association policing as an effective way of reducing serious crime, then I would certainly like to see them.

Both of us were probably in primary school when the consorting laws of the 1970s were in their dying days and removed from the statute books. I would have thought one reason for that was that not only have social situations changed but they were not effective. I think there were very severe concerns at that time that they were being abused for the purposes of political and other reasons, and that may happen with this lot.

So, we have to be careful that, if we are going to reintroduce a scheme in the hopeful expectation that it will deal with one problem, we do not create another. That is why I am particularly keen to hear—and if you do not have it here today, I accept that you have the police commissioner's comments—it would be helpful for the opposition to at least have the data, the jurisdiction or the circumstances in which that has been demonstrably successful.

The Hon. J.R. RAU: I thank the honourable member for the question. I will endeavour, over the next day or two, to see if there is anything we can offer you by way of assistance in that regard. As to the constitutionality of the thing, I think it is important that I am absolutely frank with the parliament. The way this thing has worked is that we have literally sat in a room, sometimes two or three people, sometimes as many as a dozen, we have sat there for hours and hours and hours, we have talked through section by section, and we have asked around the room, 'Does anyone have an issue?', and at the end of the day, each day, for months, everyone said no.

Then we have one last meeting, just to wrap it all up, and they all have new ones, and away we go ahead. That is how it progressed. It was not so much like: I have, in one place, a written advice from anybody in particular saying, 'I've been through this whole thing and I don't have any problem with any of it.' What has happened is, that has occurred in meetings where we have had a diverse range of people: Crown Solicitor, Solicitor-General, Ms De Palma over here, Tony Harrison, police officers; a range of people. We have been sitting there and we have gone through, and yes, I have asked all of them, including the Solicitor-General, 'Have you read all of

this?' 'Yes.' 'Do you have things that concern you?' 'Yes.' For a long time they all kept coming up with 'Yes, we do', so we kept chipping away at it.

If you are asking me if I can give you a cast-iron guarantee that no person will ever challenge this—absolutely not. I am confident that it will be challenged. If you are asking me if I can guarantee that no High Court will find issue with anything in either of these bills, no person short of a clairvoyant could possibly give that as an absolute guarantee. What I can tell you is, all the best advice I have is that nobody has been able to identify any flaw in the current bills which makes them feel nervous about a High Court challenge, given what we know about what the High Court's present views might be.

That is why I renew my invitation to you. If you are able, through your consideration of the bills, to identify areas which those that advised me and I have missed, then I will be grateful for the opportunity to repair that damage, if indeed it is a problem, before we get the bills outside of this building. I do not think there is anything there, but we are all human. We have done our best, but if you find stuff and it is genuinely a constitutional issue we will be more than happy to look at it.

Ms CHAPMAN: There is a question here I have been asked to ask: what would avoid concertina sentencing?

The Hon. J.R. RAU: I am not quite sure what concertina sentencing is. Can anyone help me? Can we leave that until later? I do not mind if you ask me in the context of another bill later, but I actually do not know what that means.

The ACTING CHAIR (Hon. M.J. Wright): We are in clause 1 at this stage.

Ms CHAPMAN: Does the bill reference any legislation that has not yet been passed by the parliament?

The Hon. J.R. RAU: What was the question again?

Ms CHAPMAN: The question was, does the bill reference any legislation that has not yet been passed by the parliament?

The Hon. J.R. RAU: I think I am correct in saying that the two bills reference each other, so if you are asking about the one we are debating presently, that does have analogues in the one that we have yet to debate.

The ACTING CHAIR (Hon. M.J. Wright): Do you have any final questions on this clause?

Ms CHAPMAN: It is on the same aspect, really, because I note that clause 47 of this bill proposes a section referring to prescribed drug offender within the meaning of the Criminal Assets Confiscation Act 2005.

The Hon. J.R. RAU: Again, I will take advice on that, but that is an existing piece of legislation. It is not something that is still to be passed, as I understand it. We are not talking about the declared drug traffickers there, we are talking about—

Ms CHAPMAN: Prescribed drug offenders. You were saying that is already a law in existence.

The Hon. J.R. RAU: No, I thought you said a piece of legislation, didn't you?

Ms CHAPMAN: I will read out clause 47.

The ACTING CHAIR (Hon. M.J. Wright): Why are we asking questions about clause 47 when we are up to clause 1?

Ms CHAPMAN: Because my question on clause 1 is whether anything in this bill is actually referencing a piece of legislation that has not yet passed. We have had this debate before in the parliament of whether you can pass legislation which references some other piece of legislation which has not yet come into existence.

The ACTING CHAIR (Hon. M.J. Wright): Right, okay.

Ms CHAPMAN: That is what I am just trying to avoid here. If we are sure that clause 47 does not come into that category I will ask a question on that when we get to it. That is really what I am referring to.

Clause passed.

Clauses 2 to 5 passed.

Clause 6.

Ms CHAPMAN: How does the amendment to the Australian Crime Commission, the proposed insertion of section 26A, differ from the existing provisions in section 23 of the act?

The Hon. J.R. RAU: The short answer is I think we will have to get back to you about that, as indeed we will have to get back to you about the last question you asked. I can tell you conceptually what it is about; that is, there is some sort of intergovernmental agreement relating to the Australian Crime Commission. The commonwealth made amendments to the commonwealth act in 2010, and my advice is that the amendments that we are seeking to make here are amendments that bring our legislation back into sync with the commonwealth provisions.

The explanation I have is that it relates to coercive hearing provisions. Currently, there are no contempt provisions in the South Australian act. They were introduced in the commonwealth a couple of years ago and, under the SA act currently, a witness who fails to cooperate in a coercive hearing can be charged with refusing to answer, false or misleading statement, and failure to take an oath or an affirmation.

To advance the prosecution, it is necessary to assemble the evidence, lay a charge and bring the offender before the South Australian court for specific offending, as I have just outlined. The matter then proceeds at the same speed as other prosecutions. It is not possible to call the same witness before another coercive hearing on the same matter while the charge remains unresolved.

Under the commonwealth legislation, there is in addition the specific offences mentioned as contempt. Where the examiner reaches a conclusion the witness may be in contempt, he or she can order that the witness can be immediately be taken before a court. The witness is taken from the place of the examination and immediately to a court.

The judicial figure considering the matter can, if he or she concludes that the witness is in contempt of the ACC, order the detention of the witness immediately for such time as may pass before they perjure their contempt by cooperation, or otherwise determine to release the witness. So, there is obviously a tremendous advantage in the use of the commonwealth provisions in influencing the witness to cooperate.

In South Australia, witnesses know that they will not be immediately dealt with should they refuse to cooperate, and that, by delaying the proceedings as long as possible, they will not be called back for another hearing until the matter is finalised. By that time, the relevance of what was sought to be elicited from them will have diminished. SAPOL has sought, on a number of occasions, to have the ACC undertake hearings under the commonwealth ACC act in preference to our act because of the immediacy of the contempt provisions.

Ms CHAPMAN: So do I take it that the application of the stronger provisions under the commonwealth act which are going to be introduced into this legislation is at the request of the police, and/or was there a situation where you had any legal advice that an attempt to affect it would attract the question of constitutionality, or both?

The Hon. J.R. RAU: My understanding, insofar as I have been presently advised, is that it may have been something that the police would have found useful and we were merely complying with an intergovernmental agreement, but I can seek further information about that.

Clause passed.

Clauses 7 to 24 passed.

Clause 25.

Ms CHAPMAN: Clause 25 seeks to insert a new section 43 of aggravated offences. I refer to the concerns raised by the Law Society on these matters. In particular, its concern related to the application of persons who would not really be expected to be caught and summary assurances have been given. Is the Attorney-General aware of how often crimes are committed while wearing insignia, and what percentage of organised criminal acts would be committed by people wearing insignia?

The Hon. J.R. RAU: Thank you for the question. If the honourable member is asking whether we have statistical material on that, I suspect not, but I will ask. However, what is clear is that part of the modus operandi of these groups is to present themselves in what amounts to a

uniform. The uniform is an advertisement of their power, and their capacity to intimidate is projected to other people by reason of their presentation. People are intimidated, people become fearful and people become compliant because their presentation evokes the collective fear people have about violence and extreme behaviour.

As I tried to explain before, we are attacking this corporate aspect. Let us ignore these people for the minute. Imagine we are talking about a situation where any one of us is in the street and we are approached by police officers. The fact that those people are wearing the costume of a policeman carries with it a certain image and a certain authority. If we were to encounter a person who is dressed in a military fashion, similarly, there would be a certain impact, not just because of the individual but because of the projection of that individual's corporate identity through the uniform.

What we are trying to express here is that, when these people go to some place dressed up in a certain way and say, 'You let me do this,' they bring with them not just their physical presence but also the corporate identity of those who the people to whom they are speaking probably reasonably fear may be prepared to support them if they do not cooperate. We are talking about people here who are by some means identifying themselves as being members of these groups and gaining the advantage of intimidation and fear that that projects to the victim.

Basically, we are saying, in connection with these offences, that that is more serious, because they know damn well what they are doing. They know damn well that their presentation is intended to—and does—cause apprehension, fear and concern, and that is to their corporate benefit. What we are saying is that, if you seek to derive a corporate benefit out of that, we are going to put a little bit of extra lead in the saddlebags. If you get caught committing one of these offences, the court should be able to take into account that you were not just acting alone; you were acting to advance the interests of a criminal organisation.

Ms CHAPMAN: I do not know that that gives me a lot of comfort, because various insignia, display and uniforms of different groups through the ages have changed. My mother did not like me associating with people with long hair or who wore earrings, tight jeans, black clothes or whatever. She might have been appreciative, if she were here today, that you are introducing these anti-association laws.

However, is the problem with this legislation potentially that a criminal gang might think, 'Well, I can't wear an insignia during the course of the commission of a crime because that might be difficult, so I will just conceal it'? Do you not run the risk in that circumstance that any particular symbol or insignia will simply have a coat over it during the course of the commission of the crime? We are assuming that these people are not without sufficient wit to get around this type of thing, that is, the real baddies.

I am talking about those who might be happening to wear some insignia because it is reproduced on a Chinese T-shirt by the thousands and who are walking down Rundle Street East to go to the place of earthly delights, or whatever it is called—which I notice did not get a free bus ticket today in the announcements; you have to go to Clipsal to get that free bus ticket. In any event, with respect to those who are wearing this material, and I cannot think of any immediately out there, but plenty of times you see sold in shops T-shirts emblazoned with Nazi material and all sorts of things that people wear. Presumably they think they look great in it.

I will not cast judgement on that, but I simply make the point that these things tend to find themselves in reproduced pieces of clothing or earrings and all sorts things that innocently young people may wear and will be caught under this. But for the real baddies, can I just say at this stage that they are going to get smart, aren't they, Attorney, and just simply not have them exposed or wear them while they are committing the offence?

The Hon. J.R. RAU: Can I say a couple of things in relation to that. First of all, as for the cheap copy of the T-shirt, this is only a presumption. If the honourable member and I had gone down to the T-shirt shop one afternoon and, because we were foolish, had bought a T-shirt that looked like a Finks' T-shirt, and we had gone down to the Garden of Unearthly Delights and then we committed a criminal offence, like, bashed someone or something, we might be able to say in our defence, 'Well, look, there's only a presumption we're Finks but we're actually not Finks. We bought these at the T-shirt shop down the street.' It is a rebuttal presumption. That is point No. 1.

Point No. 2 is that—and I am not sure whether it is to do with testosterone or what it is—these people appear to think that it is significant that they do show themselves off in these outfits because they get a buzz out of it, and they also get the additional kudos of being recognised as

that and treated with what they consider to be respect. Yes, they could cover up, and, if they do, then that is fair enough, the presumption does not operate against them. It does not mean that they still cannot be identified as a Fink, or whatever, doing something.

Also, some of these tattoos, I am advised, are pretty distinctive and may not be that easy to cover up. Bear in mind that we are not just talking about someone who has got on a particular T-shirt wandering down the street minding their own business. In the case of the particular provisions to which we are now referring, we are talking about someone who is manufacturing a precursor, or who is running an amphetamine kitchen or something of that nature.

The real life situation is that the police burst into a house, there is someone there with a bunch of test tubes who has got whatever tattooed all over them, or who is wearing a particular form of dress which is distinctive for that particular group, and all the provision is saying is, 'Look, subject to what you, defendant, can say to the contrary, it looks to us like you're a member of that outfit.' It is simply an evidentiary aid. It means that, in terms of establishing the elements of the offence, the onus is on the defendant to disprove that they were a member once it has been established that they were in effect masquerading as a member.

Ms CHAPMAN: The purpose of this legislation, or this aspect of it, is to be able to use it as a means to fill in the requirements—of which there are a number—that then attract an aggravated penalty to the person. So they have to have been committing a crime, wearing insignia at the time, etc., and that these aspects in an aggregate then attract a much higher penalty. That is the gist of this.

They can wear these insignias or they can display themselves for the purpose of puffing up their chests and intimidating people walking in a group down the street when they are doing lawful activity. So all the things it seems that you have identified for the purposes of adding to their aura, they are going to be able to do anyway. It is only when the police burst into the room and see them all with amphetamine machines, and they have got their tattoos on display, that it is actually going to be applicable for this.

The problem is this: under the declaration process there is no requirement to identify the insignia of these particular organisations as part of the process of having an identified register of these particular insignia, pieces of clothing, or identified tattoos. Each time, a police officer or someone who is prosecuting under this section will have to prove that that particular insignia is applicable to a particular group and that it has not got some general application, that it is exclusive to them, and so on. Has there been some consideration given to the fact that this could impose quite a lot of extra evidence and work just to be able to get into this next category?

The Hon. J.R. RAU: I understand the honourable member's point, but can I explain in this way: if we do not have a rebuttable aid to proof in relation to membership, then my advice is that in some instances it is very difficult to prove membership. For example, these people are not like members of a political party or members of a committee of management of a bowling club, where there is an accessible public document which identifies the individuals who are members.

Indeed, there are classes of membership, as I understand it, or associate membership, or candidate members, and so forth, whereby a denial by an individual that they are a member may present serious evidentiary concerns for any proof of membership. In these circumstances, it was the view that it is some sort of rebuttable presumption in respect of basically an application of the old adage: if it looks like a duck and quacks like a duck, it is probably a duck, and if it can prove that it is not a duck, then okay.

Clause passed.

Clause 26 passed.

Clause 27.

Ms CHAPMAN: This is a proposed addition of a new division to provide for the applications for resentencing. Essentially, if a person has already been sentenced to a crime and is languishing away in gaol (described by the Attorney as 'getting sick of the food'), then he or she can fess up on spilling the beans on someone else and get a chance to be resentenced for their original crime and get what has been described in other places as a 'get out of gaol for free' opportunity. Are there any precedents for this being implemented in any other jurisdiction and, if so, where?

The Hon. J.R. RAU: I will have to get back to you in relation to the particulars of that. I can say that, from my point of view, the logic of that is compelling only because we are saying to a person prior to conviction that cooperation will result in a much reduced penalty—and we may be dealing with people who either did not consider that or have since changed their mind—if they are holding significant information. I am not talking about dobbing in their mate for having the sprinkler on or something. I am talking about serious stuff.

Those people's testimony might be critical in a serious matter. All we are saying is that there should be some symmetry about their cooperation before conviction leading to a remission in terms of the maximum penalty and their cooperation afterwards. I understand that sentencing should be for once and for all, but I have to say that it would be only in exceptional circumstances. It would be in exceptional circumstances where a person would be able to take advantage of a situation like this to the extent that they would be able to apply to the court and the court seriously reconsider their position. It would not be providing trivial information about some minor offence. That would not pass muster.

I will give you an example. Let us say we have a person who has been a gardener and they have been persuaded to grow a quantity of hydroponic cannabis in their house. Let us say, hypothetically, that this person has been approached by somebody who is running a number of gardeners around the place and this person supplies them with the hydroponics equipment, the seeds, etc. The person gets busted, they are found with 20, 30 or 40 plants, or whatever the case might be, and they are charged then with an offence under the Controlled Substances Act (I think at that point they probably have a trafficable quantity of a prohibited substance) and then sentenced and convicted on the basis of their crime.

If that person were able to come forward and say, 'Look, the person who asked me to do this is so-and-so. I know that so-and-so has also asked half a dozen other people to do this. I know who they are. I know where they are. I know where this person is washing their money, that they're pretending to be a humble pizza shop owner but in fact that's just a front and they're doing this, that and something else,' what justice would be served by not offering that person an incentive to turn over to the police and the prosecutorial services the big fish who is actually running a dozen of these characters?

We trade a small fish—not by me or anyone in here reducing it, but by the court considering their contribution to the prosecution of somebody of significance which may reduce their penalty—and, in exchange for that, we put away the one who is running 10 of these people. I think that is the way it needs to be looked at.

Ms CHAPMAN: I thank the Attorney for his explanation. I am not sure that it fills me with confidence, mainly because the very purpose of the sentencing legislation, which I understand we will be debating at another time, is to give incentives to plead early, and if in fact you get another chance after you are convicted why would you plead at all? Why would you not run the gauntlet of trying to get off and have the trial in the full knowledge that, when you get down to Yatala, you can exercise this option?

The Hon. J.R. Rau: Some of these characters have been there for years.

Ms CHAPMAN: Well, it may be that you wanted to capture some of those who have been sitting down there for a while, but it just seems to me that it is in direct contradiction with another part of the legislation that you have in mind. But, in any event, my next question in this part of the process is: how do you envisage that this exercise will be managed?

The Hon. J.R. RAU: I think the section is reasonably prescriptive of the process. In subsection (2), the person has to apply to the court for permission to have the sentence quashed and a new sentence imposed. In subsection (3) the court will only grant permission:

> if the court is satisfied that the cooperation relates directly to an offence that is, in the opinion of the court, a serious offence that has been committed or may be committed in the future...

Subsection (4) states:

> The chief officer of the law enforcement agency, the Director of Public Prosecutions, and the applicant are parties to the proceedings...

In determining a new sentence, there are a whole bunch of criteria which go down in subsection (5), setting out the balancing act that the court would take into account. Again, this is entirely at the discretion of the court, and the balancing act is a matter for the court having regard to the criteria in subsection (5).

Ms CHAPMAN: With all of that, this whole section relates to the successful pleading of cooperation with a law enforcement agency, and I cannot see any definition here about who that is to cover. It permeates the whole of the section, whether that is going to include or exclude police, Department of Correctional Services, Australian Crime Commission, and Australian Federal Police. Who are we talking about? Who is this going to apply to—to be able to contain this? If I have missed some other definition clause, I am happy to be—

The Hon. J.R. RAU: If you go to subsection (7) it might be helpful. It says:

chief officer of a law enforcement agency means—

(a) in the case of SA Police—the Commissioner of Police;

(b) in any other case—the person from time to time occupying a position within the agency prescribed by the regulations.

The reason we did that—

Ms CHAPMAN: Sorry, can I just say that all that does is identify who the chief person is and, ultimately, who takes responsibility for it. In the new provision under section 29D, under this new division 6, it talks about the law enforcement agency, but there is nowhere here where I can identify what that is to include. Is that something you are going to make a decision on, or list in the regulations down the track? Do you see what I mean?

The Hon. J.R. RAU: Part of the reason—

Ms Chapman interjecting:

The Hon. J.R. RAU: No, not just the police, and can I explain why. We did have a discussion about these issues—and, whether it has been adequately fleshed out in the legislation is something that I am happy to have a conversation about—but it occurred to me, and I recall raising this at one of our meetings, that it might well be that the relevant agency might be, for example, the AFP, or it might be Customs, or it might be—I don't know. But I did not want to draw a ring around who the agencies would be by being too prescriptive about it because there is always a risk that if you start enumerating the agencies, in a particularly prescriptive way, you may leave somebody out.

For example, because it says 'South Australia or any other state', if you go to that, we would have to list all the law enforcement agencies in each of the states and territories, which would include, certainly their police forces, but may also include other law enforcement agencies. We would be looking at the Australian Crime Commission, the AFP, Customs, and we would be looking at any number of agencies.

So, I guess the idea was that the courts would be capable of taking judicial notice of whether the WA police force is, for instance, a law enforcement agency. That is the intention of it, and the reason why it was not prescribed like that is that potentially there are a number of them and, furthermore, they may be a moving feast. I expect that there will always be a state police force in each of the jurisdictions, but there may be other agencies in the jurisdictions which come and go, and the intention was not to make this thing so prescriptive that you wound up excluding people because they were not named. If there is a drafting improvement that can be made on that, bearing in mind the intention I have just tried to convey, then I am happy to consider it.

Ms CHAPMAN: I am happy to receive an indicative list or some draft regulation about what you have in mind, Attorney. The problem is this: we could end up with enforcement agencies being the Natural Resources Management Board where there are offences for the dumping of marijuana plants. We might have enforcement agencies like the Child Support Agency. I would have thought that the very nature of this is that it is to be restricted to the most serious offences and, as a matter of course, people cannot be sitting in prison and think, 'I'll tell them that so-and-so is hiding out down there, so I will get my sentence knocked off.'

If the intention is clearly to have cooperation to deal with serious and organised crime aspects, then the most likely of those will be the police department; correctional services; the Australian Crime Commission, which I think is reasonable; AFP; Customs—they may be the limit but there may be a couple of others. It seems to me that leaving that completely open raises some questions about whether we are going to end up with a ridiculous situation where people could be lining up every day, and we do not want to open up an avenue of a whole lot of people trying to get a free ride back down to the courts to waste the time of the Legal Services Commission and

everything else to clog up the courts. We have enough problems down there. My next question would be—

The Hon. J.R. RAU: Can I just say that I do not disagree with anything you have just said. That was never my intention to have the NRM boards or anybody else doing it and, if I did, the former member for Stuart would probably come around to my home and say very unpleasant things to me, and I would not want that to happen, not that I do not want to see him but I just would not want to be told off by him.

I have no intention of doing that and, if we can fix that up, we are on the same spot about that. Incidentally, you might want to include the state ICACs in some jurisdictions, too. We are talking the same language about that. It is a question as to whether it is expressed adequately, that is all.

Ms CHAPMAN: My other question relates to the actual offences that they are reporting on. Would this procedure be available for serious offences that are actually committed or are committed in the future in prisons?

The Hon. J.R. RAU: There was no intention when we prepared this to exclude those offences. Take, for example, Mr Moran who seemed to have an unfortunate accident in prison in Melbourne. It may well be that information about exactly how that occurred and who did what to whom and why would be very revealing, but it would have to run the rubric of subsection (5) and it would have to be pretty impressive if it is a prison offence to be of any value.

Clause passed.

Clauses 28 and 29 passed.

Clause 30.

Ms CHAPMAN: This is the insertion of a new part 3B to deal with offences relating to criminal organisations. My question, Attorney, is: does section 83G(2) essentially allow the declaration process contained in the Serious and Organised Crime (Control) (Miscellaneous) Amendment Bill 2012 to be a shortcut by the criminal organisation declaration provision in this part?

The Hon. J.R. RAU: I am not entirely sure I understand the honourable member's question. If the honourable member is asking whether this is a shortcut way of completely subverting the whole of the other legislation, that is certainly not what it is intended to be—that is number one. Two, it is in a section relating to evidence. It is an evidentiary provision, and what it is basically saying relates back to the beginning of the section where we have the definition of a criminal group. The bill provides:

> ...a group consisting of 2 or more persons is a criminal group if—
>
> (a) an aim or activity of the group includes engaging in conduct, or facilitating engagement in conduct, constituting a serious offence of violence (or conduct that would, if engaged in within this State, constitute such an offence); or
>
> (b) an aim or activity of the group includes engaging in conduct, or facilitating engagement in conduct, constituting a serious offence (or conduct that would, if engaged in within this State, constitute such an offence) that is intended to benefit 35 the group, persons who participate in the group or their associates;

I know that is a lengthy definition, but a criminal group is not just any two or more people. If two people decide to pinch somebody's milk money (or something) they are not a criminal group, they do not get in here. We start with the definition of 'criminal group'. That is the group to which 83G is referring: a criminal group as defined.

I think, to be properly understood, it was intended to mean that having gone to the length of being able to declare particular individuals to be members of a criminal group—let us say we are talking about A, B and C are declared to be members of a criminal group. In the trial of A there is a declaration that A, B and C are members of a criminal group, there having been evidence in relation to that to satisfy the court that such a declaration was appropriate. My understanding of the operation of that would be that in the trial of B and C, which may not be concurrent trials, it would be satisfactory to adduce evidence that there has already been a declaration made in respect of A, B and C being a criminal group.

Ms CHAPMAN: What ability does the court have to revoke or hear an appeal regarding a declaration under this part?

The Hon. J.R. RAU: We have, as much as possible in this legislation, tried to—I have to say that this was, in many respects, at the urging of the Solicitor-General—fall back on the normal rules that apply in the courts and to allow the courts to use their normal rules of court and procedures. So, a declaration of individuals being a criminal group would be something that would be capable of being challenged in the same way as a finding that, as a matter of law, something constituted possession or larceny (or something else). It would be an appealable event in the same way as any other finding of a court might be. If there was no legal justification or the evidence was unsatisfactory, or whatever the case might be, then that would be a reviewable matter in that sense.

Clause passed.

Clauses 31 to 40 passed.

Clause 41.

Ms CHAPMAN: This provision is for the admissibility of evidence of out-of-court statements by unavailable witnesses. It has obviously been controversial. It is certainly a concern of the opposition that there may be aspects of this, and I think the Law Society raised some questions about this too, about whether that in fact ends up being abused and people use it when they should not to avoid giving evidence. My question is: is this provision used in any other jurisdiction, and if so, where?

The Hon. J.R. RAU: Yes, it is used in the United Kingdom and I have been advised that it has been used with some success in particular matters there. We might see if we can get you a little bit more information about that, because it might be of assistance.

Ms CHAPMAN: Thank you, Attorney. I think I remember you saying that there had been some reference to it being used in the UK during your contribution. That information would be helpful. How does this interact with hearsay evidentiary provisions?

The Hon. J.R. RAU: I think the important thing perhaps is to go to page 27, that is, 34KB(4), and the reference to prescribed proceedings. This only has any work to do in the context of proceedings for a criminal offence or proceedings under the Serious and Organised Crime (Control) Act. Read the whole lot as a whole, read the material we give you in relation to the UK provision, where this comes from, and let's talk about it if you still have concerns.

Clause passed.

Clauses 42 to 46 passed.

Clause 47.

Ms CHAPMAN: This relates to loitering. In the proposed legislation, new section 18(6)(b) refers to a prescribed drug offender within the meaning of the Criminal Assets Confiscation Act 2005. Under what section of the Criminal Assets Confiscation Act is this found?

The Hon. J.R. RAU: I will get information about that.

Clause passed.

Remaining clauses (48 to 51) and title passed.

Bill reported without amendment.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (17:52): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ARKAROOLA PROTECTION BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 4, page 3, line 28 [clause 4(b)]—After 'cultural' insert:

or spiritual

No. 2. Clause 8, page 5, after line 8—After subclause (10) insert:

(11) In addition to the persons or bodies specified in subsection (10), if, in the opinion of the minister, an Aboriginal person or Aboriginal organisation has a particular interest in the Arkaroola Protection Area, the person or organisation will be taken to hold an interest in the Arkaroola Protection Area for the purposes of this section.

(12) In this section—

Aboriginal organisation means an association, body or group comprised, or substantially comprised, of Aboriginal persons having as its principal objects the furtherance of interests of Aboriginal people.

Consideration in committee.

The Hon. P. CAICA: I move:

That the Legislative Council's amendments be agreed to.

I am very happy that we have reached this stage at last for this historic piece of legislation. I thank members in both places for supporting the bill, although I think the bill could have been dealt with more expeditiously had not the opposition chosen to spend a large amount of time in the debate speaking about matters not contained in the bill. That aside, I am sure most South Australians will appreciate their eventual support for the bill.

In considering the amendments to the bill which were passed in the Legislative Council, I indicate the government has taken the position to accept those amendments at this point, given that they are likely to be of little practical importance.

The first amendment adds the word 'spiritual' to clause 4(b) in the objects of the bill, in relation to those aspects of Aboriginal culture and heritage that the legislation seeks to protect. From the government's viewpoint, it is widely accepted that spiritual values are an inherent part of objects, places or features that are important to Aboriginal people; therefore, while accepting the amendment at this point, we think it adds little to what is already included in the bill.

The second amendment is an additional element to the consultation process concerning the development of the management plan for the Arkaroola Protection Area. Clause 8 of the bill includes provisions requiring the minister to consult with those who hold legal interests in the Arkaroola Protection Area, and those with interests in an area that is adjacent to the APA, prior to commencing to develop or alter the management plan.

Once a draft management plan has been developed accordingly, the minister must undertake a public consultation in relation to the draft management plan, after which the minister may adopt the plan or vary it. Were any variations to the management plan of significance or substance to be made at this stage, the minister must go back to consult again with those parties holding interests in the Arkaroola Protection Area. So, it can been seen that there will be an extensive process of consultation about the APA management plan that is required of the minister, including a wider public consultation phase.

In terms of the amendment to this clause, it is the view of the government that the combination of consultation processes within the bill, as it was presented to the Legislative Council, and the operation of the Aboriginal Heritage Act 1988 adequately provide for a strong voice for the Adnyamathanha people—the traditional owners—in helping to shape the plan for managing and protecting Adnyamathanha culture and heritage; a view shared by the Adnyamathanha Traditional Lands Association.

I can inform members that today I received correspondence from the Adnyamathanha Traditional Lands Association, above the signature of Mr Vince Coulthard, the Chairperson of ATLA, in which he has requested that I oppose the amendment that was put by Mr Parnell in another place to include that the minister may consult other Aboriginal people with regard to Arkaroola, on the belief that ATLA and, in particular, Mr Coulthard believe that this is a watering-down of their native title rights and sabotages all of the important work ATLA has done over the past 14 years. I say that I will support this amendment from the other place, but I do put on the record the views of ATLA in this regard, and I will continue to work with Mr Coulthard on this particular matter.

Again, the government considers that this amendment adds little practical value to the workings of the bill. Nevertheless, at this point the government wishes to bring debate on this important bill to a timely conclusion so that the work of protecting Arkaroola for the long term can begin as soon as possible. This is a truly historic piece of legislation, one that goes much further than previous—

Ms Chapman interjecting:

The Hon. P. CAICA: —attempts in the other place. This bill—

Ms Chapman interjecting:

The Hon. P. CAICA: —behaviour, please—effectively provides for the permanent protection of Arkaroola from mining and other inappropriate development, so it will be of benefit not only to our generation but to generations of South Australians to come.

I would like to pass on my sincere congratulations and thanks to the Adnyamathanha Traditional Lands Association, Marg and Doug Sprigg, and those who have supported them through what has been a long journey, especially Mr Dennis Walter, and to other pastoral and mining exploration leaseholders who have been involved in the process of consultation.

Motion carried.

At 17:59 the house adjourned until Thursday 1 March 2012 at 10:30.