HOUSE OF ASSEMBLY

Tuesday, 16 June 2015

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:03 and read prayers.

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

Personal Explanation

WORKREADY

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (11:04): I seek leave to make a personal explanation.

Leave granted.

The Hon. S.E. CLOSE: Last sitting week, I referred to the circumstances for students undertaking components of a certificate III qualification under the training guarantee for SACE students (TGSS). In reviewing my answer, I realise that I may not have provided sufficient detail to clearly distinguish between conditions for students undertaking a certificate II and a certificate III.

Certificate II courses of high public value are fee free to TGSS students through funding by the Department of State Development and this will continue. TGSS certificate III courses are subsidised at different rates by the Department of State Development. The funding for these courses is generally less than the full course cost. In practice, however, the components of a TGSS certificate III undertaken by SACE students are usually fee free to the student through a combination of procurement processes and payment of any remaining gap by government schools. These arrangements will continue and, as I said, I will be asking the education department to monitor any anomalies that may arise.

Bills

LOCAL GOVERNMENT (GAWLER PARK LANDS) AMENDMENT BILL

Referred to Select Committee

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (11:05): I bring up the excellent report of the select committee, together with minutes of proceedings and evidence.

Report received.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (11:06): I move:

That the report be noted.

In view of the report, I move that the bill now be read a third time.

The SPEAKER: Does anyone want to speak on the report being noted?

Mr GRIFFITHS (Goyder) (11:06): If I may, briefly. As a member of the select committee, I thought it my responsibility to put some perspective from both sides of parliament. I thank the minister for chairing the committee rather well. We had relatively short meetings, and I thank the staff who supported us.

We did go to the effort of consulting with the Gawler community about any position it might hold on the 134 acres relating to this bill. There were no submissions received and, given that the

parliamentary debate that occurred about it in the last sitting week was for the support of the opposition for it, I am pleased to see that the report has been noted and that the bill will be supported.

Motion carried.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (11:07): I would like to thank the honourable member and other members who participated in the committee. It was a harmonious and trouble-free committee, demonstrating the best of the traditions of the parliament, with everyone working together in a positive fashion towards the sunlit uplands. With those few words, I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 June 2015.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:09): I rise to speak on the Statutes Amendment (Serious and Organised Crime) Bill 2015 and indicate to the house that the opposition, consistent with supporting the government in ensuring that we do deal with organised crime, will support the passage of this bill through this house.

Let me say, as lead speaker, that we note this morning that amendments are foreshadowed on this bill already before we even commence the debate on this bill in respect of some of the novel approaches to be adopted if the passage of this bill is successful in the parliament as a whole. It illustrates to us exactly why it is necessary that there be adequate and proper consideration of this bill and, indeed, that there be a thorough examination of its application, both intended and unintended. We will do that.

We will work with the government to ensure that we deal with organised crime in this state, but we will make sure that, after 10 years of failed attempts at this objective, this time it works and that we do not end up in the High Court spending taxpayers' money yet again on a failed formula. That is not acceptable to us. We know it is not acceptable to the public of South Australia and it ought not be acceptable to the government. We will thoroughly examine this and we commenced that process since the introduction of this bill only 13 days ago on 3 June 2015.

May I also point out that we are considering and being asked by the government to consider and debate this bill at a time when we celebrate the 800th birthday of the Magna Carta, a charter first published in 1215 in England. Under the pressure of dissenting barons, King John signed a document curbing his own power and importantly providing protection to free men.

Its rocky road of application resulted in changed content, but by 1297 it had prevailed and provided the basis of English law. Many countries, including Australia, have benefited from its noble intention of justice and liberty for all and it has now enshrined in our own Australian constitution—in particular for today's purposes—the establishment and fearless independence of the High Court and judiciary.

It provides the foundation on which our legal system, executive power, responsible government and our parliament's democracy is balanced. Doctrines of the rule of law and separation of power permeate the basis on which we proudly promote the principles of justice. Many clauses in the Magna Carta are arguably dated, as we would expect, and discriminatory by today's standards.

But one enduring clause remains: no man shall be arrested or imprisoned except by the judgement of his equals. To no-one would we sell and to no-one will we deny or delay the right of justice. Fundamental to ensuring that justice is available to all, the law applies equally to all, and those in authority may only exercise their power according to the law. Justice must be available, the

law applies to all, no-one is above the law, and there is a curbing of executive power. It is the separation—the role of the parliament ,the government and the judiciary—which supports this.

Today we have before us a bill, part of which at best challenges this separation of power, and at worst grossly offends these doctrines. For me, as a member of the legal profession, it is disturbing and confronting. As a Liberal, I am certainly concerned and conflicted. However, as a legislator, I ask 10 questions:

1. What are we being asked to do?
2. What is the ill that we aim to cure?
3. Has our current law failed?
4. Why has it failed?
5. Is the government justified in asking us to progress the bill's passage in haste?
6. Should the public have a say or, indeed, members of the judiciary and legal profession?
7. Is the model proposed the best way forward?
8. Will it achieve those objectives?
9. If defective, can it be salvaged with amendment?
10. Should it be abandoned?

Let me start by making it absolutely clear that the government's request that we push this through the parliament is offensive and without merit. We on this side of the house acknowledge that serious and organised crime is with us, that it is destructive and dangerous to the safety and wellbeing of our people, and that it is undertaken, in part, by members of outlaw motor vehicle gangs. That is a given.

The government claimed that the security of members of parliament or staff, or, indeed, their advisers, may be at risk if we do not act quickly. That assertion is wholly rejected. I have not been the subject of any threats or intimidation during the last 10 years of law reform debates to curtail serious and organised crime in this state. I know of no colleagues who have been victims of the same, nor has any evidence been presented to us that those in New South Wales and Queensland introducing the advanced reforms that we are now considering have been placed in that position. The police commissioner has reassuringly confirmed to us that the risk of that is low. That is in direct contrast to what we have been presented by the government.

It is not as though we have not been asked to deal with the swift passage of legislation. Back in 2012, when we were debating major reforms after a High Court challenge in the case of Totani and other matters in the High Court arising out of hearings and appeals in other states, we were also asked by Premier Weatherill to deal with the matter so swiftly that we were asked to suspend standing orders for the passage of comprehensive reforms in this area, not just addressing the issues in the High Court, but adding on four new tranches of law reform—all of which we supported—but, because there had been an incident involving allegations of violence by members of an outlawed motor vehicle organisation, the government said that we must act post haste.

Our position is very clear: we will not be bullied into submission to the requests of the government—and shame on them for even attempting to incite fear of such intimidation to achieve their objective. In a week during which the government plans to present their next financial plan for the financial security of the state, we would have to consider the real reason why the government are asking us to debate this in an environment where they have utterly failed the fiscal financial security of our state and management of its affairs. It does not surprise me that they make that attempt, but it is shameful that they ask us to do so with such novel and challenging reforms that they are asking us to deal with in this parliament. We will not be bullied.

Furthermore, if there was such urgency, why did the government not commence this legislative process last year? Last year—as soon as they were asked by the police to do so; as soon as the High Court handed down its judgement in Kuczborski v State of Queensland? They did not, and they did not in 2012. It took them two years to bring a tranche of reform after the High Court

challenges, after Totani and the decisions made arising out of New South Wales. Two years. That is how urgent it was for them then. But we supported them, we agreed to consider the matter in haste, and we were given reassuring promises by the then Premier on how important it was that they be advanced quickly and that they would be effective. In fact, he said on 14 February 2012:

> Community safety is the government's highest priority. Organised crime is a threat to the community. Anyone listening to the radio or watching television recently would understand the length which organisations are willing to go to and their propensity to reoffend. The government is now proceeding with a suite of measures directed towards organised crime gangs in South Australia. These measures do not stand alone; they are part of a picture that, when taken together, will undermine and disrupt these criminal gangs. Starting on this first day of parliament, we will restore and reintroduce three bills that have now been held up in another place.

That was his promise to South Australia three years ago, and we will be canvassing during this debate what has happened to that, and why it has utterly failed. However, may I say that, although novel legislation, pioneering legislation, ground-breaking legislation, is not new, and although the management of organised crime forms the basis for justifying a new and novel approach, it is not exclusive to this state government.

I acknowledge that this government is not alone in attempting to provide protection to its citizens against the illegal or offensive conduct of others. In fact, as we speak, the Australian government is proposing reforms, arguably novel as they are, by introducing legislation to deal with terrorists and those who threaten our civilised and peaceful existence, specifically proposing ministerial power to strip citizenship from those in question, arguably, equally offensive to some, and, in particular, to the doctrine that we are so fiercely defending, and celebrating its document of origin, the Magna Carta.

But, we are yet to see the detail of that bill, and in particular whether their bill will include judicial review and specific provision for the appellant role, at least to remain with judicial officers. There the public, the legal fraternity, the political groups, the academic world, are all debating those matters. It is in the public arena, and that debate continues, as it should.

In South Australia, let us consider what has happened so far in this war against organised crime. In 2008 the government progressed, and really initiated the first serious legislation in respect of organised crime, and in progressing what they described as their 'bikie gang' legislation in the Serious and Organised Crime (Control) Act of 2008. It dealt with criminal organisation laws. As we now know, those initial attempts to declare organisations illegal pursuant to that legislation were rejected by the High Court.

It is not necessary to traverse why: suffice to say that in the debates we had around that legislation concerns were raised—legitimate concerns—that it would not survive the High Court. The model presented did have weaknesses, and there could be a failure of application as a result of a successful challenge. Nevertheless, the government and the opposition worked to support its passage, and we traversed the issues comprehensively.

The Finks motorcycle club was the first club to be declared an illegal organisation in May 2009. However, the Full Court on appeal rejected our 2008 laws for reasons that are now well known. The government appealed to the High Court and in November 2010 that challenge was thrown out. There was much embarrassment to the government, remembering the failure in that process had two very real consequences. One is that the taxpayers of South Australia were asked to fund a very expensive exercise through multiple levels of court to our highest court in the nation. Secondly, the public were left, notwithstanding the grand promises of the government, without the protections that that legislation purported to provide.

In June 2012, amendments to the Serious and Organised Crime (Control) Act 2008 were passed ultimately and, by 2013, the police were preparing applications for the Finks, Hells Angels and Rebels motorcycle clubs—three long-standing motorcycle clubs I am advised in South Australia—to be declared. In July 2013, there were the further amendments to the SOCCA legislation, plus the further measures, which I have indicated the Premier was so quick to tell us about, to disrupt the activity of motorcycle gangs were passed. New offences were created to criminalise participation, either knowingly or recklessly, and this included recruitment. The detail of that legislation has been comprehensively repeated in the Attorney's second reading explanation and I will not repeat it.

In October 2013, plans to declare the Finks motorcycle club a criminal organisation were met with the club's change of name to the Mongols, arguably thwarting the attempt to have them declared and potentially of course thwarting the police's effort to present a case against them that was likely to be successful. It is clear—we read about it in the newspapers on a regular basis—that the police have charged and convicted persons who are members or were formerly members of outlaw motorcycle gangs. We understand that, of over 300 members of outlaw motorcycle gangs in South Australia, the police have been successful, no doubt with the DPP, in investigating, prosecuting and pursuing still through the courts at least a third of those. That is good.

The current law, in respect of criminal behaviour and the usual process of investigation, prosecution, trial and conviction, appears to have been working to some degree. Unfortunately, from my observation, it is usually arising out of criminal conduct where one member of an outlaw motorcycle gang is causing harm, injury, pain or death to another member of an outlaw motorcycle gang. Clearly, however, we know that there has been a failure to progress any successful application seeking a declaration before the courts, of which we had gone through such a painful gestation of delivering the law to deal with organised crime in that manner.

I do not doubt for one moment the experience of the government in pursuing legislation of which they were on notice was going to be challenged, and indeed was, and the failure of it. The resultant rejoicing of members of bikie gangs in South Australia caused much humiliation to the government. It was a demonstrable failure in the public arena, and it was humiliating. It was embarrassing. I felt humiliated and embarrassed that our government, which I did not choose to put there but which is there and is supposed to be acting responsibly, had pursued a course without more careful consideration. They of course will say that it is up to the parliament to tease that out, to make amendments, to look at improvements and to work with us if they are genuinely committed to the objective, and that is true, which is even more a reason why it is necessary for us to properly examine this legislation—and we will.

Let us consider the current law which, for the purpose of this debate, I will quickly summarise, as we see it. There are three areas which are going to be progressed with significant amendment. One is the law in respect of consorting. We dealt with this in the Summary Offences Act 1953 in 2012. We had the threshold debate about whether anti-association laws were really going to work in respect of outlaw motorcycle gangs, and we accepted that we would give it a try.

I am old enough to remember some of the public and academic debates surrounding anti-association laws in the 1970s. I was in law school at that time, and it was a time of considerable fracas over the attempt to introduce this. I think it is fair to say, especially as we have matured in respect of our understanding and embracing of those who have same-sex relationships today, that one can look back at the 1970s and those laws as scandalous. Looking through the lens of hindsight is not always fair to those who were debating it at the time, but I make the point that it was hardly effective back in those days.

However, we gave it a go and presently our law says that a person must not, without reasonable excuse, habitually consort with a prescribed person or persons. The police can issue consorting prohibition notices against a person who is subject to a control order under our SOCCA legislation or who have been convicted or suspected in respect of certain offences.

I understand that the practical application of that includes that six notices need to be issued within a 12-month period to trigger the effectiveness of it and to allow for there then to be a charge. Ultimately, someone who is found to have breached that requirement can be imprisoned for a period of up to two years. Briefly, there are various exceptions: family members, meeting for political purposes, if they are in gaol, there is a court order requiring them to be in the same room, or attending rehabilitation, counselling and the like—the usual expected exceptions. That is the current position.

Secondly, our Serious and Organised Crime (Control) Act 2008, which of course has been substantially amended and expanded since then, provides for the declaration of organisations, control orders and other measures. After the High Court judgements and amendments in the parliament, the law provides for a court to declare an outlaw motorcycle gang to be a criminal organisation. There is then a series of offences relating to a person who participates in an activity of the organisation, either knowingly or recklessly. Penalties are severe, and we understand why. There

are aggravated versions of a number of offences which, as you would appreciate, attract greater penalties.

There is a provision for the protection of persons to facilitate them coming forward; for example, allowing a frightened witness to be able to give evidence away from a court precinct. There is a special procedure for direct indictment to the Supreme Court, which obviates the need to go through a preliminary process, and a number of other measures, which, as I have said, have prevailed but which have not been actioned in the area of declaration by a court. However, there has been some activity in some other areas of reform in that tranche of legislation.

The third area that we are being asked to tamper with and/or improve, whichever way you want to view it, is our Liquor Licensing Act 1997 requirements as they relate to licensed premises. This is our hotels, restaurants, cafes, the Adelaide Oval, anyone who has a licensed premises. There are currently laws restricting persons entering or remaining in licensed premises—obviously certain persons. Displaying bikie colours may identify a person, but I am advised that enforcement generally has been problematic.

We on this side of the house acknowledge—which is why we have supported the protection of people who work in licensed premises—that other patrons who frequent licensed premises need protection, as this is a place where there has been a documented series of conduct and continuing threatening behaviour and/or criminal behaviour carried out by certain outlaw motorcycle gangs. We accept that there has been bad, violent and/or criminal behaviour in and around licensed premises, so we have supported the development of protective legislation as a result.

I have been provided with notice of an amendment by the government that addresses the Australian Hotels Association's concern that, under the current laws, they are protected—and certainly their workplace members and patrons are protected—by an obligation of the police to attend when called upon in the event of a disturbance on their premises. It was identified by the Hotels Association (the AHA) that this did not require the police to attend when the person behind the bar telephoned the police and said, 'I've got a member of an outlaw motorcycle gang here in my front bar.'

The silence on that in the legislation apparently was going to leave them exposed to the fact that staff would be expected to deal with that situation and, if they did not deal with it, under this bill, they would face prosecution themselves for failing to deal with a person who was identified, for the purposes of this legislation, as a person who was required to leave or at least be prevented from entering. So the Hotels Association expressed concern. No doubt other representatives, if they had an opportunity to even know what was happening with this legislation, would also express concern.

In any event, I understand from the government's announcement this morning that it will move to remedy that defect and ensure that if a person from a licensed premises contacts the police, there will be an obligation on the police to attend for the purposes of providing their assistance in regard to enforcement, which is after all what we charge them and pay them to do. The government claims, and I quote:

> This bill represents another step forward in the fight against organised crime. There can be no doubt that the legislation found valid by the High Court has the bikies in Queensland and New South Wales running scared. The government is determined to give the police the weapons they need to get to the same result here.

The words of our Attorney-General in his second reading contribution on 3 June.

Considering the promises that have been made on previous reforms, I have little doubt that the rhetoric is likely to far exceed reality, but that does not mean that we do not carefully examine what initiatives in this reform are acceptable and how we might progress them, what may be defective but remediable with some amendment and, if necessary, what should be excised and voted down, and we are continuing that process.

The bill essentially proposes new offences to make it harder for members, or aspirants, to meet or operate as bikie gangs (to use the government's slang) either at their headquarters, at hotels or, indeed, in public places. It also specifies particular gangs that are already operating in SA and other states and their meeting places, and that law follows current law that operates in Queensland. Additionally, the bill includes modification of our consorting laws. It certainly strengthens them and

makes them more punitive if they are breached. This model follows that which currently operates under New South Wales law.

The Attorney-General sets out the details of South Australia's current consorting laws compared to New South Wales and that the latter has withstood High Court scrutiny. The history of the serious and organised crime legislation is also discussed and the recent development of laws in Queensland. The Queensland laws were challenged in the High Court in the case of Kuczborski v State of Queensland and there has been some material outlined as to the application of law as it stemmed from Queensland.

The Attorney quite rightly points out that—although he omits through that contribution to discuss a number of other areas that have not as yet been dealt with by any findings of the High Court with respect to that Queensland legislation—it is correct, however, to accept that the High Court, in ruling that Mr Kuczborski, who had not been charged with anything, had no standing to be in the High Court, did rule that the criminal code legislation in Queensland and the liquor licensing law in Queensland was valid.

Further, and I think this is very important, in the absence of there being constitutional assessments on all of the laws, they did find that the device of defining a criminal organisation by regulation is constitutionally valid for the purposes of these offences. So, to the extent that the High Court provided a green light to the continuation of that portion of Queensland's law reform we can take some comfort if we are in any way concerned about the constitutional validity of that process. However, as I will address shortly, there are other limitations.

Let us look at what is in the bill and how our current position, in light of this recent history, is being proposed to be amended. Firstly, the Summary Offences Act 1953 is proposed to substitute a whole new section on consorting that is to be in line with New South Wales. It creates a new offence for a person who habitually consorts with convicted offenders after receiving an official warning by police not to do so, with a penalty of up to two years in prison. We do not need six notices in 12 months anymore; we need one notice, and, if a person is caught in those circumstances, then they can face prosecution, conviction, and up to two years' imprisonment.

It is certainly a model which is suggested, in the police briefings and by senior police—and I will refer to them again a little later—to have been effective in New South Wales, for the reasons that have been identified. It has survived the High Court and ought to have our favourable consideration.

We then have the amendments to the Liquor Licensing Act 1997. As I have indicated, the effect of this bill is to widen the operation of that act. The regulations that are made in respect of declarations to be made, in this instance, against certain clothing, jewellery or accessories being worn by a person, are also claimed to be unreviewable. That is what raises some concern to us.

In essence, let us consider the amendments: it will allow the Attorney-General to declare certain clothes, jewellery or accessories worn by any person to be a prohibited item. It will then create an offence to enter and/or remain in a licensed premises while wearing a prohibited item. The penalties here are severe: a fine of up to $25,000 for the first offence, up to $50,000 or six months' imprisonment for the second, and up to $100,000 or 18 months' imprisonment for the third.

It also creates an offence for a licensee, or responsible person (which is a person defined under the act), and/or an employee to knowingly allow a person with a prohibited item to enter and/or remain in a licensed premises. The fine is up to $10,000. Of course, the government's claim is that this is to provide extra safety for patrons and workers. I do not doubt for one moment that is an easy assertion to make, in a climate of saying, 'Your patrons and workers are much more safe if you don't have members of outlaw motorcycle clubs in your hotel.'

Doubtless, there could be other members of the community who would be equally unsavoury to enter or remain in a public place; however, given the history, we are sympathetic to the government's approach in tightening this, and, again, this has had some support in its scrutiny through the High Court, via the New South Wales legislation.

The concerns for us, in the short time we have had to consider this, are: firstly, as to whether it would apply to areas outside of the hotel proper (that is, the drive-in bottle shop or accommodation

rooms, for example), and how that could possibly be policed; and secondly, whether licensees, or indeed members of staff, etc., could be penalised for inadvertent breaches.

We are advised by the Australian Hotels Association that they have had a number of discussions with SAPOL. They have received a letter of comfort from a senior member of SAPOL to confirm that they do not see their and our concerns to be a problem in those areas, and, in fact, that there would only be the potential of staff being in breach, or committing an offence and being charged in relation to this, if they had not taken reasonable steps to allow the person to enter or remain in the licensed premises and if they had not knowingly permitted access. That may be a letter of cold comfort if it is not enough in subsequent court action.

It is a little concerning that there could be employees caught up in this inadvertently, remembering that at present, under our armoury of laws relating to criminal gang behaviour, we have a number of tools and they include public safety orders, firearm protection orders, barring orders (barring people from licensed premises), changing the Bail Act presumptions and protection to support greater victim reporting.

In the context of that environment, in particular the barring orders to licensed premises, it appears that there has been some success, but we are told it is difficult to keep a current list of all those who are the subject of a barring law. I do not know, but I think there is at least 100 or so of these people in a photographic line-up list that are published and updated on a regular basis. Staff have to be briefed, have to be conscious of the fact that if there is a change in the photograph that turns up they keep themselves informed and have to be able to ensure that they are going to be now subject to scrutiny themselves if they allow them to enter or remain in the premises.

I now turn to probably what is the most controversial of the legislative reforms proposed and that is our amendments to the Criminal Law Consolidation Act 1935. Essentially, as I indicated, we already have anti-participation laws in this state and there are criminal sanctions that go with them; however, this legislation takes the unprecedented step of allowing the parliament to determine by sanctioning a process through the Attorney-General's assessment by regulation in both those categories removing that assessment role and determination role from the courts.

The bill will allow the Attorney-General to declare any group a criminal organisation based on any information the Attorney-General may choose to act on that is presented to him from the police and is only confined pursuant to the factors he can consider as outlined in the act, but they are extremely broad. It will also allow the Attorney-General to declare any venue to be a prescribed place.

The other part of the legislation apart from using the regulatory power of the Attorney-General's assessments and by regulation is to start with a list of 27 motorcycle clubs that we, as a parliament, are going to be asked to sanction and list, and 15 addresses in South Australia that we, as a parliament, are going to be asked to list on the basis that we rely on the fact that the police have told us that they have provided information to the Attorney-General perhaps three categories of information.

One is information, including sensitive material, in respect of nine outlaw motorcycle gangs that are known to operate in South Australia and a further 10 because, although there are nine listed in South Australia one of them appears to be treated as a subset of another, so that there are essentially 10 named clubs in the list that operate in South Australia; and, secondly, again on what the police tell us, that the balance of 16 are ones that operate in Queensland. That is corroborated, of course, by the fact that the Queensland legislation has listed those same 16 in its list of criminal organisations.

The government's claim here is that the list, once it becomes law, will be unreviewable. It is not being done by the regulation power deliberately in an attempt to ensure that there is no possibility of challenge against any of these groups.

The second group, which is any future organisations or any future places on which the Attorney is satisfied using the regulation power, is reviewable to the extent that it is challengeable under our Subordinate Legislation Act; so, additional clubs and addresses can be disallowed by the parliament. There is an implicit indication here that the determination by the Attorney-General is not reviewable.

I just want to place on the record a matter which I suggest should have been in the Attorney's contribution and probably needs to be considered in how we might deal with future management of what role any court might have in this type of legislation. At present, even though ministers can promulgate regulation and it is challengeable in the parliament (particularly in places like Queensland where there is no upper house), they do not effectively have a scrutiny which can protect against ill-conceived regulation.

We do, however, have a series of legal cases which do protect against, if I could say, the improper but certainly too far-reaching conduct or inaccurate assessment by an Attorney-General in these circumstances, and so there is potentially still judicial review for any jurisdictional error and that is constitutionally protected.

The case of Kirk v Industrial Court of New South Wales (2010) 239 CLR 531, again, makes that clear. So, there is always some scope for judicial review. When I say that I think it is disappointing at least that this issue has not been traversed in the second reading contribution, I point out that, although they were prepared to present at Kuczborski's High Court case as a basis upon which other similar laws had survived scrutiny, they had not pointed out that there had been consideration of whether or not the declaration power should be narrowly interpreted.

I am advised that if the High Court adopted a narrower interpretation of the declaration of power as suggested by justices Crennan, Kiefel, Gageler and Keane in Kuczborski's case, this may mean that the government may only declare organisations according to roughly the same criteria that the court applies under SOCCA, and paragraph (a) of the definition of 'criminal organisation'. This was left unclear in Kuczborski's case and we are yet to see how it might play out in practice.

It is important for two reasons that we deal with this and one is, to be upfront about it, because we do not want to raise this as some sort of indication to the bikie world that they are going to have an escape clause here. We want to get it right, and we want to make sure that the legislation we put through is not going to be the basis of more argument in the High Court. We do not want further embarrassment at an unsuccessful attempt to have an organisation declared, and we do not want them joyous in any government's attempt that fails, and we certainly do not want taxpayers' money caught up any further.

But, again, if ultimately there is a narrower reading of an interpretation of a declaration of power then it follows that in cases such as this there may be a basis for jurisdictional error if the declared organisation is not sufficiently criminal. So if in fact the application to review the regulation is on the basis that the Attorney-General received information which may be only very scant and which suggested that there was a group that had had multiple members, that most of those members had criminal convictions in their histories, that there was no evidence of any current criminal activity, and that there was no support for suggesting that their coming together was to commit crime or plan the commission of crime, then it may fail and we need to sort this issue out.

We need to be clear about making sure that, when we do have the information presented to the Attorney-General, we as a parliament and the public have confidence that all of the appropriate information is before whoever is going to make the decision, whether it is a judge or an attorney-general with the blessing parliament, and that they actually get it right. In many cases, until somebody comes up against the law and is threatened with some restriction on their own liberty or independence, they do not really take a lot of notice as to who makes these decisions, and probably academic and legal discourse in the public arena about whether the executive makes a decision or a judge makes a decision is of no real moment to the average person, but it becomes pressingly so when they face prosecution. That is when they look for the protection of the law and its process.

So the parliament is saying to us, 'We are giving a fixed list of 27 motorcycle clubs and 15 addresses and we want those in the statute, we want them unappealable, we want them absolutely clear.' We are being asked there to consider and accept on trust, in terms of the information that is given to us, that the Attorney-General has received adequate information, that he has had proper advice, that he has read them all—or viewed them, of course, if they are electronic—and that he is satisfied, and we should be satisfied, that it has been given adequate consideration.

'Trust us' is really the inherent underlying expectation, and on those matters there will be no appeal; 'trust us' as a process in respect of future clubs or addresses because, again, we have the

advice of the police, and this is such a scourge that in dealing with organised crime this is the way we need to do it. Furthermore, the capacity for judicial review of that is elusive, and the government has been silent on that.

I mention this because one of the options for us to consider is whether we require all the 27 motorcycle clubs, all the 15 addresses, to actually be put into the regulatory power and not into the statute. It is one of the things we are working through at the moment, because we are satisfied that if there is at least a regulatory process, and let us assume it is one that withstands scrutiny and is supported by the parliament—I am not saying it will be, at this point, but let us assume that it may—then we would want to have a very good look at the judicial review process. The review of the parliament in its disallowance process and the review process by any judicial group—whether that is under administrative law, through SACAT or other forums—we have to get that right, and we need to have considerable answers to that before we progress.

In short, the new offences that are created in this bill, which are now all indictable offences, criminalise a participant who is in contact with a criminal organisation and subject to criminal sanction if they are knowingly present in a public place with two or more others in that criminal organisation, if that participant enters or attempts to enter a prescribed place or attend a prescribed event of a criminal organisation—obviously that is headquarters or a specific social or business event of that group—or a participant recruits or attempts to recruit another person to become a participant. All these cases, which are covered in sections 83GB, GC and GD respectively, have a penalty of up to three years' imprisonment.

The legislation very much expands what we call the participant law of the 2012 amendments, or what became the 2013 amendments to our SOCCA legislation. The definition of participant is broad and includes a person who seeks to be a member of or is associated with a criminal organisation, and there is a very much stronger approach in respect of sentencing. The government rejected the mandatory minimum penalty approach, and I agree that that is not appropriate. We are not great supporters of mandatory minimum penalties for all the reasons we have previously discussed here, but the proposed new sentencing regime will be very prescriptive. Essentially, it will require that a judge must order imprisonment. Suspended sentences really are not the order of the day, and nonparole periods are to be fixed. There are to be minimum periods of these except in exceptional circumstances. In that event, the judge is expected to publish reasons; in fact, the judge will be required to do so.

That has also raised some questions about how we manage some conflicting sentencing aspects. In particular, the one I think of is the capacity for judges to provide a significant reduction in the sentence of a criminal where they have squealed on another, so to speak—the famous supergrass approach. In that regard, information that may have been given to police, that assists them in their inquiries and successful prosecution of another criminal person or group, perhaps in a drug dealing matter, for example, is very helpful. We have reflected the invitation to assist police in this way, which is rewarded by a reduction in their penalty of someone who faces criminal sanction if they do so. It is one which inevitably involves sensitive material being provided and which, in the very act of the person being known to have assisted police, may prejudice that person's safety. So, how do we marry that against this proposed legislation when a judge must publish reasons?

If he or she has been asked to provide a significant reduction in sentence for good reason, in those circumstances that I have said, and wants to do so in the crucible of this environment, that is, where someone has been convicted of offending sections 83GB, GC or GD, it raises some conflict. We will ask some questions about how that is going to be managed. Suffice to say, we supported the government in having the capacity for sentencing reform and to use it not just as a stick but as a carrot. It had our blessing, and we are keen for that not to be undermined. I will say that I am still waiting on a briefing from the about to be former police commissioner on a case in that regard, in relation to sentencing, but I know that he is about to depart. We have notice of the new commissioner's appointment. In any event, we will be raising that in committee.

If I can summarise them, the concerns are as follows: firstly, the executive, in this case through the Attorney-General and then purportedly strengthened by the approval of parliament both in the statutory listing of groups and places and then overseeing the regulatory framework of future

clubs and addresses, takes over the role of judges, and that of course sits uncomfortably at best and profoundly breaches the doctrine of separation of powers.

Secondly, the whole process relies on information from the police, and the Attorney-General is expected to make an assessment on all or part of that alone. Obviously, for anyone considering how these matters work, it means that decisions made by the Attorney-General and allowed to proceed by the parliament are based on information that is selective, untested, in secret and by persons without qualification or, largely, from any advice or input from others, let alone the opportunity to challenge by others, even the person who may be subject to the legislation as a result of them being a member or participant of a criminal organisation.

The classic demonstration of how that whole process can go wrong was highlighted by the South Australian amateur motorcycle club, the Phoenix Motorcycle Club. It demonstrates, first, the law's potential to overreach what it was intended to do and, secondly, the danger of not being able to review an executive declaration. So there are serious criminal consequences to attaching to the identification of criminal organisations; it is difficult.

There is no question that that assessment needs to be done, and this morning SAPOL offered us an opportunity to review some of the material on the first 27 clubs that are listed in the bill. The material is that which had been presented to the Attorney, but it is only part of what had been presented to him. There is more sensitive and detailed material in SAPOL's possession, and I indicate they have provided to us an assurance that, in the event that it is appropriate for that sensitive material to be presented to a parliamentary committee then, on the basis that its contents are kept in confidence, they would make it available. I will have something to say about SAPOL shortly but, in respect of this aspect, some of us had an opportunity this morning to have a look at the general material. In this regard, I would put what we have been provided with into two categories. One is the group of 10 organisations that operate in South Australia. That provides quite a bit of substantial material as to membership and operation, conviction levels and the like.

What is presented for the other 16, I would have to say is scant. I am not saying that that is necessarily something that is any criticism of the police, but it was presented to the Attorney on the basis that this is the name of the organisation. From our inquiry, these all operate in Queensland, which is all in the second reading contribution. Furthermore, the Queensland parliament has listed them as criminal organisations under their legislation, the crimes act.

That is it, so what the Attorney is left with, obviously, is that the act of the Queensland parliament, having declared these organisations, is really sufficient to satisfy him that they are deserving of being declared a criminal organisation and that South Australia needs the protection against them, and thereby they are in the list. Remember that Queensland does not have an upper house. I am not going to get into a long debate about how important it is that we have an upper house, that we have a place of legislative review, that we have some structure in our parliaments that curtails the excesses of ministers and governments that are out of control. I would love to; I think it is a fascinating topic. Suffice to say that I am a strong advocate of houses of review.

My colleagues in the Legislative Council are always pleased to hear me endorse the merits of their existence and their value to South Australians. I might have another career in another place one day; you never know, I might come back to haunt you, Attorney. Not you, Madam Deputy Speaker; I have enjoyed thoroughly my time with you. What danger I could inflict in another place.

Could I just say that the people of Queensland do not even have a chance. I can say this, because it was someone of our political flavour—a bit right wing for me, but nevertheless—the Campbell Newman administration, the Liberal National Party of Queensland, which promoted this legislation, passed it, whacked it through their parliament, with no upper house of scrutiny.

Frankly, a regulatory power up there is gold; they can do what they like. They do not have anybody to have numbers to say, 'We're going to disallow this and we're serious; we think it's a problem.' Unless it is tattooed—that is not a good word for this debate, I suppose—unless it is enshrined in some royal commission of inquiry for some corruption in Queensland, it does not get a lot of attention. It would have to have a very high threshold before I would be satisfied. The standards of Queensland in their scrutiny of executive control or conduct that is out of control are a long way short of what I would accept as comforting.

Let's get back to the poor old Phoenix Motorcycle Club, then, in South Australia. This highlights, before we even have the legislation in place, how at least inadvertently, people can get accidentally caught up. It was announced publicly that this club had the same name as a person who is in the list in the legislation, that they were potentially caught up in this through having the same name as the outlawed motorcycle Phoenix operation in New South Wales. It must have been incredibly alarming, at the very least, for a member to pick up the paper and think, 'Goodness, we have members of our executive and group in a media report suggesting that our club is being listed in legislation.' Then, right at the bottom, there is reassurance from the police, with a comment to the effect that it was not going to be caught and it was not their intention that it be caught.

I just want to place on the record the comment about that because I found it rather curious that the Attorney-General was not jumping up onto a podium to give reassurance—as he does from time to time—to various people who might be inadvertently exposed to the deficiencies of legislation. It just says:

> SAPOL told *InDaily* [the media outlet] in a statement the so-called 'one-percenter' outlaw gang known as 'Phoenix' originates 'out of New South Wales (and) is a club with white supremacist views'.

That is all we have; we do not have an apology. We have a statement from SAPOL that states:

> The local club is a community based club—it is clearly not a 1% club.
>
> Clubs that have no identified association with OMCG (Outlaw Motorcycle Gang) clubs are in no way impacted.
>
> A spokeswoman said police would contact the local club 'to ensure any concerns they have are allayed'.

Frankly, that is a bit late. It is not good enough to have a situation where we are being asked to rubberstamp the assessment of the Attorney without review to declare these first 27 criminal organisations. At first blush, the first time it comes before the parliament, before we even get to debate it, we have highlighted the existence of a club that has been caught up in it. I do not doubt for one moment that there was any intention by the police to go down and raid the racing club at Mallala—this innocent amateur motorcycle club—and try to press charges against them, ultimately, if their members were to, in some way, meet with two or more persons. I do not doubt that at all—but that is not the point.

One of the great concerns about progressing through any process which is secret or without review, etc., is that people make mistakes. In this case I can think of two things that could have been done: one is for the police, in presenting a file to the Attorney for his review, to say, 'This is an illegal club in Queensland and operates in New South Wales and has a propensity to be involved in and supporting white supremacist views and generally ugly people (in a generic sense) and that they are and should be on our list.'

However, would you not think that they would have done a check to see if there was any other group that might have a similar name? Would you not think that when the Attorney looked at it, and the brief that he was given by the police, that he would say to the police, 'Look, before we progress this, can you go and check whether there are any other groups or clubs that might inadvertently be caught up in this?'

Would you not think that would be a basic form of inquiry? I do. It highlights to me that the government has been—'reckless' is probably too harsh a word, but certainly without concern about what potential damage could be done if these things are not properly investigated and the inadvertent harm that could be caused to innocents. That just demonstrates to me that, yes, the government is in a hurry but, yes, they cut corners and we are yet to see, of course, whether there are other organisations.

Remember, the public do not really know about this legislation yet. They might have read a few articles in the paper since March this year when the government announced that they were going to progress it, but they have no idea what the details are about. The bill came into this place 13 days ago. There has not been public discussion about this here. There has not been consultation with the usual suspects of the legal profession and the like. I find that an area of concern. I will leave it there.

I want to say that my next area of concern is the definition of 'participant'. It is very much expanded. It includes someone who seeks to be associated. All I can say is: do not have a cup of

coffee with two people wearing bikie colours. If there ever was an example of where we end up potentially capturing the wrong people it would be the case of Sally Kuether who was the first and, to my knowledge, only woman charged under the Queensland legislation.

In late 2013, this 40-year-old lady met with two men who were wearing club colours at the Dayboro Hotel, north-west of Brisbane. They were alleged associates of the Life and Death Motorcycle Club, which is one of the groups on our list.

The first thing that caught the attention of the people up in Queensland about this was that she was a woman, a librarian and had three little children. It came directly to their attention because of this presumption against bail, and we have a similar provision here. It makes it harder for people to achieve bail because it reverses the obligation on the accused to show cause why they should have bail, rather than it being presumed that they would have it unless otherwise established that they should not. It is the reversal of onus.

I should make the point it was not done without good reason. It was done to ensure that we help to protect other witnesses coming forward in the knowledge that they could help with the successful prosecution of somebody once they had known that the accused was in protection; that is, that they were protected against them as they were held in jail. The person who had given evidence, or other witnesses who came forward, would be safer knowing that they were in jail, that they could not hurt them and that there could not be any retaliation, and that was why the presumption for being eligible for bail was reversed.

But poor Ms Kuether had come before the courts and she had to go through a process of establishing the equivalent of their exceptional circumstances type scenario to be granted bail. It should be noted that Ms Kuether claimed that she had a personal friendship with one of the people, that she had worn a leather patch with the words 'Life And Death' on it which read 'Property of Crow', and that she knew he was a member of a motorcycle gang. She claimed she had never sought to be one, she had never attended a meeting and could not have been a member because, of course, women were not allowed.

Nevertheless, she had sat in a public place—in this case a hotel—with a person who was a member of a criminal organisation. Interestingly, he had no substantial criminal history—and I am not here to advocate his cause, that is for sure—but there had been a drink-driving charge back in 1986 for which he was convicted. In fact, he had served in the army for 22 years and the Queensland corrective services as a prison officer for 15 years before retiring on medical grounds. Whatever his involvement in the Life and Death motorcycle gang or criminal organisation, as it was defined, it seems he had some other redeeming features.

In any event, the upshot of this case was that, ultimately, in April this year the charges against her were dropped alongside of the two co-accused. For the sake of completeness on this particular case, she set out that she had made some other contribution to the community which should be considered: she was a mother of three, she was a library assistant, and she received the lord mayor's award for work after the 2011 floods. It certainly appeared that she had some good community attributes, and she had some very important parental responsibilities.

Ms Kuether ultimately received a fine of $155 for breaching the Liquor Act by wearing a bikie vest into licensed premises. Apparently, there was no conviction recorded but, in any event, it was not as though she was not able to be dealt with under different legislation. I would have to say that if we are talking about really dealing with the crux of what we are trying to stop here—that is, stopping people from displaying and emblazoning a material which is worn to identify a linkage between a brotherhood within motorcycle gangs which is to have an intimidatory effect—then, frankly, her offence, and getting $150 fine, was probably pretty fair. But should she have been caught up in this participation law? Probably not, and it is evident that the government withdrew it.

There is another case, I am told, in Queensland where a charge was laid against a person who was allegedly a member of a bikie gang himself—not just someone who was meeting with someone—and that case has also recently been dropped. So it seems to me that there is a bit of unravelling going on in respect of the process of actually getting successful prosecutions against people who offend this new participants law in Queensland. There appear to have been some other benefits, and I will come to them in a moment—I do not want to minimise those—in respect of other

benefits to the community that are being asserted, but in this instance the definition of 'participant' is very wide.

The fifth area of concern is the whole process of assessing the first 27 clubs to be declared, and the future clubs, in secret and without judicial review, and I have made my comments on that in the course of this debate; we need to do some more work on that. In relation to the sixth area of concern, there is no provision of the police information to enable the parliament to assess whether it should disallow a future regulation, and this comes back to the significance of the information being secret.

In South Australia, we do have a Legislative Council; we do have an upper house. The regulation procedure is an important one for the administration of allowing flexible and updated support to our statutes, but with protections. Queensland does not have that, as I have said. So, doing their whole process under regulation could still be as autocratic as it clearly was intended to be under the Newman government. Here we do have one, but how on earth is the Legislative Review Committee, which is the current body that has scrutiny of our regulations in the first instance, able to make some assessment about whether it should disallow something in the 14-day window that it has to do so, when it is completely in the dark? There is no judgement to read and no minutes of a meeting; that is not always available.

It assumes that the Legislative Review Committee has that role in any event to look in behind and make a determination about whether the correct administrative processes have taken place, particularly as to the jurisdictional limits a minister might have in exercising their role as the assessor.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: Coming to that, coming to that. The other concern I have is consultation on the draft bill. Obviously, the haste of this introduction to the parliament, and the expectation that we would all fall into line, is illustrative of the fact that the government really does not give a toss about what other people think. The police have asked for this—they consulted with the police about it—and they have apparently consulted with the Solicitor-General about it, and we would expect that. What we do not expect is that any responsible government would otherwise progress legislation without talking to its community, without giving any opportunity to advance or work to improve the model being presented.

Let me illustrate how objectionable this approach is to us. We learned that the Crime and Public Integrity Policy Committee of our parliament, a committee established under our ICAC legislation a year or so ago, is currently conducting an inquiry into serious and organised crime. Not only has the government decided to progress this legislation in the absence of any review it might publish but it has refused even to put a submission to the Crime and Public Integrity Policy Committee: that is how much they think of the parliament and how much they care and respect the structures of this parliament.

They were party to the establishment of it and understood what the charter included, and they are now conducting an inquiry on this very issue. Why would they not say, 'Look, we've had a decision from the High Court, the police are on our back about trying to give them some extra powers and a way forward to deal with some of these difficult parts of our criminal cohorts, so we want you to consider this information. We're going to give you some data about what we have learnt and what is happening in other states. This is a draft bill, have a look at it and let us know as quickly as possible'? Would you not do that? Would that not be the logical approach if you really had any respectful consideration of the structures of parliament? But, no, it gets bypassed completely, and it is of completely no consequence to the Attorney whether it be included.

The other matter I find particularly concerning is that the government has decided to progress this reform, that is, the Queensland participation offences reform, in the full knowledge that an existing inquiry by Michael Byrne QC is underway in Queensland to report by October this year, it having been appointed on 27 March this year. So, even at a time when the government, through the Attorney, made a public statement to say in March this year that they would be looking at new legislation, they knew this inquiry was going on.

In fact, our police in South Australia, I am told, have been working quite effectively with their Queensland equivalents, as they should—and I am pleased to hear this—to ensure that they have

up-to-date reassurance of the effectiveness of the regime and how this new system is working. They are working together on this. Indeed, they are working at a national level, which again I will refer to shortly, but on this area they are working on it and they are expecting their equivalents to be presenting evidence to that inquiry, if they have not already done so. Why is that so important? Because one of the questions I have listed which we need to ask ourselves and which I have certainly asked myself is: has it worked?

The situation is that the new Labor government in Queensland have published announcements that they would be modifying other aspects of their serious and organised crime law, and that relates to tattoo parlours and their VLAD legislation and the like. That is academic for our purposes and I do not want to confuse it with that, but I make this point: first, they initiated this inquiry as soon as they got into government, including a review of the current legislation that we are being asked to copy here today and, secondly, just last week they announced a task force to follow through on recommendations in other areas of reform.

Again, the government, in full knowledge that this is going on, has not followed up on that inquiry. We are now seized of the matter, so I am not asking the government to wait to see what they say. There could even be some argument that we do not have to wait and see what the Crime and Public Integrity Policy Committee says because, if the government is right, they will come through and say, 'Here are our current laws. These aspects on barring orders, firearm prevention orders, or protection of witnesses to be able to give evidence away from courts are all working—tick—but these other areas, including our declaration procedures for criminal organisations through our court structure, have not worked,' and they give us a synopsis which is consistent with what the government and particularly the police tell us—that is, some of this has worked, but a lot of it has not, and we need a lot more.

That is an argument for not waiting for the Crime and Public Integrity Policy Committee to complete their review. It just seems bizarre to me that the government are coming in here to ask us to approve a Queensland model—uniquely in Queensland, which is the operating jurisdiction in this area—and adhere to that formula when they themselves are reviewing this and we have really only been able to have anecdotal material (and this, again, is no reflection on the police) and information they have been able to glean about what is happening in Queensland. I think that is very concerning.

We should consider how we answer some of the questions I outlined in the beginning—that is, even if there was a capacity for this legislation to survive a successful challenge from a court, is what we are doing able to be improved upon, are there aspects of it that we should support and are there aspects that we should reject?

It seems pretty clear to me— and I will read the Crime and Public Integrity Policy Committee's report in due course—on all the information provided that, even with all the powers to seek declarations, control orders, court processes, covert surveillance, task force, special units, firearm prohibition orders and barring orders, no bikie fortress has been bulldozed and the number of bikies in South Australia has increased. Now, apparently, the number persons known to be bikies in South Australia is up to 308. I can recall speaking on a number of occasions in respect of outlaw motorcycle gangs in this place. Back on 15 February 2012, I made a statement to the parliament, and I quote:

> Over the last 10 years the government's response to protect South Australians against organised crime has been manifestly inadequate. Indeed, notwithstanding all of Labor's rhetoric and poor strategy, we actually have a situation that is much worse. There are now more members of outlaw gangs. In the last three years since legislation, that is, the original Serious and Organised Crime Act, outlaw motorcycle gangs' membership is up 10 per cent from 250 to 274. We have more gangs. The New Boyz street gang has transformed into the Comancheros. We have no fewer bikie fortresses. The situation out on the streets is more dangerous, where the internal controls have been weakened. There is more fear in the community, where South Australians walking locally at night feel the least safe of any…
>
> The crime rate follows the national trend for South Australian homicide riders equal highest of any state. Yesterday, however, the Premier theatrically delivered an impassioned ministerial statement calling for a range of legislative measures relating to organised crime to be passed. The hypocrisy of the Premier in his statement is astounding. In that statement he named three pieces of legislation…

That was only three years ago. Membership had already jumped from 250 to 274. We now have over 300, yet the government come in yet again and insist that their model of resolution to this is going to

save us. In fact, it is not only just going to improve the situation, according to the Attorney, whose quote in the second reading I have already referred to, it is obviously going to be some panacea for remedying this position. Well, we will see.

It is pretty clear that overall, notwithstanding all efforts, the government's formulas to date have comprehensively failed. I think it is also clear that the public remain concerned about the role of outlaw motorcycle gangs involved in serious and organised crime, especially with the lucrative methamphetamine, ice and other drug dealings.

I was interested to hear one statistic that has been provided, though. Of the average of now about 24 murders a year in South Australia, I am advised that, on average, about one of those a year—so it might be none one year, two another year and one another year—is conducted by someone who is an outlaw motorcycle gang member.

Perhaps they have a huge number of attempts and other serious violent offences and other criminal activity that enables us to comfortably say that they deserve to have the mantle of being some of the worst criminals in our state; however, it is very telling to me that on that statistic alone the claim that resolution of the outlaw motorcycle gang component of serious and organised crime is exaggerated. When they do it, it is very, very bad, but relative to the whole of the level of the criminal conduct that is undertaken in this state, if we are to use the most serious offence as an example, the overwhelming majority is done in a circumstance outside of the motorcycle gang environment.

We know that in murders, sadly, a lot of those are domestic. They are by the partner or the former personal partner of a victim. However, when we are dealing with this sort of war on serious and organised crime and our focus on outlaw motorcycle gangs, I think we need to keep in perspective that there is a whole myriad of other people out there who are known criminals or are known by the police to be involved in the commission of offences or in the preparation to commit offences outside of motorcycle gangs.

It is not enough to say to the public that action in respect of outlaw motorcycle gangs is going to provide some shield of protection to the ordinary person in South Australia. This is a much bigger issue. It is important that the government give appropriate warnings, but it is mischievous of a government if it tries to present its action in respect of one little slither of the problem as being some blanket protection. I think that is mischievous, disingenuous and certainly unproductive when it comes to protecting our people.

The public is concerned generally about crime and how insidious it is when it is within organised gangs or really bad families. As we have had this in the public arena, I do not mind saying that the Focarelli family, to my knowledge, are not members of any outlaw motorcycle gang; they are bad people, on the face of it. I am not one to usually come in here and give somebody some broad brush, but I use them as an example. If there is a member of the Focarelli family out there who is sitting innocently at home and not in any way involved in that criminal behaviour, I apologise.

What I say is this: we are not so silly in here as to think that all of the serious and organised crime is within the repository of outlaw motorcycle gangs, and we will not let the government get away with trying to say to the people of South Australia, 'We're going to fix this, we're going to lock these people up, we're going to crush their operations, we're going to interfere with their capacity to be able to meet, we are going to destroy them,' and then use that as some badge of protection, which is not only fragile but insincere. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:58 to 14:00.

THE UNITING CHURCH IN AUSTRALIA (MEMBERSHIP OF TRUST) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

APPROPRIATION BILL 2015

Message from Governor

His Excellency the Governor, by message, recommended the House of Assembly to make appropriation of such amounts of money as may be required for the purposes mentioned in the bill.

Petitions

COUNCIL RATE CONCESSIONS

Mr KNOLL (Schubert): Presented a petition signed by 356 residents of South Australia requesting the house to urge the government to retain and index state government concessions on council rates.

Ministerial Statement

ALINTA ENERGY

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

Leave granted.

The Hon. J.W. WEATHERILL: On 11 June 2015, Alinta Energy announced its decision that its Flinders Operations in Port Augusta, the Northern and Playford B power stations and Leigh Creek mine would not operate beyond March 2018, as its continued operation had become increasingly uneconomic. Alinta also announced that its operations could cease before March 2018.

The recent closure of coal-fired power stations in New South Wales and Victoria illustrates the difficulty these assets have competing in the energy market. While there has been an expectation the power stations will close once the coalfield was exhausted, this sudden announcement was obviously upsetting for all those affected. Our first priority as a government is the welfare of the workers and their families, who will undoubtedly be disappointed by this decision. Our thoughts are with them at this stressful time.

It is widely acknowledged that Alinta's decision is through no fault of the workers; it is due to forces beyond their control. The workers throughout the Flinders Operations have done all they could do to maximise efficiency, and they can be very proud of their efforts to keep the operations competitive for so long in the face of irresistible market forces.

Many workers and their families have been in Leigh Creek for decades. They are an important part of the development of South Australia and are rightly proud of all that they have achieved. Yesterday, the Minister for Manufacturing and Innovation and the Minister for Regional Development travelled to Leigh Creek and those sentiments were echoed by the community. They visited the mine site, met with workers and the Leigh Creek Progress Association. Minister Maher also met Alinta staff, workers and union representatives at the Northern Power Station in Port Augusta. Minister Brock travelled with the Outback Communities Authority to meet with locals in Copley, Lyndhurst and Nepabunna, and he remains in the region today. I will also be visiting the region in coming weeks.

Many in these local communities saw this closure coming but were disappointed that the closures were happening sooner than had been expected. Our intention is to make the transition for workers to new jobs and opportunities as smooth as possible. However, I am told both ministers were encouraged that many people in the communities they visited also saw the potential for new opportunities that would create jobs.

We also want to work with the township of Leigh Creek and the surrounding communities to determine their future following the closure of the coalmine. Following Alinta's decision, the state government immediately established an Upper Spencer Gulf and Outback Community Engagement Team to provide support and advice to the region's communities, and team members were on the ground in Leigh Creek and Port Augusta the day after Alinta's announcement.

We have also established a 1800 number (1800 294 446) to provide assistance and advice to Upper Spencer Gulf and outback communities. The state government has already announced

$1 million in initial support and we are in discussion with the commonwealth government about the support they are able to provide. Alinta have also advised that employees will receive their full entitlements and the company will provide additional support services to assist during this transition.

I want to assure South Australians that the decision to close the power stations at Port Augusta is unlikely to affect the cost or reliability of electricity supply in this state. Recent experience has shown the national energy market can cope without the power generated at Port Augusta, with both Playford B and Northern power stations withdrawing from the market due to oversupply.

Investment in renewable energy in this state, as well as improved connectivity with the Victorian market through an upgraded Heywood interconnector, provides further assurance that the high level of reliability that South Australians expect can be maintained. In the days, weeks and months ahead, we will be supporting the workers and the Upper Spencer Gulf and outback community as required, including working constructively with the member for Stuart, who has already made a number of helpful suggestions to the government about how we might support affected communities. The government will also be talking to industry about possible alternative uses for some of the assets, including the coalfields and the rail link between Port Augusta and Leigh Creek.

Finally, the Department of Treasury and Finance along with the EPA will be working to ensure Alinta Energy meets all of its obligations to remediate and rehabilitate the power station assets and coalfields, as well as providing its workers with their rightful entitlements.

Mr Pederick: So it's alright if you're mining coal in Victoria.

The SPEAKER: The member for Hammond is called to order.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Attorney-General (Hon. J.R. Rau)—

Agreement between the Commissioner of Police and the Police Ombudsman, signed on 27 April 2015 and 1 May 2015
Review of the Legal Practitioners Act 1981
Suppression Orders made Pursuant to Section 69A of the Evidence Act 1929—Annual Report 2013-14
Regulations made under the following Acts—
Legal Practitioners—Fees Variation

By the Minister for Finance (Hon. A. Koutsantonis)—

Regulations made under the following Acts—
First Home and Housing Construction Grants—General

By the Minister for Disabilities (Hon. A. Piccolo)—

University of Adelaide, The—Annual Report 2014

By the Minister for Agriculture, Food and Fisheries (Hon. L.W.K. Bignell)—

Fisheries Council of South Australia—Annual Report 2013-14
Regulations made under the following Acts—
Fisheries Management—Fees Variation
Livestock—Miscellaneous Variation

By the Minister for Investment and Trade (Hon. M.L.J. Hamilton-Smith) on behalf of the Minister for Local Government (Hon. G.G. Brock)—

Local Council By-Laws—

City of Onkaparinga—No. 7—Dogs

By the Minister for Education and Child Development (Hon. S.E. Close)—

Regulations made under the following Acts—
Coast Protection—General

VISITORS

The SPEAKER: I welcome to parliament students and teachers from East Marden Primary School, who are guests of the member for Hartley.

Ministerial Statement

POLICE TECHNOLOGY UPDATES

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:09): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. PICCOLO: The state government has a strong record of continued investment in new technology for South Australia Police. This will be continued in the 2015-16 state budget, with funding provided for new technology and system upgrades, which will increase safety for our police officers and keep more police out on the beat for longer to keep our community safe. We are providing $7.4 million over five years to roll out removable, rugged, vehicle-based electronic tablets, replacing the current fixed in-car data devices. We are providing $5.9 million over four years to provide body-worn video devices for front-line police, and we are providing $4.1 million over the next two years to replace SAPOL's human resources and payroll management system. Through this investment, the state government is delivering on its election commitment to roll out electronic tablets to front-line police.

Mr Tarzia interjecting:

The SPEAKER: The member for Hartley is called to order.

The Hon. A. PICCOLO: Last year, a trial of electronic tablets was held in the Elizabeth Local Service Area, and this trial has proved successful. Today we are fulfilling our election promise, with feedback from SAPOL indicating a trial of 350 tablets has been a great success. In the order of 680 electronic tablets will be installed in police vehicles, replacing fixed in-car data devices. A pool of 175 extra tablets will be able to be used by other frontline police. These rugged tablets will be capable of being mounted in the vehicle and easily removed by officers when they attend events, thereby giving the benefit of both in-vehicle computing and portability to capture, retrieve and submit information in the field. This is part of the overall strategy to deliver more field-based policing operations. This means more police in our community preventing crime and making our state safer.

Through the trial, SAPOL can now estimate that the initiative will save a total of 165 hours per day productivity time for our front-line officers, or $3.3 million per annum, the equivalent of deploying about 29 extra sworn officers. The rollout of body-worn camera devices will also lead to productivity gains and safety benefits for our officers. With front-line police facing many different daily challenges, the body-worn cameras will act as an additional safety barrier as officers go about their work.

Ms Chapman interjecting:

The SPEAKER: I call to order the deputy leader.

The Hon. A. PICCOLO: The body-worn cameras also enhance the quality of evidence collected on the beat, which will reduce both costs and the time associated with legal proceedings and court appearances. These initiatives add to other technologies that the state government has equipped police officers with, including tasers, semiautomatic firearms and mobile fingerprint

scanners. It also continues our long-term investment in our police force by embracing world's best practice to ensure South Australia remains one of the safest places in the world to live and work.

Parliamentary Committees

PUBLIC WORKS COMMITTEE

The Hon. T.R. KENYON (Newland) (14:13): On behalf of the member for Elder, I bring up the 520th report of the committee on the Hackney and North East Road trunk water main renewal project.

Report received and ordered to be published.

Question Time

UNEMPLOYMENT FIGURES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14): My question is to the Premier. Can the Premier explain to the house why there are 21,700 more unemployed in this state since he became the Premier?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:14): It is because the economy is in transition and we have employment—

Mr Williams interjecting:

The SPEAKER: The member for McKillop is called to order.

The Hon. J.W. WEATHERILL: Employment continues to grow and has over each of the last five months and despite the increasing unemployment rate—

Ms Chapman interjecting:

The SPEAKER: The deputy leader is warned.

The Hon. J.W. WEATHERILL: —in the last month, largely due to an increase in the participation rate, we have actually seen five months of growth in the South Australian employment market.

Ms Redmond interjecting:

The SPEAKER: I call the member for Heysen to order.

The Hon. J.W. WEATHERILL: What people are witnessing is simultaneously the destruction of jobs through the decline of old industries and the creation of jobs through industries which are growing.

Mr Pederick interjecting:

The SPEAKER: I warn the member for Hammond.

The Hon. J.W. WEATHERILL: The question really in front of the people of South Australia and, indeed, this parliament is not simply to talk up the size of the challenge but to commit ourselves collectively to meeting it. We have decided to do that through the establishment of an economic plan for the future of our state which has 10 priorities which we have been pursuing and we will—

Mr Pengilly interjecting:

The SPEAKER: The member for Finniss is called to order.

The Hon. J.W. WEATHERILL: —diligently pursue, and when there are shocks or upsets or pieces of bad news, we will not be deflected from our course. We will just diligently work away at the execution of this plan, the next phase of which—

Mr Knoll interjecting:

The SPEAKER: I call the member for Schubert to order.

The Hon. J.W. WEATHERILL: —of course, is the budget that will be revealed on Thursday. This will be the next phase in this important step. There are currently a range of threats to the economy in South Australia, the most—

Mr Pengilly interjecting:

The SPEAKER: The member for Finniss is warned.

The Hon. J.W. WEATHERILL: —important of which is the general slowdown in the Australian economy, but also specific South Australian threats which include the twin threats associated with a sustained high Australian dollar for a very extended period which had a particular effect on the manufacturing industry when it was sustained for such a long period of time. Unfortunately, we did not—

Mr Tarzia interjecting:

The SPEAKER: I warn the member for Hartley.

Mr Pisoni interjecting:

The SPEAKER: I call the member for Unley to order.

The Hon. J.W. WEATHERILL: —enjoy the benefits associated with that high Australian dollar.

Ms Sanderson interjecting:

The SPEAKER: I call the member for Adelaide to order.

The Hon. J.W. WEATHERILL: The clock should be restarted by about a minute.

The SPEAKER: Sorry?

The Hon. J.W. WEATHERILL: The clock needs to be restarted by about a minute for these interruptions.

The SPEAKER: Yes, I will give the Premier some time-on as a result of the disorder.

The Hon. J.W. WEATHERILL: The effect of the perfect storm associated with a high Australian dollar for a sustained period of time without—

Ms Redmond interjecting:

The SPEAKER: The member for Heysen is warned.

The Hon. J.W. WEATHERILL: I am curious about a question that is asked, sir, but then there is the immediate interjection without wanting to hear any of the answer throughout the course of it. It is clearly—

Mr Wingard interjecting:

The SPEAKER: The member for Mitchell is called to order.

The Hon. J.W. WEATHERILL: Those opposite simply do not understand the nature of the challenge and are not prepared to be part of the solution. The nature of the challenge is that we have a federal government that has turned its back on South Australia, that has slashed $500 million in funding to our car industry, that has created uncertainty in our defence sector, has created uncertainty in our renewable energy sector and has cut $5.5 billion out of our education and health budgets. All of that creates a depressing effect on the South Australian—

Mr PENGILLY: Point of order: I ask you whether the Premier is debating the question.

The SPEAKER: The interjections are coming so thick and fast that the Premier has plenty of opportunity to divert, if indeed he is diverting, from the substance of the question because of those interjections. If he were heard in silence then I could be stricter.

The Hon. J.W. WEATHERILL: Frankly, it goes directly to the—

Ms REDMOND: Point of order: you allowed the Premier an extra minute; there is now five minutes gone, so that seems to add up to the extra minute already being gone.

The SPEAKER: I thank the member for Heysen; she offers the assistance of the people on the terraces in a soccer game. I am the timekeeper. Premier.

The Hon. J.W. WEATHERILL: What we now know from all of those factors—from the international economy that is not giving South Australia any free kicks; from a federal government that has turned its back upon South Australia—is that we can no longer rely on either the world or, indeed, the nation around us to give us a free kick. We have to create our own destiny. We have shaped an economic plan for ourselves; we are reaching out to grow those jobs in the industries of the future. We are seeking to create the opportunities that we know are in front of us, and what would be advantageous for the people of South Australia—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned.

The Hon. J.W. WEATHERILL: —for this parliament, is if we were joined by an opposition that was prepared to share in that task so that instead of simply complaining and whingeing and moaning, they shared with us a collective effort to pursue our economic plan for the future of South Australia.

The SPEAKER: Supplementary?

UNEMPLOYMENT FIGURES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:21): Yes, sir. Can the Premier explain to the house why South Australia was the only state in Australia where unemployment rose during the month of May?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:21): I can say—

Mr van Holst Pellekaan interjecting:

The SPEAKER: The member for Stuart is called to order.

The Hon. J.W. WEATHERILL: It's essentially—

Mr Gardner interjecting:

The SPEAKER: The member for Morialta is called to order.

The Hon. J.W. WEATHERILL: As with many of these economic indicators, they reflect the consequences of economic pressures that have occurred in the past. The high Australian dollar—

Ms Sanderson interjecting:

The SPEAKER: The member for Adelaide is warned.

The Hon. J.W. WEATHERILL: A substantial—

Mr Marshall: We've all got the same dollar; come up with another excuse!

The Hon. J.W. WEATHERILL: If those opposite would like a little lecture about the structure of the South Australian economy and how we are particularly exposed to an exchange rate which is high, I am happy to give them an explanation.

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is called to order.

The Hon. J.W. WEATHERILL: South Australia relies very heavily on exchange rate sensitive product and services.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is called to order.

The Hon. J.W. WEATHERILL: This is a particular phenomenon within South Australia and has had a particular effect on South Australia. But while those opposite are prepared to always seek to grab statistics which suit their purpose to talk down South Australia, it is interesting that they become silent when there is news which points in the opposite direction. For instance, state final demand, which demonstrated that a—

Members interjecting:

The Hon. J.W. WEATHERILL: State final demand was the statistic of choice for those opposite when it seemed to suit their argument that we were heading into recession a few years ago. Remember state final demand? That was the statistic of choice for the opposition. South Australia recorded its second-strongest seasonally adjusted performance in state final demand among all of the states in the March quarter after Victoria—second only to Victoria—of 1.3 per cent. It is a movement based on—

Mr Marshall interjecting:

The SPEAKER: The leader is called to order.

The Hon. J.W. WEATHERILL: This is the same statistic that the leader would parade around month after month to try and predict that the South Australian economy was in recession. This is the statistic that the Leader of the Opposition would parade around to say that the South Australian economy was in difficulty. Well, that very same statistic is the second-strongest performance in the nation.

There is no assistance given to the people of South Australia to either exaggerate the nature of the challenge facing South Australia, nor is there any service granted in actually not telling it how it is. We have always been prepared to front up to the fact that testing times are upon us here in South Australia. We accept that; we accept that this is an economy in transition. We accept that there are industries in decline, and the challenge for South Australia is to grow those sectors of the economy which are growing faster than the national average and make sure that those industries have the opportunity to create the jobs necessary to allow our citizens to have the employment that they need. But we have a challenge in front of us here. We can either be the case study in an economy that was unable to make this transition, or we can actually emerge stronger and more effective as a consequence of it. That is the challenge in front of us and we invite those opposite—

Mr Marshall interjecting:

The SPEAKER: The leader is warned.

The Hon. J.W. WEATHERILL: —instead of offering their criticisms and their moaning and their whingeing about where we are at the present time—

Ms Sanderson interjecting:

The SPEAKER: The member for Adelaide is warned for the second and final time.

The Hon. J.W. WEATHERILL: —in South Australia. We have published our economic plan. It is an open invitation for those opposite to promote initiatives that speak to it, or indeed if they have an alternative economic plan to actually lay it out in front of the people of South Australia.

Mr Marshall interjecting:

The SPEAKER: The leader is warned for the second and final time for making a display.

The Hon. J.W. WEATHERILL: Mr Speaker—

Mr Marshall: I only obliged the Premier's request.

The SPEAKER: The leader will be seated.

The Hon. J.W. WEATHERILL: Mr Speaker, during the last election campaign everybody well remembers the Leader of the Opposition for one image and one image alone, that is, of a man running away.

The SPEAKER: A further supplementary?

ARRIUM

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:25): No, sir, another question.

The SPEAKER: Another question.

Mr MARSHALL: Thank you. My question is to the Premier. Does the Premier still believe that there will be no significant job losses as a result of the strategic review currently being undertaken by Arrium?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:26): I have never said that there will be no significant job losses as a consequence of the review by Arrium. What I said when I was asked was that that was not the purpose of the review—to undertake a massive job shedding exercise. The purpose of the review by Arrium, and I think a very sensible purpose, is to look in a clear-sighted way at the fact that the price of iron ore is very low and it has to make sure that its costs of production are indeed lower so that it can turn a profit and ensure the long-term sustainability of its business.

Now, as I also said yesterday, you would be worried if Arrium was not undertaking a review of that sort. That would tell you that it had actually accepted that it was impossible to make changes that were going to ensure that their costs of production were below the price of iron ore, and that would be a very worrying sign indeed.

We are deeply engaged with Arrium. We have a task force that has been set up for this purpose. We are engaged with them in discussions about how we can contribute to the review, and how we can partner with Arrium in a range of ways to ensure its long-term sustainability; and this is something, as we are engaged with all of the Upper Spencer Gulf towns and cities and the particular industries that sustain them, that receives our constant and diligent attention, and it is our intention to maintain our contact with that organisation.

I note, I think, the remarks that are reported from the chief executive of Arrium today, or at least one of the representatives of the company, who suggested that it was not their intention to engage in major job shedding. That is welcome to hear that news. Of course, that cannot be ruled out because of the nature of the international commodity market in which they are deeply involved, but we will be a willing partner.

We understand and assert a role for government in partnership with business. We do not for ourselves take the position of those opposite, most strongly represented through the leader, which is to take your hands off the wheel and hope that something turns up. We are an active partner with the private sector to create jobs here in South Australia—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned the second and final time.

ARRIUM

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28): Supplementary, sir: has the Premier sought any advice from Arrium as to when the strategic review will be completed and announced to the people of South Australia?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:28): I am in regular contact with the chief executive of Arrium, and I was very disappointed to see the remarks of the Leader of the Opposition yesterday, because the workforce at Arrium and the workforce in Whyalla are working very, very hard to get the costs of operating that iron ore mine at Arrium down.

Make no mistake, Arrium makes no apology in terms of saying that of all the governments it deals with the one government that is always along, standing by its side, is this government. When they seek to put feedstock into their steelworks, we don't charge them royalties. When it comes—

Ms CHAPMAN: Point of order: relevance. The Premier was asked a very specific question about the expected date of delivery of the strategic report, nothing to do with—

The SPEAKER: Yes; I uphold the point of order.

The Hon. A. KOUTSANTONIS: The chief executive, Mr Roberts, was very keen to let me know that the strategic review shouldn't be taken in the context of focusing entirely on Whyalla. His views are, sir, that Arrium has many operations across Australia and he wished that as many of the operations were as well supported by those governments as the ones in South Australia are by our government. As the review undertakes itself, Mr Speaker, we here will make things available to the market, but I want to point out again that prematurely coming out and saying that there will be massive job losses in Whyalla is simply untrue.

Ms CHAPMAN: Point of order: you have already ruled on this and he is now deliberately defying your ruling.

The SPEAKER: I will listen carefully—he is finished. Supplementary, member for Stuart.

ARRIUM

Mr VAN HOLST PELLEKAAN (Stuart) (14:30): Supplementary to the minister: in all of the conversations the minister has had with Arrium on this topic has Arrium ever confirmed for him, or the Premier, or anybody in the government, that neither the mine nor the steelworks at Whyalla will be divested?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:31): First and foremost, the Whyalla steelworks is completely integrated into the company and a key asset for Arrium. The idea that somehow Arrium would sell the steelworks really defeats their entire business model. I know the opposition has been briefed by Arrium. I know the opposition has had meetings with Arrium and know about their strategic review. These questions do nothing for the confidence of the people of Whyalla and, quite frankly, I think the opposition spokesperson knows better than that. In terms of the mine—

Mr GARDNER: Point of order, sir.

The SPEAKER: The minister will not debate the answer.

The Hon. A. KOUTSANTONIS: In terms of the mine, Arrium came to us and was seeking approvals to get access to some very high grade ore very close to the surface. We were able, very quickly, to get them the approvals that they needed. They are, I think, committed to the mine. I have heard nothing, any public evidence at all, that shows that Arrium are looking to divest themselves of that mine, but they are entitled to do what they want with their assets and we are entitled to do what we want with our support and we stand by Arrium and we stand by the people of Whyalla. I think the people of Whyalla are sick and tired of Liberal politicians always talking about them being destroyed. They are a resilient city and they will survive.

Mr GARDNER: Point of order: for the second time in two questions he's defying your ruling, sir.

The SPEAKER: I'm not sure that he's defying my ruling, but I uphold the point of order about debate. Leader.

ARRIUM

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:32): What is the government doing to support the estimated 580 workers who lost their jobs in the last round of job cuts announced by Arrium earlier this year?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:33): We've asked the commonwealth government to also help—

Members interjecting:

The Hon. A. KOUTSANTONIS: The people of Arrium also do reside in the federal electorate of Grey, which has a commonwealth—

Members interjecting:

The Hon. A. KOUTSANTONIS: Well, I'm trying to. The moment I said I asked the commonwealth government for any assistance members opposite scoffed. Can I also just add—

Members interjecting:

The SPEAKER: The member for Chaffey is warned for the second and final time and so is the member for Heysen.

The Hon. A. KOUTSANTONIS: —that the people in this community reside within a Liberal electorate and are entitled to go to their member of parliament for assistance. I can't believe that members opposite would scoff at the mere suggestion that we go to the commonwealth to seek assistance. Mr Speaker, you have to say the opposition are so desperate to score a political point at the suffering of others.

Ms CHAPMAN: Point of order.

The SPEAKER: I will listen to what the Treasurer says.

The Hon. A. KOUTSANTONIS: The Premier has visited the people of Whyalla and met with Arrium. I've met with Arrium now, I think, three or four times since that announcement about trying to assist workers and contractors who have lost their employment. We are working to try to help Arrium get through this low commodity price, but remembering that iron ore companies across the country are going through very similar problems. The idea that somehow the state government can prop up iron ore prices to keep people employed in mines is quite laughable, and any politician who turns up and tells you they can keep a mine open longer or that they can employ more people at a mine longer quite frankly is not being honest with you.

We are doing all we can to try to help those employees, but most importantly the best thing we can do in this upcoming budget for the people of Whyalla is offer them the ability to go out, and give those businesses the opportunity to go out, and employ more people, to encourage those small businesses to go out and hire more people, to help them go out and create more jobs with more investment. So, we are deeply involved with Arrium, especially the steelworks and the mine, to help them make that mine as productive as possible and, when commodity prices return, they can return to the levels of employment that they had previously.

Mr Marshall: Wow! What an answer!

The SPEAKER: The leader is warned the second and final time.

PORT AUGUSTA POWER STATIONS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:35): My question is to the Premier. Given the uncertainty of the future of power generation and related industries in Port Augusta since before 2012, what has the government been doing for the past three years to secure the future of those workers who face the prospect of losing their jobs before 2018?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:36): The idea that we can keep open a brown coal-fired power station quite frankly is ridiculous. Coal as a form of commodity to keep power stations open is dying, and it is dying around the world.

Mr Pederick: You just said you were relying on the Victorian connector. That is coal.

The SPEAKER: The member for Hammond is warned for the second and final time.

The Hon. A. KOUTSANTONIS: Let's just remember that at Port Augusta that power station was not operating at full capacity; in fact, it was not operating throughout the entire year either. The reason it was not doing that is that demand in the grid is down. Demand in the grid is down. These are national factors. We are part of a national electricity market. We do not just generate the power we need for this state, so the idea about the interconnector between Victoria is also for us to be able to move our cheaper renewable energy into Victoria, so we want a truly national market.

Again, I know members opposite were opposed to interconnection when they were last in office because they wanted to fatten the lamb before sale for ETSA, so they did all they could to try to stop interconnection. We believe in more interconnection because we want to have a truly competitive national electricity market, but the idea that we could somehow keep open a coal-fired generator like the one supplied by coal from Leigh Creek quite frankly is not feasible. It is not feasible, and the reason it is not feasible, given the investments that Alinta have made, is that there is not enough demand in the system.

This is a national problem. We need a national response to grow demand in the system. We need more industrial growth, we need more investment in our industries, perhaps more things like manufacturing our submarines, manufacturing more frigates would increase demand. But instead, we have seen with the new policy of direct action no direct investment in coal-fired generators, no assistance from direct action into coal-fired power stations—

Mr Knoll interjecting:

The SPEAKER: The member for Schubert may have a salient point but he is warned.

The Hon. A. KOUTSANTONIS: The truth is that no government could have saved Alinta, no government could have saved those workers at Leigh Creek, but what we can do is offer them new opportunities, offer them new jobs, by creating the opportunities in the state budget by trying to make sure that we incentivise business to grow.

Mr Tarzia interjecting:

The SPEAKER: I am glad the students from East Marden Primary School have left and will not see their member warned for the second and final time.

PORT AUGUSTA POWER STATIONS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:38): Given that the Treasurer has just outlined that the feasibility of coal-fired power stations has been on the cards for some extended period of time, I am wondering whether he can explain to the house what the government has been doing over the last three years to secure employment for the people of Port Augusta who work in that sector, and more particularly whether or not they will have opportunities in that region or whether they will have to move elsewhere?

The SPEAKER: Yes, this is a bit of a run-on question. Premier?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:39): Yes, a very similar question but it is worth reminding people of the economic plan that we have set out for South Australia which is all about growing jobs, not just in Port Augusta but across the whole of the South Australian economy. In particular, for Port Augusta we have strongly promoted the use of renewable energy and the use of new, innovative technologies to grow jobs. An important success story is Sundrop Farms, which uses solar technology to desalinate water and actually—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: In fact it is 200 jobs, and we are in discussions with them to expand their—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Yes, they have—

The SPEAKER: The leader will be quiet.

The Hon. J.W. WEATHERILL: Mr Speaker, he asks what we have done to try to create jobs. We have a company that announces 300 jobs in the construction phase and 170 to 200, I think, in its operational phase, and he wants to know where these jobs are. The company has made the investment; they are building, as we speak, the expansion on the fringe of Port Augusta. These are precisely the sorts of jobs of the future that we are dedicated to providing, looking at technologies that actually accept that we are in a carbon-constrained world where we are not going to be able to use carbon-emission technologies that are polluting our atmosphere.

We need to use new forms of energy, and this is a company that has accepted the leadership role that the South Australian government has played. We have worked closely with Sundrop Farms, and it has been directly as a result of their efforts and of our partnership that Sundrop Farms have created this fantastic new enterprise—and they have ambitions to grow it. We will be a partner with them to see whether we can allow those ambitions to become a reality, because we now have a very significant imperative with the loss of jobs at the power station.

I have also taken a leadership role in relation to solar thermal. The Minister for Energy has been sent to witness these farms in the United States, and he has played a role in ensuring that we offer all the appropriate support we can to make sure that that technology is a success. We know there is a proponent who is actively proposing a solar thermal plant in the Port Augusta precinct. I don't want to raise expectations about the success of that project—

Members interjecting:

The Hon. J.W. WEATHERILL: It is a serious project with serious proponents, with whom we are working closely. Everyone else might be laughing, but the member for Port Augusta understands that it is a serious proposal and he is not joining in the laughter. What I do want to say is that there are—

Mr GARDNER: Point of order: I take offence at the idea that I have been laughing at this, and no other member in the chamber has, indeed, been laughing at it.

The SPEAKER: Premier, would you be seated for a moment? If the member for Heysen asks one more question out of order I will liberate her from question time. The member for Adelaide is in the same boat.

The Hon. J.W. WEATHERILL: We are working closely with the proponents to make that a reality, but while there may be many jobs in the construction phase—many hundreds of jobs in the construction phase of a solar thermal plant—the truth is that on a long-term basis its operation probably creates in the order of only about 35 jobs. While that is important, if we can gather together 35 jobs here and another 35 jobs there obviously we can start to bridge the gap between that and the jobs we have lost at the Port Augusta power station.

The truth is that all these efforts are directed at the very things we have set out in our economic plan, directed at the jobs of the future. While we can bemoan the jobs of the past which are in decline, we need to get on with the task and the challenge of creating and growing those jobs and sectors which have opportunities for the future. The food industry represents a massive opportunity for our state and, indeed, this region, with its massive amounts of sunshine, clean soil, clean air and clean water. This is an important economic opportunity for Port Augusta.

PORT AUGUSTA POWER STATIONS

Mr VAN HOLST PELLEKAAN (Stuart) (14:43): Given the Premier's answer, is he aware that the operation of the Sundrop Farms project requires the extraction of water and the return of brine from and to the gulf and also that the management of its own renewable electricity requires the Port Augusta power station to be in place, to allow those things to happen? If so, what is he and his government doing to allow those things to happen without the power station?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:44): That is absolutely right—

There being a disturbance in the gallery:

The SPEAKER: Minister, could you be seated? It is prohibited to use flash photography. Would security please remove the gentleman with the red stripe?

The Hon. A. KOUTSANTONIS: That's right, Mr Speaker, there was an arrangement with Sundrop Farms and Alinta Energy, and we are working through those. Alinta Energy has engaged with Sundrop, as has the government task force set up for the Upper Spencer Gulf region, to try and maintain that employment. I understand a solution has been found, and I understand that Alinta and Sundrop Farms are quite satisfied with the solutions that have been found. They have asked us not to make those public just yet, but I understand those solutions will be made public soon. When they

are made public, I will bring that back, but that is the advice I have received. I do not have the details of the solution here with me, but I am happy to offer the member a briefing, because I know he is actually worried about his community, and he is interested in the long-term prospects of the jobs, not slogan shouting like the Leader of the Opposition.

MOTOR ACCIDENT COMMISSION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:45): Can the Treasurer guarantee there will be no increases in the CTP premiums paid by South Australian motorists over and above inflation following the winding-up (or privatisation) of the MAC in June 2016?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:45): Mr Speaker, any politician who makes that promise is crazy. But, what I can say—

Members interjecting:

The Hon. A. KOUTSANTONIS: What I can say, Mr Speaker, is it is just as ridiculous to say that prices will increase by privatisation. The Leader of the Opposition fundamentally misunderstands the process we are undertaking. This is not a sale process: we are not selling the Motor Accident Commission, we are not treating the Motor Accident Commission like ETSA was, by fattening it up before sale. What we have done is we are allowing the competitive private sector to offer compulsory third-party—

The Hon. T.R. Kenyon: Do you remember that? Do you know what that is?

The SPEAKER: The member for Newland is called to order; he has been doing it all day. Treasurer.

The Hon. A. KOUTSANTONIS: Mr Speaker, this is about whether you believe that the private sector can offer a more efficient claims management unit and more efficient services, whether bundling your home insurance and your car insurance and maybe your life insurance together will get you a better deal, or whether you think a government-run monopoly could do a better job. It is obvious that the Leader of the Opposition believes in state-run enterprise, and he said this morning that government guarantees—

Mr GARDNER: Point of order: we are clearly in debate, sir—standing order 98.

The SPEAKER: The leader's belief or otherwise in state socialism is not relevant.

The Hon. A. KOUTSANTONIS: Perhaps he should spend less time at karaoke with the Greens, Mr Speaker, and more time listening to the younger members of his caucus. I say to the younger members of the caucus: retake your party!

Members interjecting:

The Hon. A. KOUTSANTONIS: Retake your party; retake your heritage. Don't allow the Greens infiltrator to take over your party. You all know what I'm talking about!

Members interjecting:

The SPEAKER: Point of order!

Mr GARDNER: He is debating. He is—

The SPEAKER: I uphold the point of order, and I warn the Treasurer for the first time, magnificent though this oratory is. Treasurer.

The Hon. A. KOUTSANTONIS: Thank you very much, Mr Speaker. What we want is we want South Australians to have more choice. We don't believe that a government-run monopoly is the only way to offer compulsory third-party premiums. I know the Leader of the Opposition is calling for more subsidy for the private sector, rather than funding public institutions. That can be his policy at the next election. What we say is: compulsory third-party premiums can be offered more efficiently by the private sector; they are better at it than we are.

I also point out to the Leader of the Opposition that CTP prices have been recommended to increase by the Motor Accident Commission when they don't have sufficient solvency and when the other indicators have been put into place that call for increases. It has been the government that has protected consumers. In fact, if it wasn't for the hard work of the health minister over the past two years—we have had a $140 reduction in CTP pricing—$140. The fundamental question here is: do members opposite really believe that a government-run monopoly and a government guarantee is better than the private sector? If they do, they are lost.

Members interjecting:

The SPEAKER: The member for Chaffey is given a second second warning.

MOTOR ACCIDENT COMMISSION

Mr VAN HOLST PELLEKAAN (Stuart) (14:49): Given the minister's comments about the previous government selling ETSA and fattening the pig before market, can the minister advise the house which current member of parliament was in government at that point in time?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:49): The shadow treasurer, Mr Rob Lucas. The shadow treasurer, the man—

Members interjecting:

The Hon. A. KOUTSANTONIS: I am answering his question.

The SPEAKER: Yes, it is a gift. However, the knowledge of who was the minister at that time is available easily. The leader.

MOTOR ACCIDENT COMMISSION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:49): What mechanism will the Treasurer put in place to make sure that consumers in South Australia are protected from the rampant increases in CTP premiums that have been experienced in other states where they have privatised their equivalent of the Motor Accident Commission?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:50): We will have an industry-specific regulator who will be independent, and that industry-specific regulator, with competition—unlike the ETSA privatisation that privatised a monopoly. We are not giving the Motor Accident Commission to another monopoly, we are opening it up to a contestable market where there are many operators in the market, with a transition period, and also having an industry-specific regulator.

I note that the Leader of the Opposition says that he will be opposing these reforms in the media and he says that he won't be supporting any legislation. I would ask the opposition to reconsider that. If they want to protect motorists, we need to have a legislated, independent, industry-specific regulator; that is the best way to protect motorists, with a competitive market.

Ms Chapman: We didn't have one on Gillman.

The SPEAKER: The deputy leader is warned for the second and final time.

The Hon. A. KOUTSANTONIS: I understand that the Leader of the Opposition prefers the model of government monopoly with a government guarantee.

Mr GARDNER: Point of order: No. 98, debate, making it up, rhetoric, verballing—take your pick.

The SPEAKER: I think the member for Morialta could frame his points of order a little more elegantly and make them more persuasive. The Treasurer.

The Hon. A. KOUTSANTONIS: We have engaged private consultants PricewaterhouseCoopers—

Mr Marshall: Table the advice.

The Hon. A. KOUTSANTONIS: The Leader of the Opposition wants me to table the advice in the middle of a commercial process.

Ms Chapman: Here we go!

The Hon. A. KOUTSANTONIS: 'Here we go!' Okay. Again—

Ms Chapman interjecting:

The SPEAKER: The deputy leader is very close to leaving us.

The Hon. A. KOUTSANTONIS: You can imagine across the boardrooms of South Australia listening to this, listening to the opposition say we should release our independent advice in the middle of a tender process. I mean, really? It just shows you the lack of sympathy that they have not only for the people who will be paying compulsory third-party premiums but for those people who are tendering. Of course, process is important. We need to go through this process and make sure that there is good probity. We can't be releasing advice before we finish the process.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley, if he utters a word out of order, will be leaving question time; he should have gone then. The Treasurer.

The Hon. A. KOUTSANTONIS: We want to have a private sector model that includes a multiprovider market with a set number of eligible providers for the first three years, and we will limit the increases to CPI-like increases. We want premium prices to be fixed, with CPI-like increases over the next three years while we have a smooth transition for motorists and, of course, the participants. Then we want to transition to a fully contestable model from year 4. The reason we do that is that we have learnt from the mistakes in New South Wales and Queensland. We have looked and spoken to those treasurers.

We have had our independent commercial advisers give us the advice about how to do this properly. The next steps are to first conduct market soundings with the potential CTP insurers, and I can assure members that the noises that they are making opposite are scaring the market, because they cannot believe that a conservative party would do this to the free market. We will then go to undertake expressions of interest, then a request for tender process. It will be followed then by a licensing process, appoint the new CTP insurance providers and prepare them for motorists by 1 July 2016, as we announced in the last budget.

It is a transparent process. It is a process to protect motorists, on top of already large decreases that they have had to their compulsory third-party premiums already over the last two years. It's a good process. It gives South Australians choice, choice to be able to bundle their insurance policies, giving families the choice about where they take their insurance. Remember this: we compel every single motorist to have compulsory third-party premiums. Why can't we give them some choice?

HOUSING INDUSTRY RED TAPE REDUCTION

The Hon. J.M. RANKINE (Wright) (14:54): My question is to the Attorney-General. How is the government working to reduce red tape in the housing industry?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:55): I thank the honourable member for her question. The government intends to increase the monetary threshold that defines a construction project for the purposes of Work Health and Safety Regulations 2012. The current threshold value is $250,000. A construction project valued at $250,000 or more must comply with additional work health and safety requirements. These include requirements for a principal contractor to be appointed to manage and control the work site, a work health and safety management plan to be prepared, and relevant signage installed.

The housing industry sector has told me that the imposition of these additional requirements, which are appropriate and mandatory for larger construction projects, is a red tape and regulatory burden for low-level residential housing projects. The government has listened to these concerns

and intends to increase the threshold to $450,000. By lifting the threshold, the government will further assist the housing industry to differentiate housing construction from larger construction projects for work health and safety purposes. The government will implement the change at the earliest possible opportunity.

The safety of workers is of course the number one priority, and I assure the house that increasing the construction threshold does not preclude the housing industry from complying with its general duties to ensure the safety of its workers and others or from complying with fundamental safety requirements, such as those relating to training, height safety and the safe use of plant and equipment. The change will provide support to the builders in the housing industry sector in South Australia, and I would hope any savings made will contribute to improved affordability for those South Australians who wish to build a new home for them and their families.

MAJOR EVENTS

Mr ODENWALDER (Little Para) (14:56): My question is to the Minister for Tourism. Minister, what were the economic benefits of the 2015 Clipsal 500 Adelaide and other events to South Australia?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:57): I am very pleased to inform the house today that the 2015 Clipsal 500 generated a record $60.6 million for the South Australian economy. This year's events saw attendances of 285,600 fans, which is a 4.3 per cent increase on attendances in 2014. This was the third largest overall crowd attendance in the event's 17-year history and the second highest Sunday attendance ever of 93,600. Of course, the member for Hammond knows the biggest ever Sunday attendance was a couple of years ago when his favourite band, Kiss, played. I'm pleased to inform the house that the event also created 440 new full-time equivalent jobs.

More than 12,900 people from interstate and overseas came to Adelaide for this year's Clipsal 500, with Adelaide's hotels and motels recording 67,597 visitor bed nights. The Clipsal 500 has always been the event that sells out nearly every hotel room in Adelaide. Even this year, with an extra 660-odd new hotel beds that have come online in the past 12 to 18 months and four new CBD hotel developments and, of course, the Art Series hotel at Walkerville, we're still seeing very high occupancy rates.

Another big winner for the hospitality industry was the World Cup cricket match, Pakistan versus India, a game that this government strategically went after while others were looking to get Australia versus Bangladesh, which generates very few tourism numbers and dollars. We were very strategic in going after Pakistan versus India. I am pleased to announce that both the night before that match and the night of the game hotels in Adelaide recorded the highest room revenue ever. I know plenty of people who live along the road to Victoria and the road to New South Wales also had their hotels and motels jam-packed as people travelled by car from Sydney and Melbourne and other parts of Australia to come to the beautiful Adelaide Oval, where the government has invested $550 million in making it the very best sports stadium in Australia. While talking about the Adelaide Oval, I am also pleased to inform the house that—

Members interjecting:

The Hon. L.W.K. BIGNELL: And other events. You don't like good news, do you? You do not like good news.

The SPEAKER: The minister is called to order.

The Hon. L.W.K. BIGNELL: On the back of that $550 million investment we have seen the game of football, as it is played and as it is presented here in South Australia, change. If we compare the winter weekend hotel occupancy figures for this April and compare them to two years ago when football was being played at Football Park, the occupancy rate this April for weekends was up 52 per cent. That figure has just been released today: a 52 per cent increase in occupancies. Not only have we had these five new hotels—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley will withdraw under the standing order for the rest of question time—15 minutes.

The honourable member for Unley having withdrawn from the chamber:

The Hon. L.W.K. BIGNELL: Not only have we seen five new hotels open in the past two years, but we have five new hotels on the drawing board to open between now and 2018. I was delighted last week to go down to Sturt Street where the Starwood group, which have hotel chains like Westin and Sheraton, is building an Aloft hotel with 200 rooms. They believe in this government's investment in the Riverbank. They believe in this government's investment in Adelaide Oval. They believe in this government's investment in the Convention Centre and the medical precinct. On the back of that government investment we are seeing private investors coming in and spending millions of dollars creating thousands of jobs.

The SPEAKER: Alas, the minister's time has expired.

ARTS FUNDING

Ms WORTLEY (Torrens) (15:01): My question is to the Minister for the Arts. Minister, what are the potential impacts of the commonwealth government's cuts to the Australia Council on the arts community in South Australia?

Mr GARDNER: Point of order: standing order 97—hypothetical question.

The SPEAKER: No, I think it is present tense.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:01): The cuts to the Australia Council have happened. They are not imaginary. They are not speculated. They were announced in the last federal budget, and I thank the member for Torrens for this important question.

The Australia Council plays an important role in the South Australian arts community providing peer-assessed grants to support our small and medium arts sector. They are the heart and soul of our arts community and provide the opportunity for small, experimental and emerging artists and arts organisations to have their works seen, their crafts honed and their talent recognised. The arts in this state are modest and interconnected and these artists and organisations contribute to the success of our major companies, festivals and cultural institutions by feeding in talent and providing alternative experiences for audiences.

I was disappointed to see that the commonwealth government has redirected nearly $105 million over the next four years from the Australia Council into a new National Program for Excellence in the Arts. I understand that the excellence program will support endowments, international touring and strategic projects; however, to date there has been little information provided about who this money will be going to and what the process will be for organisations wishing to access it.

The South Australian arts community deserves better. They are dependent on this funding and these changes will have a massive impact. Media reports estimate that 150 companies will be affected, but the reality is there will be hundreds more. The fear is that many companies will be unviable, starving future generations of opportunities and shutting down the pipeline that develops the talents that major companies need to excel.

The Australia Council only recently settled on a new grants funding structure that would have seen our arts organisations able to apply for six-year funding agreements. This would have given companies like Windmill Theatre for children and Vitalstatistix the stability they need to generate great art. The organisations to which I have spoken expressed a great positivity after being given the opportunity to set out a long-term plan and structures rather than existing from grant round to grant round. With this out-of-the-blue redirection of funds, these organisations have been left in limbo. It disappoints me to think how much work has gone into their visions, now only to have the Australia Council suspend the grant round indefinitely.

I have written to the Hon. George Brandis, federal Minister for the Arts, and have requested to meet with him to raise these concerns and to urge and provide more information as well as a

transparent process with better engagement through his implementation of the excellence program. I understand that yesterday the federal shadow minister for the arts, Mr Mark Dreyfus, moved to establish a Senate inquiry about the new excellence program. I welcome this scrutiny and will help where I can to ensure the views of the South Australian arts community are heard through this Senate process.

The state government has welcomed the federal government's assistance to small business. It seems inconsistent to me then to potentially starve the small and independent arts sector which is literally hundreds of small businesses of opportunity. And it's not just the companies—an entire cultural economy hinges on these groups. It will hit publishers, printers, graphic designers, food and beverage and hospitality workers and businesses—just to name a few. All South Australians benefit from our incredibly diverse artistic community, and I am committed to fighting on their behalf for fair and transparent federal funding.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:05): My question is to the Minister for Education and Child Development. Has Families SA now visited the property which had 10 children living in squalor to check on their wellbeing and safety? In October 2014, Families SA was made aware of 10 children living in squalid conditions yet rejected any offers to visit the property through the Eastern Health Authority.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:06): I won't comment in public about the status of a particular investigation for a multitude of reasons. As the member for Adelaide is well aware, if she gets the appropriate disclosure authorities, I am more than happy to arrange for a briefing for her.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:06): A supplementary question: have drug tests been ordered under section 20, part 2, given that drug paraphernalia was found at the house?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:06): I won't be making comments on an individual matter.

The SPEAKER: Members, today on Bloomsday (which celebrates James Joyce's *Ulysses*) I call on the minister who bears the names of the first two characters introduced in the novel, once the question is asked by the member for Colton.

PORT MACDONNELL JETTY

The Hon. P. CAICA (Colton) (15:07): Thank you very much; you took me by surprise! My question is to the Minister for Transport and Infrastructure: what improvements to the Port MacDonnell jetty have been undertaken to assist recreational and commercial users of the site?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (15:07): Thank you, Mr Speaker, I'm sorry it took a while for the penny to drop then, and can I thank the member for Colton for his keen interest in these infrastructure projects—fishing as well as jetties.

Port MacDonnell—located in the southernmost part of our state, on the Limestone Coast—has a long and rich maritime history. The town is well known for its lobster fishing and I am told it has the largest lobster fishing fleet in Australia. The town has also recently seen a significant program of works undertaken to restore its historic jetty.

The government has been restoring various jetties around the state in recent time. The Semaphore jetty recently underwent a $1.9 million refurbishment in 2010, and this year $25,000 was spent to add stairs and provide jetty users beach access. The Largs Bay jetty was also upgraded in 2013 at a cost of half a million dollars for new steel piles, lighting, shelter and a new timber deck on the outer, narrower end of the jetty. In 2014, $1 million was spent to refurbish the state heritage-listed Grange jetty; the works also included steel piles and the replacement of structural timber beams, deck planks, handrails, new lighting and a shelter at the end of the jetty.

Over the past nine years, the Department of Planning, Transport and Infrastructure, in partnership with the District Council of Grant, has undertaken a multistage project with support from the Port MacDonnell Professional Fishermen's Association, the Port MacDonnell Offshore Angling Club and the local community to improve port facilities at Port MacDonnell.

Mr KNOLL: Point of order, Mr Speaker.

The SPEAKER: Can the member for Schubert assist the house?

Mr KNOLL: In your inbox as we speak is a Facebook post outlining the exact two sentences that the minister has just spoken—paragraph 3 of the post.

The SPEAKER: Can the minister take some advice from James Joyce and use some elegant variation?

The Hon. S.C. MULLIGHAN: I certainly hope so, Mr Speaker. Back in 2006 DPTI completed stage 1, which was a $1.5 million project to widen and deepen the navigation channel into the harbour. As a result of these works, the harbour now has an all-weather, 24/7 access channel to service the wharf and boat ramp.

Then subsequently, in stages 2 and 3, the service wharf was extended by 70 metres, and extra lanes were added to the adjacent boat ramp at a cost of $2.8 million. The wharf extension provided an efficient and safer method for loading and unloading and refuelling for the commercial fishing industry.

The Port MacDonnell jetty is currently used for both commercial and recreational activities. By lengthening the existing service wharf it ensured that the commercial fishing operations could be transferred from the jetty to the wharf. Stages 2 and 3 were completed in February 2015 and funded by the state government through the Boating Facilities Fund, the federal government's Regional Development Australia Fund and the District Council of Grant.

I am pleased to inform the house that the fourth and final stage of works have commenced, which will include restoration works and installation of new aids to navigation in the navigation channel. As part of these works six new port and starboard aids to navigation will be installed to mark the navigation channel—

Mr KNOLL: Point of order, Mr Speaker. This is dated on a DPTI press release of 29 May 2015, which will be in your inbox directly.

The SPEAKER: Can the minister assure me that he is not reciting a news release?

The Hon. S.C. MULLIGHAN: I am, indeed, reciting some information which has been prepared—whether it is a newsletter, Mr Speaker, I am not aware.

The SPEAKER: The minister has finished. And I thank the member for Schubert for his service to the house and he remains the scourge of lazy, lazy ministerial staff. The member for Stuart.

DEFENCE SA

Mr VAN HOLST PELLEKAAN (Stuart) (15:12): My question is for the Minister for Defence Industries. Can the minister advise the house why two successive CEOs of Defence SA have resigned in the last 13 months since he has been their minister?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (15:12): Yes, I can. Mr Fletcher moved on from Defence SA after, I think, six or seven years of outstanding service having overseen the construction of Techport and the winning of the air warfare destroyer project and is now heading up the Rheinmetall bid for Land 400, and we wish him well and thank him for his service.

Mr Jackman has taken an opportunity to serve with the Minister for Emergency Services in a very important role where the government needs him and which he is delighted to fulfil. So, I thank both those gentlemen for their service. They have done a wonderful job for Defence SA.

ELDER ABUSE

Ms BEDFORD (Florey) (15:13): My question is to the Minister for Ageing. Minister, what is the government doing to increase community awareness and understanding of elder abuse?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (15:13): Thank you, Mr Speaker, and I thank the member for this question. Today is a special day for all of us who are committed to the rights and wellbeing of older people. Today the Aged Rights Advocacy Service hosted a conference to observe the UN's World Elder Abuse Awareness Day, bringing visibility to the physical, psychological, emotional, sexual and financial abuse experienced by older people.

It was my pleasure to attend this conference and engage with representatives from government agencies, the ageing industry and academia to raise awareness about identified strategies to prevent elder abuse within our community. I congratulate the Aged Rights Advocacy Service on the success of this conference, its 10th conference on this issue. It will provide a new perspective on a range of practices to prevent risk and vulnerability of older people.

I am pleased to advise the house that I have launched the state government's action plan: Strategy to safeguard the rights of older South Australians. The government believes that elder abuse can be prevented when the community works together. That is why the action plan was developed through a close and ongoing partnership with the non-government sector, peak bodies associated with ageing, experts from our universities, representatives from the South Australian Aboriginal community and members of our migrant communities.

An expert steering committee shaped the action plan's seven-year time frame and guided each stage of the development. I sincerely thank them for their valuable contribution. The action plan aims to increase community awareness and understanding of elder abuse, an act that causes deliberate or unintentional harm to an older person, carried out by someone the older person knows or trusts, such as a family member, friend or carer. The United Nations Principles for Older Persons states that, 'older persons should be able to live in dignity and be free of exploitation and physical and mental abuse.'

The state government action plan will address elder abuse through the following initiatives: a public awareness campaign, including the development of a website as a central source of information, research and tools; the development of a state government policy outlining the role of government workers in responding to elder abuse; and, ARAS will pilot a telephone service and helpline to provide a direct community contact point that will also link callers with pathways, services and supports.

South Australians can look forward to more years of life than people could expect in previous eras. The state government is committed to providing support and services that will increase the resilience and wellbeing of older people.

Grievance Debate

BERRI BRIDGE MURAL

Mr WHETSTONE (Chaffey) (15:16): I rise today to speak about an historic piece of state government-owned public art in Berri, in the Riverland, that may not be around for future generations to enjoy unless something is immediately done to reverse its state of disrepair. The mural was erected underneath the Berri Bridge, which was built in 1985. As I understand it, the Department of Planning, Transport and Infrastructure now owns the Berri Bridge mural. The Indigenous mural is about six metres by 50 metres wide and tells the Dreamtime story of the river's creation, from the history of the Riverland's fruit industry to the pioneering days of the Chaffey Brothers and paddle-steamers.

The mural features carvings of various native animals, along with the Mulgewanki, a bunyip creature whose role is to watch over the River Murray. The mural was painted in 1985 by community groups, upon the construction of the Berri Bridge, under artistic director and well-known Riverland artist Garry Duncan. The mural's artistic director, Garry, said:

When they wanted to build the bridge they needed some land which belonged to the Aboriginal people. The Aboriginal people quite kindly allowed them to use the land on the condition that the local Aboriginal people were involved in building the bridge and also in the mural.

The state government has an obligation to maintain the mural for future generations to enjoy. However, the mural is currently suffering from severe white ant damage and instead of public art for all to enjoy, it has become a real hazard.

The Berri Barmera Council, as I understand it, has contacted DPTI several times seeking repair and maintenance of the mural and I have personally written to the minister on a number of occasions. I am yet to receive a reply. The council has had pest control contractors in to treat the mural but, unfortunately, due to the way it is mounted it cannot be done effectively to eradicate these white ants and borers. Urgent attention is needed to save this historic Aboriginal mural before it deteriorates beyond repair.

Having met with the minister this morning, I would hope that he and the department will treat that mural with the utmost respect and have it restored and renovated to a satisfactory standard for all to enjoy. The Berri Bridge mural is an important part of the Riverland's history and I urge the minister, his department and the state government to act immediately to repair and retain this colourful and vibrant artwork for future generations to enjoy.

Regarding the mural, it is about telling the story of the Ngurunderi Dreaming. The Ngurunderi speared Ponde and Ponde thrashed around and made the banks of the river and that is now the shape of the river. Who is Ponde? Ponde is the Murray cod, speared by Ngurunderi way up in the high country. Was it hard to convert their verbal culture into actual images? They were able to depict their travels and they did not find it all that hard to translate. When you have a fantastic story like this to tell, it is not very difficult to centralise it.

As to the bunyip's story, Mulgewanki is the proper name of the bunyip and he is supposed to be the custodian of the river. In the traditional lore it is there to scare the kids from going into the river and drowning themselves. There are four poles around the mural—north, south, east and west—and the reason is to do this traditional role and keep an eye on the mural as it does with the river.

Who else was involved with creating the mural? There were a number of Riverland Indigenous people, including Shane and Jason Karpany, Elsie Sumner and Ikey Lindsey. They were the main instigators and their work is fantastic. They were great historians and a great help to the artistic director, Garry Duncan. I think it is an artefact that needs to be restored and respected. It needs to be part of the Riverland's regional tourism.

Time expired.

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

The Hon. S.W. KEY (Ashford) (15:21): In 2015 the Women's International League for Peace and Freedom (WILPF) celebrated its 100th anniversary. I know you are aware of this, Deputy Speaker, because you and I had the opportunity to attend the 100-year anniversary conference that followed the congress this year in The Hague. I understand that there were at least 20 people from Australia at the conference which was entitled 'Women's Power to Stop War'.

In 1915 at the first conference, over 1,300 women from a diversity of cultures and languages came together at The Hague during World War I to study and make known how to eliminate the root causes of the war—very admirable aims, I would say. They had originally organised the gathering to strategise on universal suffrage in Berlin but found that the beginning of World War I put an end to that. I understand that in 1915 at the international conference Muriel Matters was the only Australian in attendance, and the image of Muriel Matters was there again in the 2015 conference.

WILPF has worked for a long time for peace. Jane Addams, for example, WILPF's first international president, was personally received by US President Woodrow Wilson after the congress. He hailed the ideas she brought from The Hague and the conference and adopted nine of them as part of the 14 points for the World War I peace negotiations. Ms Addams received a Nobel Prize for her work in peace. Emily Greene Balch, another WILPF activist and international secretary, was the second WILPF member to receive a Nobel Peace Prize in 1946.

I have been looking at the Nobel Peace Prize, because one of the exciting things about this conference is that there were women Nobel Laureates at the conference, and I thought it was very interesting because you do not hear a lot about women Nobel Laureates. I think most of us know about Marie Curie who was the first woman in 1903 to receive a Nobel Prize and also again in 1911. We were very blessed to have Leymah Gbowee from Liberia, who was awarded a Nobel Prize in 2011. Her citation says, 'for…non-violent struggle for the safety of women and for women's rights to full participation in peace-building work'.

We also had Shirin Ebadi from Iran who, in 1997, was awarded a Nobel Peace Prize for her efforts for democracy and human rights, focusing especially on the struggle for the rights of women and children. Then we go on to find out that there are a number of other campaigns that the Women's International League for Peace and Freedom have been involved in, and I understand that in 2014 the organisation itself was awarded a peace prize because of the work it had done over the years.

You look at the statistics and I must say that they are a bit hard to work out. My understanding is that in 2014 there were 863 Nobel Prizes and Nobel Memorial Prizes awarded and 22 organisations acknowledged, including WILPF, as I just said, as well as organisations like the Red Cross. However, out of that at least 863 only 44 women were actually awarded those prizes, and it is a bit disappointing to see that those numbers are still fairly miserable in relation to men. Looking up the sorts of prizes that have been awarded, women have certainly done well in the science area but they were also recognised for their actual contribution to peace.

In South Australia we have a very active Women's International League for Peace and Freedom, and I remember very clearly that they were involved in a number of campaigns to try to get people to think about what peace means and how we can achieve it.

GOVERNMENT ACCOUNTABILITY

Mr WILLIAMS (MacKillop) (15:27): Today I want to raise the matter of secrecy within government and the impact that has on members of parliament, particularly those in the opposition. I wrote to minister Hunter some time ago at the request of the mayor of one of the councils in my electorate, the Tatiara council, who, following a motion passed by his counsel, sought a meeting with minister Hunter to discuss the matter of government policy with regard to the drainage system in the South-East. I wrote to the minister some months ago, and about a month later I got a letter back from him basically indicating that he was unwilling to meet with anyone on this matter.

The reality is that the minister wrote a letter, gave me a little bit of information in that letter, and said that he hoped that helped me answer the inquiry from my mayor. The mayor was not inquiring about any information from me, he was asking me to establish a meeting between him, as a representative of his council, and the minister to discuss an issue which was of great concern and importance to that council. I find it offensive that ministers of the Crown will not go out of their way to meet with a mayor of a local council where there is a matter of mutual interest.

In the reply he gave me—it was in regard to the community panel which was established in the South-East and the subsequent report it made on this particular matter—the minister said that he had given an undertaking to table that report in the parliament and give a response to it. Well, I can tell the house that that report was handed to the minister back in mid-March and he still has not tabled a copy in the house or the other place, and has still has not responded on behalf of the government. I think that, in itself, says more about that particular minister than the mayor or myself trying to establish a meeting on the mayor's behalf.

I was in Mount Gambier last week, and I had a number of issues I wanted to raise with a bureaucrat employed in the agency administered by that same minister. I rang the particular bureaucrat and said, 'Look, I've got several matters. I just wondered if I could come around to your office and you could walk me through how you make the decisions that you have made under the water allocation plan for the region.' I said, 'If you could walk me through it, it will help me respond to some of my constituents.' I told him of the issues that I had and we arranged for me to meet him at a particular time. Around 15 minutes before the appointed time, my office received a telephone call from the said bureaucrat, saying that he had been told that he was not to meet with me.

One of my colleagues raised a matter not dissimilar to this with Erma Ranieri, Commissioner for Public Sector Employment, earlier this year, and received a letter in February which, amongst

other things, said, 'I have, as a result, updated my website to provide more accessible and explicit guidance to public servants receiving a request for information from members of parliament.' This is the relevant quote, which I am assuming is on the website:

> Where a Member of Parliament makes an enquiry that is not a request for a briefing on major policies or legislation and does not relate to confidential matters, the correspondence should be facilitated in a timely and professional way per usual practice. That is, any information that would be provided to a member of the public should also be provided to Members of Parliament.

It makes it almost impossible for me and my colleagues to undertake work on behalf of our constituents if we cannot make simple inquiries to the bureaucracy so that we can ascertain on what basis they are making day-to-day decisions. How can we go back and explain those decisions to our constituents, and how can we advise our constituents as to what further action they may or may not be able to take?

I bring these matters to the attention of the house, and I call on the Premier to ensure that his ministers are apprised of the Commissioner for Public Sector Employment's advice to the opposition, because ministers are trying to be incredibly secretive. We saw it today in question time, where one minister said, 'I won't comment on a particular case,' notwithstanding that particular case has been all through the media. Good government relies on the free flow of information. Madam Deputy Speaker, yesterday—

The DEPUTY SPEAKER: The member's time has expired.

Mr WILLIAMS: That is a great pity, Madam Deputy Speaker.

The DEPUTY SPEAKER: I know; for another day, perhaps.

KAURNA ELECTORATE FOOTBALL CLUBS

Mr PICTON (Kaurna) (15:32): I rise today to talk about the world game of football in the electorate of Kaurna, otherwise known as soccer. For AFL-inclined people such as myself, we call it soccer, but for most people, particularly the many people in my electorate who have moved from the United Kingdom to live in the southern suburbs—this is shared, I think, by the members for Reynell and Bright, with many Brits moving in—

Mr Hughes: Whyalla.

Mr PICTON: And Whyalla.

The DEPUTY SPEAKER: And Florey!

Ms Vlahos: Taylor.

Mr PICTON: Everywhere, pretty much, across South Australia—they regard this as football.

The DEPUTY SPEAKER: Okay, so it's soccer; let's go.

Mr PICTON: We're settled. What has struck me is the increase in popularity of soccer across the two clubs that I have in my electorate, which I would briefly like to speak about today. Firstly, we have the Seaford Rangers Football Club, which has been around since the early 1970s. It is a very strong club, with over 300 members, is home to 12 junior teams, and it also hosts, in the associated social club, four darts teams and two eight-ball teams within the facilities as well.

The Seaford Rangers are a very strong club. They have recently expanded to include a Summer Sevens season as well, which was very popular with young children. That was supported by a grant from the Active Club Program to help them buy the facilities and uniforms for the children to play in during the Summer Sevens season, but they have some issues in terms of the need for an upgrade at their club. They have very outdated and cramped facilities, and, very importantly, they need to provide, in the future, for women to play soccer, and they need appropriate change rooms to enable that to happen, which do not exist at the moment.

I am working with them and raising their case with both the local council and the state government. I am hoping that, by the time of the next Active Club state grants, the council will be supporting them for an upgrade to their facilities, particularly to ensure that women's teams can play at the Seaford club.

I would like to thank some of the people at Seaford Rangers, particularly Cheryl Sawtell, Greg Wraight, Terry Wraight and Raul Carozo, who work very hard to ensure that that club works very hard. I thank them very much for making me their number one ticketholder for the club this year. I was very pleased to attend recently and be presented with the very large number one ticket. They made me kick a soccer ball, which was embarrassing for all.

Mr Odenwalder: A football.

Mr PICTON: A football. My performance was not too bad, but I certainly will not be making the team. The other team I would like to highlight for the house today is the Aldinga Sharks football club or Aldinga Sharks soccer club.

Mr Duluk: Very successful club.

Mr PICTON: Very successful in a very short time. This is only their second season. They have started up from nothing. There was once an Aldinga soccer club, but they folded some decades ago, so this has been a complete restart of the club. It has gone from zero to being quite a successful club in such a short time, which I think has shown what an unmet need there was in the Aldinga area which, as members would know, is growing very rapidly with new houses being built all the time.

I would like to acknowledge some of the first people who worked very hard on the committee of that club to establish it, particularly Mick Treen, Darren Rathband, Kevin Pinchback, Wayne Ward and Andy Gray. They have all put in a tremendous effort to get that club up and running, and they have faced a number of obstacles, not least of which is that there actually is not a soccer pitch in Aldinga, so playing soccer in Aldinga as a club is quite difficult.

For the first year they were lucky enough that the Aldinga Football (AFL) Club were happy enough to lend them use of Shark Park at Aldinga on Sundays, but we found that the seven-day-a-week use of that oval was quite difficult for the turf and it ended up in pretty bad condition by the end of the year. This year, they have been lucky in that the Aldinga Beach B-7 school have allowed them to use their oval to play soccer games as well, which has been tremendously helpful and is a great sign of schools going out into the community and allowing use of those facilities across the whole weekend.

I will be leaving no stone unturned in terms of helping them to get a soccer pitch in Aldinga. I am constantly hassling the council and raising this with the government as well, that we need to get a soccer pitch at Aldinga so the Sharks have a proper home to play at.

The DEPUTY SPEAKER: Before I call the member for Flinders, I am sure everyone in the house wishes the Matildas all the very best for their game with Sweden. The member for Flinders.

EMERGENCY SERVICES LEVY

Mr TRELOAR (Flinders) (15:37): I rise today, in this budget week, to talk about the emergency services levy or, more particularly, the removal of the remission pertaining to the emergency services levy. This latest increase in the emergency services levy that has been flagged for the upcoming budget will continue to hurt homeowners and businesses across the state. It will add to the cost of living and it really, quite simply, is a land tax.

This upcoming increase has been flagged at 9 per cent or about $23 on the average metropolitan residential property worth $426,000. Or it would increase by $187 or 10 per cent for the average commercial property valued at $1.5 million, and $178 or 7 per cent on an industrial property worth $1.2 million. Of course, these upcoming increases are on top of the extraordinarily large increases of some hundreds of per cent on properties that we saw earlier this year.

Of course, the ESL increases do not just hit property owners, they hit sporting clubs, community organisations, churches, independent schools and many, many small businesses right across this state. It adds to their costs. It is another tax. In South Australia, farmers in particular have been disproportionately hit by the increases to the emergency services levy. When you consider how those levy funds are actually spent region by region, it makes one wonder. The great irony, of course, is that many of those farming business operators (farmers themselves) are CFS volunteers.

I am sure the government, when it is concocting these schemes, thinks to itself, 'They will whinge a bit, but they will pay it. Ultimately, they will pay it.' For the most part, that is exactly what

happens. However, it has been widely reported in the media—and, of course, it is very true—that many of those same volunteers and a number of the brigades involved have taken a stand by refusing to respond to incidents on government-owned land.

This is going to be a big problem for this government. If there is a major fire next summer on Eyre Peninsula or anywhere in the state, bearing in mind this government now is responsible for some 20 per cent of the land area of this state, what exactly does the government think will happen? They have completely failed to address that question.

The recent Sampson Flat bushfire is still front of mind, and the government has tried to explain away the most recent increases to the ESL as a one-off to cover the cost of that Sampson Flat fire. It has been estimated at around $10 million, but, of course, that explanation lacks any credibility when you consider the huge increases to the ESL two years in a row, which I have already referred to, and also the government's failure to adequately answer whether the ESL would go down should there not be a similar type of event next year. Let us hope that there is not, but there could be. We live in a fire prone landscape, and for six months of any given year this landscape will burn. The question is: will the levy go down or will it go up should a bigger event occur? These questions have not been answered.

The removal of the remission on the ESL has seen ESL bills soaring, and it has generated much angst and anger. Further, these huge increases cannot be justified, surely, when the government is receiving so much additional unbudgeted GST revenue from the federal government, and we are talking in the order of $850 million in the upcoming budget period. The budget papers, which are due to be handed down this coming Thursday, will certainly make interesting reading when it comes to the ESL and the emergency services budget in particular. I have no doubt that members on this side will explore some of these questions during the budget estimates process.

The government does have a responsibility to properly equip and train our CFS volunteers and emergency services more broadly, but if they stay true to their form in this upcoming budget, South Australians, unfortunately, can expect more waste, higher taxes, continued financial mismanagement and, ultimately, higher debt and deficit. I will close by reminding the house, all constituents and residents of South Australia that a state Liberal government, should we be elected, will reinstate the ESL remission, that remission that the Premier and Treasurer cruelly removed last year, and provide all of South Australia with much needed tax relief.

UPPER SPENCER GULF EMPLOYMENT

Mr HUGHES (Giles) (15:42): When I rose to speak in this chamber on 4 June it was to outline the job losses in the north of our state and especially the job losses in Whyalla and Roxby Downs and the significant impact those losses had and will have on individuals, families and communities. Alinta's announced closure of its Port Augusta power stations and the Leigh Creek mine will lead to the loss of an additional 455 jobs, not counting contractor positions during shutdowns and not counting multiplier effects.

The factors that work in our northern communities, when it comes to job losses, both overlap and differ. In Whyalla, it is cost cutting at the steel works and commodity price impacts on iron ore mining. At Olympic Dam there have been operational difficulties, commodity price impacts and the need to reduce costs to more effectively compete for capital internally. Alinta has been running at a loss for a number of years and it has found it difficult to compete. The increase in energy efficiency, the growth of renewables and a decline in industrial consumers have all had an impact.

I would not want to underestimate the current difficulties and the impact those difficulties will have on individuals and families, but our northern communities will get through this challenging period. We will build on the strengths that we have, and we will innovate and develop new strengths. The cities of Whyalla, Port Augusta and Port Pirie work together through the common purpose group to explore and map future opportunities—and there are opportunities. The smelter at Pirie is undergoing a major revamp. Whyalla and Port Augusta both look to sun, sea and land to innovate, with Sundrop Farms in Port Augusta and Muradel in Whyalla. We know that we have only scratched the surface when it comes to using our massive solar resources for energy production, renewable-based manufacturing of primary energy sources and as an input into a range of thermochemical processes.

The recently announced state copper strategy and the opening up of the Woomera Prohibited Area are both solid initiatives. Exploration and mining are going through a hard period, but that will change and we need to be ready when it does and especially ready when it comes to a thought through infrastructure response.

I have maintained publicly for the last decade that one of the most important pieces of infrastructure in the north of the state is the harbour at Whyalla. While on the Whyalla City Council eight years or so ago, I moved the policy position that backed the opening up and expansion of the harbour and that it be done in a way that would permit third-party use. This is still my position.

The harbour has the potential to be reconfigured so that it can handle far greater tonnages and operate both as an export and import facility. The harbour is surrounded by an abundance of vacant and underused land that is appropriately zoned and served by industrial grade infrastructure. There are rail corridors to the north and west, grid infrastructure with two major new substations, roads, gas and water. Given the nature of the area as a major industrial site, there are no significant environmental impediments or conflicts over land use. There is a wide buffer between the harbour and surrounding land and the Whyalla community. The development of the harbour would help secure Whyalla's long-term future and would have positive spin-offs for the whole of the region and for the state.

Our communities have the capacity to innovate and flourish, but we do need help to transition through this difficult period. We do want the state and federal governments to work with the private sector to create employment opportunities. I welcome the initial—and I say initial—$1 million from the state government to assist the Upper Spencer Gulf. We all note in regional South Australia what has been spent in Adelaide to develop infrastructure and to underpin future economic growth. The list is long. We all acknowledge the importance of having a vibrant capital. We acknowledge the needs that are generated as a result of having a population of over 1.3 million living within the urban boundary. We, in the north of our state, also need support and support commensurate with the challenges that we now face in the Upper Spencer Gulf. I look forward to that support being delivered.

Bills

STATUTES AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:47): Whilst the community remain concerned about the incidence of serious and organised crime and accept that it is infiltrated by and operated by, to some degree, the outlaw motorcycle gangs, there is also, I have certainly found in the last 13 days, a growing concern amongst some of our community in respect of the criminalising of seemingly innocuous activities. This is an interesting aspect which comes about not on the principled position of the debate out there as to whether the usual purview of the judiciary should be transferred to the executive and to be in breach of doctrines, etc., but the very simple question: how is it that members of the community can be charged with very serious crimes just for talking to somebody in a public area?

Potentially, of course, it is a fairly scary concept to make indictable offences particular forms of activity that are innocent for most of the population, and that is not just them meeting with somebody in a public place but also wearing certain logos or going to certain events that the general public may attend. It is, I do not think reckless, rather more inadvertent and perhaps passive, acceptance that there may be some innocent victims along the way, but that that is necessary to deal with this evil. Is this the introduction of legislation which could capture innocent people until they prove themselves to be free of the allegations rather than the reverse? Should we turn around the normal processes of investigation and enforcement?

Should we introduce disproportionate and unequal severity of our laws? Is three years' imprisonment for associating with somebody in public—as evil as one of the parties may be in that process—justified relative to other laws? We commonly see sentences of imprisonment of under four years for the rape of somebody, and even shorter nonparole periods. It raises questions in the

general community in our attempt to smash down this rather offensive group in our society and use all the laws and capacity to do so as to what it is we are sacrificing along the way.

As the debate becomes more known to the public, and remembering that it has all been kept fairly secret at this stage—the government have not gone out with draft copies of the bill for general consultation, and as I say, not consulted with the profession and the like—it certainly raises some concern.

The other aspect I want to mention is the inadvertence and the provision in our legislation which does not allow for the change of name, or does not allow someone to avoid application of the act on the basis that the criminal organisation in question changes its name. On that latter point, it is understandable why the government have added in a provision for capturing someone by virtue of stopping them avoiding being dealt with. We had a case in South Australia where, on the face of it, one of the outlaw motorcycle gangs had actually done just that: the Finks group changed its name to the Mongols, and there was a question raised about whether that would frustrate the furthering and successful declaration against that organisation.

I can see what the government have attempted to do, but herein lies the problem: it means that the association can be at any time. In short, the way this has been drafted in relation to change of name is disturbingly broad. If members re-form into another group entirely, that group also remains a criminal organisation. But the problem is that there is no time limit on this. The time for which one has met with, or been seen in the presence of these other parties to comply with the provisions of the act, may be 20 years ago.

There is nothing in this legislation which purports to have any time limit against this, nor does it appear to be able to give any relief to a criminal organisation, or the members who subsequently find a new life and decide they are going to be good people and contribute to the community. It seems that once on the list, always on the list. The conduct of association is not time sensitive and, therefore, you can be caught up with attending events from 20 or 30 years before. I find that concerning, and we need to address it.

On the question of capturing the innocent, I also raise the question about protests. Let us assume for the moment we use the example of the people who have assembled and remain in a quasi-resident basis on the front of Parliament House. They have been there for, I think, nearly three months. Their cause is to bring to public attention their plight in attempting to save the Repatriation General Hospital. They have a worthy cause, and they are wanting to make sure that we, as members of the parliament, hear their plight and their concerns, and they are undertaking a peaceful protest in support of their objective.

At some stage during the course of their sit-in or sleep-in there has been a concern raised about whether they should be allowed to stay there, particularly as there is an allegation that one or more of them is a member of an outlaw motorcycle gang, or at least a past member. Now, I place no weight personally on whether or not that is the case. I have no idea. But what I do say is this: if that is the case, if a person is found to have been a participant in an organisation which, as of a few weeks to come when this legislation is to pass (if this government gets its way), is declared a criminal organisation by this new process, then what is to become of those out on the front steps of Parliament House who are there innocently protesting their own issue, namely, the hospital and who are found to be in the company of a person who is determined to be a member or former member of a criminal organisation?

Are they going to be swept up into potential prosecutions and are they going to be otherwise deterred from continuing in their public presence undertaking their lawful protest for fear that they might be caught up in that protest? I am very concerned effectively about the boundaries of who this is going to apply to, who is going to be caught inadvertently, what groups are going to be in the category of criminal organisations, without, perhaps, adequate review, and, finally, those who will need to pay for the litigious way out of trying to prove their innocence. So, there are a lot of aspects to this in its application that we remain concerned about.

Other governments, we are informed by the police, in New South Wales, Victoria and Western Australia are considering this expanded participation offence law and its corresponding application of an executive role in what is formerly a judicial role. The senior members of our major

crime and serious and organised crime who meet regularly, obviously, to try to work in a concerted way to deal with the serious and organised crime matters across the country, confirm that it is their wish to advance legislation such as we are doing here and which is already applicable in Queensland.

It is a matter for other states to do as they wish. My understanding at present is that we have a declaration process through the courts here and in New South Wales, the Northern Territory and Western Australia. The ACT and Tasmania have elected not to go down that course. They do not have SOCCA legislation as these other states do. Potentially they are more vulnerable to not having sufficient armoury, but it seems they are doing okay. I do not know, I cannot answer that question. But, without even SOCCA legislation, they seem to be managing the situation. It may be that they are looking and waiting to see what happens in those other states before they jump in. Certainly, they have not even been tempted from the wave of reforms that took place in 2012-13.

Victoria, it should be noted, has a bill of rights. I have always been a strong advocate of the fact that introducing a bill of rights is problematic (and will be problematic if we do it) and, as a country, that we should not do it. Victoria, I think, faces the problem that we all feared would be the reaction to having a bill of rights; that is, the people who are most likely to use it to protect their freedom of speech and association, to carry arms, or whatever, are motorcycle gangs and people who are in the criminal world. Unfortunately, where we have bills of rights it is these groups that have taken the most legislative advantage of them.

It may well be that the existence of a bill of rights in Victoria has influenced them to not jump on the bandwagon. What I am informed of by the police—and they have been, I think, full and frank in presenting to us the limitations they have had, the discussions they are wanting to pursue and what their objectives are—and I have absolutely no reason to doubt them, is that Victoria in particular is worried that the advance of more strict and strenuous legislation in Western Australia and New South Wales (who may be considering it), and we certainly have it on the table, will result in a number of members of those organisations transferring their operations and even residence to Victoria.

That must be a frightening thought, but it is one which I think is inevitable if we accept that the data that has been presented by the police in Queensland is the case. Secondly, it is likely to occur when there is a failure to have a uniform response. Inevitably, you are going to have those who can seek refuge in a less restricted environment or less criminalising environment for them. So, is it therefore appropriate that we should advance this in South Australia in the clear knowledge that we are going to transfer, or at least temporarily transfer, the problem somewhere else?

Arguably, because Queensland claims (apparently) that there has been a reduction of people walking around with insignia and black jackets and so on along the beaches of Queensland (the Gold Coast, Brisbane and the like) and they have been free of this presence in the public arena, that has resulted in the public feeling safer because there is not this intimidating presence of these people in the public area. That may be the case, but we, of course, are informed that, as a result of this, just in the last few weeks one outlaw motorcycle group has come to South Australia for a national meeting, with well over 200 people attending, and then another meeting of some 50-odd.

It is possible that they are flexing their muscles in the presence of South Australians to let them know that they are around, that they want to be a part of the furniture in South Australia and that they are ready to move in. I do not know. What we do know is that, apparently, they have not been too much trouble while they are here, in the sense that they have been under observation, but that they are moving in at least to have events. This is a group that operates in Queensland and also in New South Wales. To avoid the consorting laws that are strong in New South Wales, some of this group came in groups of two over the border, had their meeting here and then went back.

I would be unsurprised if people in Victoria or even Tasmania might think, 'Well, we might be invaded soon with all of these bikie refugees. What are we going to do about it?' That is why it has been acknowledged in our enforcement agencies and our governments around Australia that it is necessary to have a national approach and, accordingly, just a few weeks ago in Canberra, the commonwealth and state attorneys and police ministers signed up to a National Organised Crime Response Plan for 2015-18 which essentially commits to a combined effort and a unified approach in fighting such crime.

It is very important to avoid this transfer of the problem across the border. I think that it is probably selfish of Queensland and South Australia to advance and think, 'Well, we do not really give a toss about what happens in Victoria. If they get overloaded with these people, bad luck. At least we will get rid of them, at least we will get a good headline.' Possibly that is what Campbell Newman thought that he was going to get in Queensland, that he would be able to say, 'They are off the streets. We have won the war against the bikies and, if they have moved down to New South Wales or come over here for weekends or have a beach house in Victoria, we do not care.' I think that is a very selfish approach.

Therefore, I commend the ministers and the commitments that were made at the federal and state level at the recent national meeting in Canberra because the initiatives that they are looking at are really important. They include the prevalence of methamphetamines in the community, the need to look at gun-related crime and violence, that crime groups are committing technology-enabled crime and cybercrime, the need to develop a national approach to targeting financial crime, tackling the criminal proceeds of organised crime and reducing barriers to information sharing between the agencies.

In all of those areas that they accept need to have initiatives and strategies built around them to advance whether it is tax reform or whether it is tightened proceeds of crime legislation, unexplained wealth, confiscation of assets, gun prohibitions, they understand—and those who are advising them in our enforcement world, particularly our police forces, have a very clear understanding of what the extent of the problem is and where they need to go on it. They have also signed up to a commitment that they do it at a national level.

I commend that plan to members to have a look at because it outlines a very comprehensive list of how the different structures operate and in some ways it is actually comforting to read of the level of entities that are vested with the responsibility not just to protect us but to investigate and provide policy and advice around the country, both at a national level and a state level.

I do not want to underestimate how important that is but I do not think it is acceptable for our government to respond to the reform requirements to deal with serious and organised crime regarding outlaw motorcycle gangs without having proper regard for how that will affect other jurisdictions, especially when they have signed up to that agreement. I find that insincere and I see it as quite immature of our government and, frankly, I am embarrassed by it, and that they would want to be so childish in their approach to this, so insistent that they get a headline of their own advance that they are not cognisant of how short-term the benefit may be for South Australians and how detrimental it may be to others. I just find that approach immature and really not acceptable.

On the question of outcomes from Queensland and New South Wales, I will turn first to Queensland. In Queensland, with the expanded orders, apart from the reduction in the public presence along beaches and public areas we are advised that in the 12 months prior to its legislation there were, in outlaw motorcycle gang environments, 10 shootings, 25 serious assaults, six affrays or riots and two murders. Since the legislation passed none of these have occurred in this category. We are only talking about the last year; nevertheless, that is the claim.

So public shootouts—which, I must say, are events that are frequently, although not mainly, of each other; that is, murdering each other, the two murders confirmed to be of each other—and serious assaults, etc., are usually with a rival gang member, as I have canvassed before. That is an impressive situation, to find that post legislation there appears to have been none of this public brawling, with weapons, that is just terrifying to the public. That is very encouraging.

What I found even more impressive is that since the legislation there have been 70 reports of extortion or similar offences. What that means, what I accept in the translation of that, is that since the legislation has passed people feel safer to come forward and actually report crime by persons who are suspected of being members of these gangs. That is very encouraging. Disassociation laws are claimed to have reduced the membership of outlaw motorcycle gangs by 30 per cent, and no new chapter has opened.

The briefings that have been provided have not detailed prosecutions or successful prosecutions in Queensland but on my review, brief as it is, there are two cases that have had media coverage, both of which have been withdrawn, as I explained before. So it appears that the threat of

this legislation has been enough to keep these people indoors, in their own houses, and not meeting publicly and not shooting up each other publicly. That is what it tells me. That is a positive, because it also means that their very presence might encourage others to come forward.

All that is good, but is it only temporary? Is it only as a result of the fact that these people are still doing this in their own lounge rooms or because they have moved interstate? I am an optimistic person, but I am bit cynical when it comes to the reform of some of these people; if they suddenly start reading the Bible I would be starting to count my sheep if I were their neighbour. I do not accept that there would be some miraculous transformation of these people, that they are all joining reading clubs and having their tattoos removed. If they do, great; but I am not confident that is what is happening at the moment.

In New South Wales, where the strengthened consorting laws have been in place, there have apparently been 39 people charged with consorting, 32 of whom are, apparently, members of outlaw motorcycle gangs. These cases are pending. One person, who was a member of an OMG, has pleaded guilty and received a sentence of seven months' imprisonment. Apparently, the shootings of these people comprised 9 per cent of the state data and is down to 2 per cent. They have also experienced the decreased presence on the streets, and that appears to have had some direct impact.

I think it is important that the public is informed where there has been a demonstrable improvement arising out of any legislation. I think it is reasonable for any government to claim credit for it, or seek their support in our parliaments and the like. But, the material is pretty anecdotal to date. Again, members may be aware that, in Queensland, aside from the review by Mr Byrne QC, there is also a grant being issued to Mr Goldsworthy at Bond University—not the member for Kavel; he is not escaping that quickly—to do some work on the statistics and to identify the effectiveness of the measures which, at this stage, as I say, are anecdotal.

It is hard to realistically identify whether or not they have been a success, or whether they have transferred the problem. To date, Mr Goldsworthy has not been able to provide that data; my understanding is it is still being collated. It will be important to see that when it occurs, but I am concerned that we certainly should be moving in the same direction across Australia in dealing with this. I am not a nationalist: I am a federalist, and I frequently stand in this chamber to argue that we should not just be going into harmonisation mode with other states and end up with material that is the lowest common denominator.

What I do say is that, if we are just going to transfer the problem to our neighbour, then it is immature and irresponsible for us to do that. In some ways, it is like having a problem of corellas at Strathalbyn. You send off the smoke guns or discharge the boom noises, or whatever they are called, and scare all the corellas away, and then the corellas fly over to Mr Pederick's electorate—

Mr Pederick: Hammond.

Ms CHAPMAN: —in the seat of Hammond, and they eat all of his people's crops. It does not resolve the problem, and we cannot really go down a line which does not take the others with us.

The police commissioner to be (Mr Grant Stevens), Assistant Commissioner (Crime) Paul Dickson and other representatives from SAPOL have been generous with their time in providing multiple briefings to myself and my colleagues. I thank them for that, and I wish them well in their continued work across the board in ensuring our protection. I accept that they will go with a wish list to the Attorney-General's Department to have legislative reform or obtain resources in budget and the like to perpetuate their role. They have our commendation in the work that they do. I also place on the record my appreciation of the Attorney's Special Counsel, who advised us on the matter, and his chief of staff, who is ever helpful.

Members of the legal profession, the Law Society and the SA Bar Association are clearly not happy with the process or the direction of this legislation, and, in particular, the transfer of powers from the responsibility of the judiciary to the executive. They specifically take issue in respect of the abuse, they would say, of the regulatory power and have been scathing of that approach. You could say that that is predictable, but they are the keepers of protection for us and they are entitled to have a say. I do not think it is acceptable or even helpful for the government to think that they do not even

exist or ignore them when it suits; it will not resolve the problem and we will not be better for trying to advance something without their assistance.

We have had no indication from the judges. They are about to have significant power stripped from them and I have not heard a squeak from them; that may be because they do not know anything about it. They might have read with a bit of interest in the paper about what has been happening in the last few days. Again, if they have not been consulted by the government, which I have every reason to believe they have not been, I think that is scandalous. I think they are an important arm of our whole democracy and they ought to be consulted. If the government have not consulted them, which I assume they have not, we will in the next short while.

I thank the Crime and Public Integrity Policy Committee for their continued work. We look forward to their report with interest. The only other entity which has directly come to us is the Hotels Association, and Mr Ian Horne has advised us of concerns that he raised. Again, at first blush of the legislation, it appeared to be something that was acceptable, but forensic assessment identified some major defects, and I am pleased that the government is apparently listening in respect of those reforms and is proposing amendments.

I also wish to thank Dr Rebecca Ananian-Welsh from the law school at the University of Queensland. She attended here last week to provide a briefing in respect of law on serious and organised crime, apparently quite coincidentally with the government's indication that they were going to pursue this legislation. Dr Welsh has been most valuable in her advice as to the passage of, implementation and effect of the laws in Queensland, and of the determination in the Kuczborski case. She has written academic papers on the same and, for those who can even cope with reading through what is fairly dry subject matter, I do commend them to you.

I am so pleased that people like Dr Welsh are in our community, that they look at these matters carefully and that they provide us with most helpful advice. Again, I think the government would be the beneficiary of consulting with these people and getting advice as to how we do it right, rather than ending up in the High Court. We will continue to work with the government to try to find some way to advance the legislation which is productive and which we are satisfied will help.

There are several aspects, I think from my contribution, that the government can assume we will be supporting, with some amendment that has been flagged. We still have some significant concerns about how we best deal with the first 27 criminal organisations that the government wants to deal with by statute, and we certainly have concerns at the rather amateur process that is proposed for the assessment under the regulation powers by the Attorney-General, under the apparent scrutiny of the parliament, for any new organisations.

We will see whether there are parts of our parliament that can be brought into that process to try to remedy those defects and make it effective. Some will always say that it is an unacceptable risk to move away from the time-honoured principles of the separation of powers and the annunciation of the rule of law and that they will never support legislation of this kind. They say that we should not put this in the hands of amateurs, which is us; that is, we are not judicially trained people, we are not judges. We are members of parliament, we are legislators, and some of us in different capacities have more or less experience that might help in that role, but we are not judges. Apart from the question of whether it is offensive to attempt to pretend that we are, the question is: are we going to do justice to the application of law in the protection of our constituents if we bulldoze ahead and insist that this legislation passes in its present form?

I have indicated that we will not be bullied into that—and we will not—but I will make further comment in relation to some amendments during the committee stage. In short, I will say to the Attorney that, if our expanded participation offence laws under the Criminal Law Consolidation Act are to ultimately meet with support from our side, we will need to have a mechanism by which we narrow the definition of who this can be applied to as a participant and, furthermore, require that the material that is presented to the Attorney-General from the police, from which any whole or part he makes an assessment on, is also made available to the Crime and Public Integrity Policy Committee of the parliament and reviewed on a confidential basis. My understanding of that aspect is that the police commissioner has indicated that he would be willing to make that information available, that

is, the general files and also the sensitive material which to date has been seen only by the eyes of the Attorney. With those comments, few as they are, I rest my case.

Mr TARZIA (Hartley) (16:27): I also rise today to support the Statute Amendment (Serious and Organised Crime) Bill 2015 and to highlight some of the concerns about the legislation, which I hope that the esteemed Attorney will take on board and consider as a future reference. As the member for Bragg alluded to, the principles of the Magna Carta of 1215 are as relevant now as they were then. Issues such as equality before the law and the natural rule of law are being raised, questioned and discussed. She certainly raised many valid points in relation to the balance that needs to be reached between such laws when you look at the freedom element that they take from people and how that needs to be weighed up against the security elements of the law.

She also mentioned that no evidence has been presented to us by the government that we as legislators are at any threat in debating such legislation. It is not the first time that we have been asked to support legislation at the eleventh hour—and, by the way, we have complied to some extent today—but we will not be bullied into submission no matter what chokehold this government applies to us; we will not tap out. We will make sure that there is rigorous debate, because this is an important issue. It is such an important issue, and we need to get right because it affects people's freedoms. For a long time now, the government has tried to get this right, sometimes with success, sometimes without.

Let us look at a little bit of the history. In February 2008 the Rann government drafted the Serious and Organised Crime (Control) Act (the SOCCA). In May 2008 that legislation was passed. In May 2009 the Finks were the first club to be declared an illegal organisation, but then there was an appeal to the Supreme Court, which you might remember, Deputy Speaker. What happened in September 2009? The Supreme Court rejected the laws and the government appealed to the High Court. In November 2010 the High Court threw out the challenge.

In June 2012 there were amendments passed. In March 2013 police prepared applications to have the Finks, Hells Angels and the Rebels declared criminal organisations, but wait, there is more. In July 2013 there were further amendments to the SOCCA to finetune elements of the law and in October 2013 there were plans to declare the Finks a criminal organisation which were thwarted when the club changed its name to the Mongols.

We come to March 2015 when the Attorney announced his and his government's intention to introduce laws that allow parliament, rather than the courts, to declare bikie gangs criminal organisations, following the lead of what is happening interstate.

Obviously, organised serious crime is a huge issue. It is a massive issue in our society and it affects every level of our society, our community, our economy, our government, and the day-to-day running of our life. Every day we, as South Australians and as Australians, can literally feel the effects of serious and organised crime in many ways, such as email investment scams that come up on our feed, online attacks, drug manufacturing laboratories in many suburban areas and many acts of violence between criminal groups in our communities and on our streets. No community, unfortunately, is safe.

Serious and organised crime is not just restricted to that. It also has a much greater impact on other things, such as the South Australian economy. A massive amount of public expenditure is needed to treat issues associated with illicit drugs, extortion and other crimes. The groups that are involved in these crimes can do all kinds of things. They can manipulate share prices. They can manipulate assets for criminal gain. They can infiltrate legitimate businesses. They can launder money. I note that the Australian Crime Commission estimates that serious and organised crime costs Australia alone about $15 billion each year; however, I am sure the actual figure is much greater.

In South Australia, the Crime Gangs Task Force arrested and reported 162 outlaw motorcycle group members and associates. The number that was quoted today was much more than that, so obviously this is a growing element. They are involved in an array of offences: affray, drug trafficking, extortion, blackmail, serious assault and firearms charges, just to name a few. The crack squad in 2013-14 raided 239 premises. They seized 11 firearms and 36 other weapons including

tasers, crossbows, knuckledusters and ballistic vests, so obviously this is a massive issue. It is a very important issue.

I have to question the timing of this government in bringing this bill to the floor. We have seen examples during the year where they found it much more prevalent to introduce issues like time zones. This government believes that time zones have a much higher ranking of importance than dealing with the real issues in our world, such as serious and organised crime and making sure that we take crime off our streets. In budget week, one has to question whether they have used this as a mechanism to blur lines with other important issues which are happening to try and get some media attention on this issue rather than the state of the economy. I am glad that the government have finally brought this to the floor of the house, but this should have been done a long time ago. What have they done for the first year, with all respect?

Mr Goldsworthy: Not much.

Mr TARZIA: Not much, as the member for Kavel correctly asserts; not much, unfortunately. Anyway, here we are. Since 2008, the government has progressed bikie gang criminal organisation laws, and I have spoken a little about its initial attempts. We received some minor amendments at the eleventh hour—I actually received mine at 12.17 today. These types of laws need finetuning from time to time, and that is a classic example of why we cannot rush these things, because I only got the amendments at 12.17 today. Luckily, I support the amendments and what the Attorney is doing in those two regards.

The member for Bragg made mention of some matters in relation to the current law. Obviously, we want to avoid any humiliation in these laws being tested by higher courts and having them thrown out because that would ultimately be embarrassing. Not only would it be embarrassing but it would mean that we are not achieving what we set out to do.

Currently, in regard to consorting, a person must not without reasonable excuse habitually consort with a prescribed person or persons, and the police can issue consorting prohibition notices against the person who is subject to a control order or who has been convicted or suspected in respect of certain offences, and obviously there are associated gaol terms. In regard to declared organisations and control orders, after High Court judgements and amendments in the parliament the law already provides for a court to declare an outlaw motorcycle gang to be a criminal organisation. I note there are several penalties for that already. In regard to licensed premises, there are also current laws which restrict persons entering or remaining in licensed premises.

The government claims that the bill represents another step forward in the fight against organised crime and that there can be no doubt that the legislation found valid by the High Court has the bikies in Queensland and New South Wales running scared. The government is determined to give the police the weapons they need to get the same result here. I honestly hope for the people of South Australia that the government's track record on this issue is a thing of the past. If you look at the government's track record on this issue, the legislation would not bust a grape in a food fight, quite honestly, but I am hoping that this legislation will do the job.

The bill amends the law as follows: in regard to the Summary Offences Act 1953, it substitutes a new section on consorting. I note that this appears to be in line with the New South Wales version, which is a tried and tested version. It also creates a new offence for a person who habitually consorts with convicted offenders after receiving an official warning by police not to do so, with a penalty of two years in prison. It also removes the need to have a SOCCA control order in place, and it goes on to list the types of consorting to be disregarded in 'reasonable circumstances'.

The member for Bragg also alluded to the elements of the Criminal Law Consolidation Act, which are perhaps the most controversial of the lot. I am not going to repeat her arguments, only to say that when there is no judicial review of that and the public is passed into the hands of the few, this presents issues and I think it is important that a judicial review be at least looked at as well. It creates a number of offences which are all indictable, for example, to be a participant or knowingly be present in a public place with two or more others in a criminal organisation. It talks about entering and attempting to enter a prescribed place or attend a prescribed event of a criminal organisation. It

talks about recruiting and, also, attempting to recruit another person to become a participant, and many of these laws actually have penalties of up to three years imprisonment.

I support the intent of what the bill is trying to do, however. The deputy leader, the member for Bragg, has also raised a number of queries and concerns that exist in relation to the doctrine of the separation of powers. Again, I will not repeat all those in the limited time I have, but I really do ask the Attorney to consider this and to consider amendments that may be made when we flesh this out in committee.

We have also seen scapegoats, if you like, caught in the crossfire of this legislation. We have seen an innocent racing club at Mallala, and I am sure the member for Hammond will talk a little about that. You have an innocent group of people who have been caught in the crossfire here, already caught up in the initial list of 27 clubs to be declared a criminal organisation. That is why we need to take our time with these sorts of things and get them right, because it is shameful that people's freedoms and liberties are trodden on where there is not just cause to do so. This is very serious stuff.

It is a slippery slope if you want to pursue this sort of thing and take freedom away from people unless there are severe grounds to do so. I notice that the Crime and Public Integrity Policy Committee of the parliament has been bypassed completely in this process, and enough has been said on that as well.

In regard to the Liquor Licensing Act, obviously, it widens the act and it allows the Attorney-General to declare clothes, jewellery and accessories worn by any person to be a prohibited item. It further goes on to create an offence to enter and remain in a licensed premise while wearing a prohibited item. It creates an offence for a licensee or responsible person to knowingly allow a person with one of those items to enter and remain in a licensed premise. It also claims to provide extra safety for patrons and for workers.

Questions need to be asked whether this sort of legislation is right. I am hoping—and thank God for the upper house—that the upper house will apply the rigorous debate that is needed in these sorts of laws. Whilst we on this side of the chamber broadly accept the intent, we will not be holding up this bill on this side of the house. There are significant concerns that some members may have in relation to legislation which takes away people's civil liberties and freedoms. In any of these sorts of bills we need to weigh up the security of our citizens against the freedom of them as well. With those remarks, I commend the bill to the house.

Mr PEDERICK (Hammond) (16:43): I rise to speak to the Statutes Amendment (Serious and Organised Crime) Bill 2015. In the first instance, I would sincerely like to thank the briefing from police officers earlier today. It was great that frank questions could be asked and frank answers were given in regard to this bill.

We look at the legislative history of what the government has been trying to achieve here. We go back to 2008 and beyond that and Mike Rann, the former premier, was going to bulldoze bikie establishments. Well, that has not happened. However, from what I can see from this legislation, which is similar to the Queensland legislation and also similar to the New South Wales legislation, essentially what will happen if this bill becomes an act is that the bikie fortresses will be bulldozed from the inside out because it will become a criminal offence to meet there and to discuss illegal activities. In fact, it was noted at the briefing that Queensland formerly had 37 clubrooms and 18 of them are now vacant. So, that is certainly a good thing.

In light of what we are trying to achieve here we do not want any undue circumstances to come up. I asked many questions in the briefing on whether an innocent person could be talking to bikies with no idea that they are bikies. They might be in a pub, dressed in a suit, you could meet up with them innocently and have a conversation. What I am told is that if it got to the point of any action being taken you would receive a warning, even if you were an innocent bystander, so that is a good thing. Otherwise, we could end up with a lot of people in trouble, not knowing that they were talking to declared persons.

Mr Goldsworthy: You can't even talk to them.

Mr PEDERICK: You cannot be associated with them, two or more. So, that could be an issue in rolling out this legislation, if it does become an act, and I think we have to be careful with that. I have some people in my electorate who ride with some of the other groups, like Ulysses and especially the Longriders, who have a habit of riding with outlaw motorcycle gangs. I stress that they are not an outlaw motorcycle gang, they are there to try to turn some of those people in outlaw motorcycle gangs to the right way, so I commend them for that. They have stressed to me that they do not want to be caught up unwittingly in this if they are going for a ride. Essentially, what will happen here is that if they are a criminal motorcycle gang they will not be able to go for their runs anymore. I must say that I have witnessed plenty of motorcycle runs.

Mr Goldsworthy: Past the farm.

Mr PEDERICK: Yes, past the farm at Coomandook on the Dukes Highway. There have been plenty of runs. The bikies like heading down to an area in MacKillop. They like going down to Beachport and Robe, which they do. A few months ago, the Rebels were coming back through Tailem Bend, they were refuelling at the BP (commonly known as Jagers roadhouse) and I walked over to one and said, 'What are you doing, heading south or north?' I think he told me he was heading north and that was fine, but I wonder if a conversation like that might get a person into trouble.

Mr Goldsworthy interjecting:

Mr PEDERICK: Yes, you never know, but essentially, that will not happen because if they have been declared outlaw they will not be able to have these rides. I know a former owner of the Willalooka Store and Tavern quite well and I commend him for what he did. He knew some bikies were coming through on one of these runs and, he had a lot of fortitude, he stood out the front of his shop and tavern and said, 'You're not coming in.' He got his way and, thankfully, the bikies respected him. If anyone knows anything about heading down to the South-East through the grand seat of MacKillop, Willalooka is out there on its own between Keith and Naracoorte and is a prime place to stop.

In more recent years, what has been happening—and I can understand why the police have done this; some people condemn it—is the police have been heavily involved in going with these runs, so they are actually a part of the runs. They will have vehicles in front, vehicles behind and probably vehicles embedded in the hundreds of motorbikes. Our farmhouse is about three-quarters of a kilometre off the road and you can hear this rumble. It is a lot louder than trucks coming through. When you have hundreds of bikies going past you know exactly what it is: it is one of those runs.

With this legislation it looks like—unless it is groups like Longriders or Ulysses and they get a few hundred on board—we will not hear that noise again. In light of what we need moving ahead, that will be a good thing. It is certainly an interesting point that we get to the stage where, essentially, crime is that bad that we have to take the principle of freedom away from people because we are dealing with people who do not respect the law and this is probably the only way to deal with it. I understand everything that the deputy leader has said about protecting people's rights, but there is a fine line between where we go here.

We know that when the bikies are under pressure, they always seem to find plenty of money for their criminal defence, and I know that some of the criminal defence lawyers have probably done extremely well out of defending motorcycle gangs. What I should say is that everyone can have their day in court but, as we have seen, the recent laws have stood up to challenge in New South Wales and Queensland and it looks like we are following that path.

It is interesting that the state Labor government has not brought this in earlier in this term. They run it in budget week, trying to distract people and they want to rush it through, they want to tear it through the house in a hurry, and that is just not the done thing, especially with legislation that has such far-reaching effects as this. In fact, it does not only apply to motorcycle gangs, it could be criminal gangs that have nothing to do with riding motorbikes, so in effect that is a good thing if this bill becomes an act.

It has been remiss of me in talking about the Longriders and the Ulysses that the Vietnam Veterans Motorcycle Club is not a target here nor is the local club known as the Phoenix Motorcycle Club of South Australia, north of Adelaide, which somehow unwittingly got tied

up with a similar group in New South Wales named the Phoenix when the 27 motorcycle gangs were identified around the country. It just shows that you really have to be careful how you dot the i's and cross the t's, and we have noticed that today. I suppose we are all only human but recent amendments have had to come in to make sure the addresses of places identified in the bill have had to be reidentified to make sure that they stand up to legal rigour.

It is interesting to note that the legislation will follow the individual, if they just think they can sneak out of one gang and go to another. We have heard in the debate today of how the Finks, who were about to have the long arm of the law of the present legislation laid down on them, got out of it by amalgamating with the Mongols. My understanding is that there are 10 gangs in South Australia, although I think that has changed to nine. Is that correct, deputy leader?

Ms Chapman interjecting:

Mr PEDERICK: Yes, it has changed to nine with that amalgamation of the Mongols and the Finks. There are about 308 individuals in these gangs. I received information at the briefing that simply changing the name of the motorcycle gang will not change the effect of this legislation. As I indicated, people who are caught innocently when they may just be talking to people, wearing no colours, because I think colours are going to become a thing of the past if this legislation gets through, will be able to receive a warning before they are convicted of any crime under these laws.

I have already mentioned about the addresses. These are essentially bikie clubhouses or people closely associated with bikies for the prescription of those and for the need to make sure that those addresses are exactly right. With these prescribed addresses, it will mean that the members of these outlaw motorcycle gangs will not be able to go there to meet.

What is trying to be achieved here is a good thing but, as I said earlier, we have to make sure that this legislation is right. The government talked about being strong on crime seven years ago, yet not one bikie fortress has disappeared. It is interesting to note that similar legislation was challenged; the Queensland laws were challenged in the High Court.

However, there are some concerns with regard to the fact that the executive, the Attorney-General and the parliament take over the role as judges, bridging the doctrine of the separation of powers. That is exactly how we run all our legislation at this time and we are proud to acknowledge the separation of powers, but that is being taken away here. Another concern is that it relies fully upon information from the police, and we have to make sure that that information is correct. I know that the police do a sterling job but, from history, we know that sometimes things do not go right, and the Attorney-General is expected to make an assessment on that advice.

As I said, the concern is that the definition of participant is extremely wide. It could include someone who is just having a coffee with two people who are wearing bikie colours, and it would be real strife if you got more than a warning for that. From what I am told, the process of assessing the initial 27 clubs to be declared, and the future clubs, is secret and without judicial review, and that oversight regarding the local Phoenix Motorcycle Club, to the north of Adelaide, was a bit embarrassing. There is also no provision, with the police information, to enable the parliament to assess whether it should disallow a future regulation.

With regard to the Liquor Licensing Act, there are changes that widen the operation of the act. The Attorney-General can also declare clothes, jewellery and accessories worn by any person to be a prohibited item—so that will get the knuckle-dusters and other things. However, there are also some concerns with the widening of the liquor licensing laws, whether it applies to ancillary areas such as drive-in bottle shops and accommodation, and we hope that people do not get penalised for inadvertent breaches, especially licensees. From what I have been advised, SA Police has provided a letter to the Australian Hotels Association confirming they need only take reasonable steps and not knowingly permit access.

The public is on side with this. The public wants protection. There is a lot of criminal activity that goes on in this state and whatever we can do to stamp on that activity is a good thing, but we need to be careful that we are not just driving it further underground. It is something that is so obvious when you see bikies in their colours, and riding down the road they are so easy to pick out, and we do not want to end up with a more sinister problem.

From what I understand is happening in the Eastern States it seems to be making a difference, and we must do anything we can do to clamp down more on the scourge of drug manufacturing especially, methamphetamine or ice production. We had an information night on ice in Murray Bridge recently, and it was very informative for all the people who were involved, including the many police who were there, who described what they were doing locally. This scourge is not just through the suburbs, I can assure members; it is right across the state and the country, and I acknowledge the work that Tony Abbott and our federal colleagues are doing in relation to this matter.

With those few words I acknowledge the bill. I believe it needs some tidying up to make sure we get on the right track, but I also acknowledge that it is what the public wants, it is what the public desires. Let us just hope that this time, after all these years, the public actually gets its desire and get some real outcomes from this legislation instead of what has essentially been seven years of not much change since the 2008 bill was enacted. I commend the bill to the house.

Mr WILLIAMS (MacKillop) (17:00): This is one of the more important matters that have come before this house in my time here, and it follows on from a number of claims by the current government that it could clean up the scourge of bikie gangs and their criminal activities. We have seen, over quite a number of years, failure after failure. That raises a question in my mind as to why we keep being told by the government (generally the attorney-general of the time) that this is necessary, this is what the police want, and once the parliament passes these measures the police will be able to fix the problem. We then see the failure and we get another step and another tranche of legislation.

When I picked up and read through the bill that was tabled in this place a couple of weeks ago, I was rather concerned about what I read and what I was being asked to agree to as a member of this parliament. When I look at legislation, one of the first questions I ask myself is: what is the ill that we are trying to cure? I then go through a process and ask myself, 'Is the ill a legitimate one, is the cure an appropriate course of action, and are there better ways that we might achieve the outcome that we are looking for?'

When I ask that initial question of 'What is the ill?' there is no doubt in my mind that motorcycle gangs are involved in criminal activity. I have no doubt about that, and I think that everybody in the community understands and believes that. I think their activities, in many cases, are heinous. They use strong-arm tactics which I think should be totally unacceptable to our society, and I believe society wants the parliament to ensure that these activities are stopped and prevented from happening.

Underneath that, I think most people see that outlaw motorcycle gangs are principally involved in the drug trade. I think if we ask ourselves the serious question of 'What is the ultimate ill that we are trying to cure?' it is to deal with drugs and drug trafficking. There is a drug industry, and there are two sides to every industry: there is a demand side and a supply side. The outlaw motorcycle gangs and a lot of criminal organisations are fulfilling the needs on the supply side. I think what the government has done in this instance, and in all its previous attempts to do something about this particular scourge in our society, is fail to understand the demand side, and it has failed to even consider what might be done to really undermine the activities of these criminals by reducing the demand for their activities.

There are a lot of things that come to my mind that might impact on the demand for drugs in our society. Our education system is failing our youth. We are churning out thousands of young South Australians who are ill prepared, because of the failures of the education system, to move into society as adults. They are ill prepared to cope with the demands that society will put on them because our education system has failed them.

Our economic system is failing them because there are not jobs available for a lot of these young people. I could go on and on, but I am not going to dedicate my short time on this matter to these issues. However, there is manifest failure within our society which is encouraging young people to take succour from turning to drugs, and I think we should be addressing that. I think that is the first thing we should be doing. This bill does nothing to address that issue, and no attempt by this government in the history of this debate has ever even acknowledged the demand side of the problem we are faced with. They have not even acknowledged it. They keep wanting to use a great

big hammer to control the supply side and we have seen failure after failure. That is the first problem I have with the approach that the government has brought before the house.

The second problem I have with the government's approach is that I really think that this has more to do with politics than it has to do with the actual problem. We find ourselves debating this today and tomorrow in budget week, when the government really has its back against the wall because of its history of financial mismanagement in this state. We know the budget is like a train wreck. We know the budget is going to be in a mess and, but for the ill-advised decision of cabinet to sell the Motor Accident Commission and to grab the cash reserves that have built up in that organisation to try to underpin its budget, the budget would look even more of a mess than it is going to be.

We know the unemployment figures in South Australia that came out last week are a disaster and are a result of government mismanagement of the state over an extended period. So what does the government do? It brings this matter to the house because it knows that there is a considerable level of community concern about outlaw motorcycle gangs and their activities. It thinks it can use this measure to distract the attention of the public of South Australia during budget week.

What convinces me even more that that is the purpose of this bill being in the house at this particular time is comments made by the Premier last week, I think, when he said, 'If anybody tries to hold this up or slow it down, one of the impacts of that could be a security risk to members of parliament.' The Premier publicly laid down a threat to the members of this house to accede to his government's request to move this through quickly. That was an outrageous thing for the Premier to do and, to be quite frank, my words to the Premier are: 'Premier, you only made it more difficult for yourself.' Speaking for myself, as soon as the Premier made those comments I thought, 'Hello! What is going on here? I need to read this bill even more carefully,' which I indeed did do, and it raised some concerns with me. I put that on the record. I think the Premier exposed his and his team's strategy in those ill-founded comments.

I was at a briefing yesterday morning with senior police officers and the commissioner designate and we specifically asked the question, 'Is there a threat? Is there any perception of a threat?' and we were reassured that there was not. It put the lie to the comments that the Premier made publicly the week before.

I now turn to the bill itself. When I see any legislation that is brought to the parliament which turns on its head hundreds of years of legal development, I think we should look at it very critically. When I bring schoolchildren through this place on visits, one of the things I try to impress upon them is that the making of laws is a continuum and it has been going on for a long, long time.

As has been said by other speakers—and I know the deputy leader mentioned it—the Magna Carta was written 800 years ago yesterday. It was probably the first official written document that started to talk about individual freedoms. It has taken a long time, hundreds of years, for us to establish a system of law which protects the individual freedoms and rights of the ordinary citizen, and this piece of legislation seeks to undo all of that work in one fell swoop. For that reason, and that reason alone, I cannot support what the government has brought before us.

I cannot support a piece of legislation that says an organisation is a criminal organisation because we have said it is a criminal organisation. There is no proof, no evidence; we have said it is a criminal organisation. I will explain to the house what the legislation says. New section 83GA(1) provides that a criminal organisation means, amongst other things:

(c) an entity declared by regulation to be a criminal organisation.

Declared by regulation; so you read on through the bill. How do you get to declare such an organisation? Section 83GA(2) provides:

The Governor may only make a regulation declaring an entity to be a criminal organisation for the purposes of paragraph (c) the definition of criminal organisation in subsection (1) on the recommendation of the Minister.

The minister is the one who makes the decision, and then the Governor signs off and makes the regulation. Subsection (3) provides that the minister may—not shall, may—have regard to (that is pretty soft):

(a) any information suggesting a link exists between the entity and serious criminal activity.

The minister may have regard to any information suggesting; that is all we are being asked, to give this power to the minister—and not just this minister but any minister in the future of this state. I am a bit happier with paragraph (b) that he may have regard to 'any convictions recorded in relation to', etc. Paragraph (c) states, 'any information suggesting current or former participants' etc.—any information. The worst bit is paragraph (e) 'any other matter the Minister considers relevant.' Any other matter the minister considers relevant he may have regard to.

Having then gone through all of that, the minister has the Governor sign off, and we have a regulation, and an organisation is declared a criminal organisation, and there is a whole range of offences that befall anybody who is an associate or a member or consorts with other members of the organisation. I do not have a problem with these subsequent provisions. The problem I have is defining the criminal organisation seemingly without any evidence, seemingly without any recourse to appeal. However, if somebody is charged with one of these further offences—and this goes on in sections 83GB, GC, GD, etc.—it provides:

> It is defence to a charge of an offence against subsection (1) for the defendant to prove that the criminal organisation of which it is alleged that the defendant is a participant is not an organisation that has, as one of its purposes, the purpose of engaging in, or conspiring to engage in, criminal activity.

That is backwards. Under the system of law that we have established over hundreds and hundreds of years, starting at least in 1215, the onus of proof should be on the prosecutor, not defendant. Under our law you are considered innocent until proven guilty. Under this law that the Attorney-General has proposed to the house you are guilty unless you can prove yourself innocent. I cannot support that. It goes against the very tenet which underpins our whole legal system.

To my mind, the Attorney-General has not made the case to the house that our legal system is failing because the fundamentals of it are flawed. He has not made that case. He has not even attempted to make that case. Our legal system and the basis of it which, as I have said, has been the continuum for many generations may not be perfect but, as I think Churchill said in a different context, it is the best that we have. I am not prepared to turn all of that on its head because the government cannot get its act together and design a decent law, cannot get its police force to be resourced as it probably should be to attack this menace and cannot do anything to try to diminish the demand for the services that are provided by these criminal organisations.

There are a number of problems the government has in bringing this to the house. It overturns a longstanding principle on which our whole legal system has been built. The fundamental problem is it fails to address the demand for a series of services. I have not seen one effort of this government since 2002 to do anything to undermine those demands, and even though I respect the police force of South Australia and think they do a fantastic job, they are not infallible.

Just to point out how they get it wrong quite regularly, we find tabled today a list of amendments to the bill that was presented here a fortnight ago principally to delete or change some addresses because the police intelligence was wrong. I will not go into it all now, but I could cite a considerable number of cases where South Australians have been dragged through the courts to great personal cost, only to be exonerated from the charges laid against them because the police investigations were not thorough enough or people somewhere in the line of the investigation or the subsequent prosecution got it wrong. They made an assumption that these people were guilty when they were not guilty.

That is why the rule of law and the principles that underpin it should be protected by this house. That is why we should be very careful before we go down this slippery slope of tossing out any of those fundamental principles by saying that those hundreds of years of considered thought in developing our legal system and our criminal law were all wrong, that the basis of it was flawed, that we should now change it dramatically and that we should undermine 800 years of development where we have ensured that the individual has some rights.

This proposal removes those rights and gives to the minister incredible power to basically declare somebody a criminal. That is basically what this bill will do; it will give the minister of the day the power to declare somebody a criminal.

I am not arguing that the majority of people who would be so declared are not criminals; I am not confident that all of them will be, and there are other and better ways of doing this. If the

declaration of a criminal organisation were subject to some tests, it might be a completely different piece of legislation. I conclude my remarks there.

Mr VAN HOLST PELLEKAAN (Stuart) (17:20): I rise to put my thoughts forward on behalf of the people of Stuart and the opposition. As the member for Bragg, our deputy leader, said in her contribution, we are not opposing this legislation in this house but we do seek to improve it significantly.

Like all of my colleagues, I certainly support the police and the government in their efforts to fight crime—even more so when it comes to organised crime, because by definition, organised crime will be far more effective than disorganised crime or criminals operating on their own. There is no doubt that motorcycle clubs, or bikie gangs, however people refer to them, are involved in organised crime. That is not to say every single member, or even necessarily every single club is involved, but what I am quite confident in saying is that there is a very wide range of participation both at the individual and at the club level.

We want to help the government and the police fight crime, and we want to take as much politics out of this as possible. One of the difficulties we have had over many years is that the government has inserted a great deal of politics into this, going all the way back to Mike Rann many years ago who was an exceptionally skilled politician. He really made a great deal of hay in the sunshine with this issue. There were lots of headlines and a lot of attention-grabbing comments about bulldozing bikie fortresses and things like that, when the police have made it very clear that they never intended to bulldoze bikie fortresses. They certainly wanted to do what was necessary to make it far more difficult for criminal bikie gangs to operate.

The government will say that, if the opposition does not do everything that the government wants it to do, we are frustrating the police. Let me tell you, the government frustrates the police enormously with this issue as well and also causes them a great deal of frustration. The police just want to get on with the job and do the best they can, and guess what? Of course they want every tool at their disposal—that is quite logical and quite rational. They would like to have as much authority and as much legislation on their side to fight crime, and that is sensible from their perspective; I do not doubt that whatsoever.

One of the key things we need to look at is where are the criminals? I would say that a member of a motorcycle club who has never committed a crime, who does not benefit from anybody else's crimes, and does not turn a blind eye to them and pretend they do not happen, should be completely free to go about their business as they like. Any person who benefits from somebody else's crime, even though they may not commit it themselves, any person who turns a blind eye to somebody else's crime, even though they may not participate themselves or, of course, any person who actively participates—they are the people we have to get. The government understands that and is trying to bring in, in my opinion, a fairly blunt tool.

I am not of the personal view that we should just throw away everything the government is trying to do, but I am of the very strong personal view that it needs to be amended and needs to be improved so that it gives police the tools they need and is also fair to everybody involved.

I find it hard to believe that every asset that every motorcycle club owns, uses, operates and enjoys is the fruit of the labour in a completely honest, open and legal way of those members alone. I cannot accept that the assets that the clubs have are in absolutely no way connected with ill-gotten gains. I am not trying to sort of paint this with fluffiness in any way whatsoever. We need to get to criminals, but it is just not right to be trying to tar everybody with the same brush.

The police might consider that to be a soft approach. The police might well consider, 'Well, if we can tar them all with the same brush, then it's much easier to get at the ones that we do need and should get to,' and I understand that approach entirely. However, as the member for Bragg, the member for MacKillop immediately before me and others have said, and as others following me will no doubt say, there is a great concern on this side of the house about the government, because it has had no success attacking this problem through the courts and, in fact, has had a great deal of—I do not know what the right word is really—pain brought upon it by courts trying to impose legislation, trying to implement legislation, is now trying to take the courts out of this issue to a large degree.

Instead of what is the time-honoured tradition, as the member for MacKillop and others have said, of parliament setting laws, police enforcing them and courts making decisions about that enforcement and essentially deciding on guilt or innocence, or something in between, and setting the appropriate penalties, the government is actually trying to take a lot of that judicial responsibility for itself. Now that would be okay if we knew that this parliament and this government, or any government, Liberal or Labor, was always right. It is like the benevolent dictator argument: of course, nobody really minds that as long as the person always gets it right. But we know that is not the case, and the reason we have a separation between judicial and executive authority is because we know we do not always get it right—neither gets it right all of the time, but that is a very big issue.

I find it extremely surprising and a bit alarming that this is occurring at exactly the same time as this government is trying to give away some of its own authority with regard to the Parole Board, the government is trying to step away from having its own capacity to make decisions which override the Parole Board to make decisions. So, it would like to give that capacity away. At the same time it wants to take on capacity—take it away from the courts and have, not even the parliament, but just the government through regulation be the organisation that can determine what is a prescribed outlaw motorcycle gang.

There is not even a philosophical change here in the government saying, 'Well, we want to move everything in one direction. We want to move everything in another direction.' It is just moving in the direction it likes and totally opposite directions in different issues because it suits the government to do so because it thinks that it will look better in the public eye if it does so. Make no mistake, this is largely about politics, and the member for MacKillop put his comments on the record about trying to divert attention away from the economy and the budget and a range of other things, and I am sure that he is right.

The issue of identification of the prescribed OMCGs, outlaw motorcycle gangs, is a very important one. I took this issue exceptionally seriously when I was the shadow minister for police, and I still do. I learnt as much about it as I possibly could when I was the shadow minister for police. I know how hard the police work in this organised crime area. I have known police officers—two of them, in fact, long before I ever dreamt of becoming a member of parliament—who worked undercover in this area.

So, while I do not have any personal experience, I have some insight into the very significant risks that people like that took, and I certainly have insight over the last few years into the work that police do with regard to organised crime. I know their intelligence is extremely good, but it is not perfect, it is not 100 per cent accurate. So, for the government to be given the sole responsibility, based on the information that is available, to identify the outlaw motorcycle gangs that it wants to target, I think there is a very serious problem there.

I am in fact advised that three of the gangs, or clubs, that are on the list of 27 do not even operate in Australia. That might be because the police have given the government advice that they are on the way, or it might be because they think that one of the gangs is going to change its name shortly, or it might be because they have made a mistake. It might be because it is not actually meant to be on the list. I think that leaving all of those decisions to be made, essentially, by the Attorney-General in secret is not appropriate. I do support the Attorney-General, the police and the government having the powers they need, but it is not appropriate for them to have that sort of secretive authority when we know that mistakes will be made, not deliberately but we know that mistakes will be made.

I would also like to know: what does it take to get off the list of 27? We have been given the broad general criteria about what it takes to get onto that list, in the government's mind and in the mind of the police, but I guess it is pretty fair to ask: if a motorcycle organisation feels it has been unfairly targeted, and some do—I do not necessarily believe everything I am told, but some do make that claim—I wonder how they are going to be given the opportunity to prove that they have cleaned up their act and do not deserve to be on that list and so get off the list? I suspect that has never been considered by the government, but I would put forward that that is a very important aspect to consider if people genuinely want the streets to be cleaned up and for organised crime to be addressed and attacked and reduced and diminished. So, that is an important issue.

With regard to consorting, I understand that you do not want known criminals to have easy regular opportunities to get together. To put it very simply: if you have people that you know do bad things, you know they do them together, you know they do them far more effectively if they do them together and if they have a lot of opportunities to communicate about what they would do together, then of course it makes great sense to try to intervene in those opportunities. It is also quite reasonable for people to be very concerned about how the government would view their interactions.

I know the bill creates a new offence for a person who habitually consorts with convicted offenders after receiving official warnings by the police not to do so. That is a pretty broad definition, whether 'habitually' is three or four or ten times. The bill talks about: consorting is to be disregarded in reasonable circumstances with regard to family or lawful employment. That is something that everybody would have the right to ask in great detail: how are these decisions going to be made? A person who feels that they are hard done by is probably not likely to be too comfortable in trusting the police or the government's judgement of what are reasonable circumstances.

Another issue is with regard to a person being a participant and knowingly being present in a public place with two or more others from a criminal organisation. Again, that is a bit of a difficult and grey area. It is not hard to imagine that that could actually be used quite deliberately and inappropriately by people. It is not hard to imagine that if there are two motorcycle club members, two outlaw motorcycle gang members, in a place that another person from another club could deliberately turn up and could potentially be prepared to be a martyr and cop the pain for being one of the three people there together. That is not inconceivable at all.

It is not inconceivable that the police could arrange for a person who is a member of one of these organisations to conveniently turn up and become the third person at a place where two other of these people of interest already are. That would not be surprising at all to participate in that way. That may or may not be appropriate. It is not for me to judge how the police want to go about their work but it is a pretty fair thing for people to ask, 'How would we be treated? What is reasonable? What is not?' Two people understanding the law very deliberately only being two people together: there is a whole range of questions in that area, and that might be effective and appropriate for the police to do something like that, to apprehend two others that they really need to get when there is no other way that they have been able to get at them. I am not saying that is right or wrong, but there is a range of different ways these things could be used.

I say again, in wrapping up, that I support the police, I support the government, in wanting to fight crime. I do not oppose this legislation entirely. I am not of a mind to say this is no good, get rid of it, I cannot live with it, but I am not comfortable with it as it is. I think that there are amendments which will significantly improve it which the opposition will put forward. I think that it is very important that the government and the police consider those amendments so that the legislation can be effective with regard to fighting crime but not completely unfair to certain people and not completely contrary to the sorts of standards of law-making, law enforcement and sentencing that we have.

I will finish with regard to the government trying to push this legislation through, tabling it last sitting week and coming forward now saying it absolutely has to get through, that it is a huge rush. The last piece of legislation the government did that with related to the APY lands. The government came to the opposition and said, 'It is absolutely vital that you help us get this legislation through immediately. No time can be wasted because we need to use it immediately.' While we were not fully comfortable with it, we acquiesced to the government's requests and supported the government yet, to date, that legislation has still not been used.

Deputy Speaker, you will understand why we are not of a mind just to accept the government's pressure to rush it through as it is with no changes for two good reasons. It deserves to be changed and I think it is well worth taking the time to improve this legislation so that the police have the tools that they can use to fight organised crime so that the courts have something that is workable and useful for them to fight organised crime so that people who do not deserve to be unfairly caught up in this legislation are not unfairly caught up in this legislation.

Ms REDMOND (Heysen) (17:39): Thank you, Mr Speaker. What a pleasure it is that you have resumed the chair in time for my contribution on this debate since it seems to me that some seven years ago you were the Attorney-General and I was the shadow attorney-general when the original serious and organised crime legislation came before this house. You may recall, Mr Speaker,

that in opposition we supported that original legislation all those years ago. Indeed, I have gone to the bother of rereading our wonderful debate before coming in here this afternoon—

Mr Gardner: You can remember it word for word, I am sure.

Ms REDMOND: It was a fairly lengthy debate, as debates with the now Speaker and myself were wont to be in those days; indeed, we used to sit much later as a parliament. It may come as no surprise to you, sir, that in standing to address the house on this particular occasion, having supported it on the previous occasion, I am not prepared to support this new legislation. One of the great things about the Liberal Party is that I have the freedom to disagree with my colleagues and on this occasion I am choosing to do so.

When I got up to speak on the previous occasion—and I did not mention it at the time—it happened to be the 36th anniversary, to the day, of my commencement of a career in the law. So from being a young teenager entering the hallowed halls of the Crown Solicitor's Office back in 1972, by 13 February 2008, when I rose as the shadow attorney-general, I had had a fair time in the law.

In the course of the debate I indicated that, notwithstanding our support for it, I did have some misgivings. The fundamental reason for my opposing the legislation at this stage is those misgivings, which I overcame at the time on the basis that I understood from the briefings we had with the police that we did need to take a different approach. However, at this stage I am not satisfied that what they have done in the intervening years justifies them coming back to say that they need even more than what they had at the time.

First, I will briefly comment on the last matter addressed by the member for Stuart; that is, the timing of this legislation. It strikes me as passing strange that suddenly, in budget week, with only two real days of government business, we are pressed to make a vast rush to get this legislation through. I do not think that is warranted, and it is all about creating a diversion because of the bad news that is going to come down on Thursday.

Mr Speaker, when I went to the previous legislation I noted that your then chief of staff had admitted that the legislation being proposed was, 'quite Draconian in its terms'. As I said, we had had briefings from the police and had basically agreed that the existing law—under which a crime had to be committed before there could be an investigation, a charge and a prosecution before the courts and a prosecution on the basis of beyond reasonable doubt—was inadequate to meet the challenge they were confronting with outlaw motorcycle activity. Indeed, on that occasion there had also been a bit of a rush to push things through because although your then chief of staff had told me that the bill would not be debated that week, we suddenly had to debate it because, as you may recall, the Paskeville shootings of the outlaw motorcycle gangs had occurred. So there was a political imperative for it to be discussed that day.

I acknowledged in my speech the pervasive problems requiring a different approach, and talked about the fact that there were two things involved: there was the need to address the issue of collective behaviour rather than individual criminal activity, and there was the need to try to prevent activity rather than simply responding to it and punishing it after it occurred. In a fairly lengthy speech (I discovered), I went through not only the racketeering organisation known as the RICO legislation in the US, but then the individual responses in New York and California and the responses in other countries such as Canada, New Zealand, Italy, the Netherlands, the UK and Hong Kong, and looked at the way each of those jurisdictions had tried to address the problem.

There is no doubt that bikies, outlaw motorcycle gangs and other outlawed organisations are a significant problem. Indeed, at that stage we had been told that in 2001 there were six clubs and nine chapters in South Australia, but by 2007 there were eight clubs and 13 chapters in the state, so it was an increasing problem.

When I looked at the RICO legislation in the course of my earlier speech, I pointed out that New York had passed what was called the Organized Crime Control Act, and that was to reflect some of the human rights concerns of the federal RICO legislation. It required, amongst other things, the prosecutor, in person, to submit a personal statement to the court that he had reviewed the substance of the evidence. In other words, it was not presented to an elected official like the Attorney-General under this regime, but to the court.

I also noted that plea bargaining was a specific part of the armoury used to encourage people to give evidence. There was also a discussion about the fact that assets and criminally acquired assets were used not just for confiscation but as evidence of criminal activity. As I said, I acknowledge that there was and probably still is a problem, and that there was a need to target people acting for a common criminal purpose and a need to prevent rather than punish after the event. But, even at the time—seven years ago, back in 2008—I expressed concerns about moving away from the presumption of innocence and moving away from due process. That is, moving away from the protections currently afforded by our legal system, which of course involved the need to prove someone guilty beyond reasonable doubt.

The new system authorised the Attorney-General (your good self, sir, at the time) to issue a declaration, and even senior police officers could issue limited orders. It also amended the anti-fortification laws to make it easier to obtain an order to premises used by any declared organisation. Interestingly, I asked, in one of the briefings given by the police in the last week or so, how many bikie fortresses had been bulldozed, because famously, the former premier Mike Rann had indicated that that was what the government was going to do. I was—

The SPEAKER: When he was leader of the opposition.

Ms REDMOND: I think, sir, that he also said it as premier.

The SPEAKER: He may have.

Ms REDMOND: Particularly when the legislation came in to allow the bulldozing of bikie fortresses, I seem to remember it with the former premier as premier. I was unsurprised to find that commissioner Grant Stevens said, when I asked him about how many bikie fortresses had been bulldozed, 'To suggest that we were going to bulldoze clubrooms was probably not what we were wanting to achieve.'

Even you, sir, as the then attorney-general, said, 'The legislation grants unprecedented powers to the police and the Attorney-General.' We had a long debate, sir, about the Attorney-General's intention that the declarations not be judicially reviewable. Your response to my questioning in that regard, sir, was mostly about the fact that if it was judicially reviewable, then the very wealthy bikies would be able to tie the thing up in the courts for a long time and the legislation would not be effective.

In summary, the previous legislation was passed with the support of the opposition, but with considerable misgiving and hesitation. We passed it acknowledging the difficulty. We passed the bill to allow these changes, which the police said would give them the necessary tools to fight the outlaw motorcycle gangs. Indeed, you yourself said, as the attorney-general at the time—and I quote from your part of the debate:

> I think I predicted to Channel 7 that, given these powers, by the end of next year [2009] the Police would make quite a lot of progress against the outlaw gangs and that the gangs may well be a shadow of themselves.

Your very words, sir, and finely spoken they were. In light of that statement, and in light of the fact that the police have now had seven or eight years to make all of that happen and to make the outlaw motorcycle gangs 'a shadow of themselves', there is nothing that has been put by the police as to what they have actually done using these admittedly and agreed draconian powers that they were given back in 2008 to justify them coming back now and saying, 'Well, we need even greater powers than what we previously had.'

I have not attended all the briefings and I do not intend to go through the legislation in great detail to canvass all the issues that I tried to canvass in the 2008 debate, and indeed again in 2009 when I think there must have been some amendments. It disappoints me that a government which was given those powers so long ago—without having at any time said, 'Well, here is what we have managed to do. We have had these powers. We have managed to achieve this but we can't achieve that'—should come back into this parliament and, in a great deal of haste, it seems to me, in terms of the timing of the debate for this week, say to us, 'Now we want you to grant even further powers.'

I suspect that the public are not quite as worried about bikies as they were perhaps in the week following the Paskeville shooting or in the weeks following shootouts in Gouger Street or in North Adelaide.

The SPEAKER: Wright Street, I think.

Ms REDMOND: Wright Street, sorry. Yes, you are right, sir, it was Wright Street. I mentioned in my earlier contribution on the original debate that, in preparation for it, I had amongst other things met in a secret squirrel meeting with a former bikie who had been in prison for murder and had apparently reformed himself in spite of the prison process. Anyway, I had a meeting with him and he indicated to me that even he was concerned with the behaviour of the bikies at the time because, whereas once upon a time, if they had a dispute between the various bikie gangs, they would simply deal with it themselves. They would go out somewhere in the backblocks of this vast state and they would take their own retribution or issue their own form of justice and no-one would really be any the wiser. Even this bikie who I had the secret squirrel meeting with was concerned when these shootings began to take place in much more suburban environments and ordinary people who had nothing to do with bikies were placed at risk.

I certainly understand that the public becomes agitated, and I can understand fully why they become agitated about these issues. However, in the absence of evidence from the police as to how they have enforced the legislation that we gave them in 2008, and subsequently amended, and where specifically it has failed them, then I am unwilling to reach to give them further powers. Interestingly, when the police officers who were part of the briefing yesterday spoke, they were asked about how many prosecutions there had been, for instance, under the consorting provisions, and the answer was none. I am loathe to allow an extension of power, which was already draconian, when there is no evidence to suggest that they have even used the draconian powers that they have been given. I think we are going a step too far and, in spite of legitimate and genuine public concern, I think there are valid reasons for saying, 'No, let's not do this. Let's not go that far.'

Putting aside that earlier legislation, it strikes me as extraordinary that this bill being called on for debate this week should be the very week that King John at Runnymede signed the Magna Carta. It strikes me as somewhat ironic that The Queen will be on the television tonight talking about and celebrating that great moment, which has been recognised as fundamental to the development of western democracies. Yet, in this parliament, instead of celebrating that, we are talking about removing bits of the rule of law, removing the rights of certain individuals. I have a sense that it is entirely inappropriate for us to be doing that, in particular this week when we should be in fact commemorating the greatness of the rule of law, the separation of powers, the benefits of our legal system and all that it means. It strikes me as something that we should not even be considering, particularly this week.

One of the other things that I think speaks against the use of this particular piece of legislation is the fact that in one of the briefings it was conceded that the purpose of listing the 27 organisations as a schedule to the bill is so that we avoid the possibility of disallowance of the regulation. Normally, of course, as everyone in here is aware, I am sure, regulation is put into place by the minister, but there is the potential for the Legislative Review Committee, of which I am a member, or for any member of either house to move to disallow a regulation once it has been brought in by the minister.

According to the briefing we had on this matter, the 27 organisations have been specifically put into a schedule, and once passed, once the bill becomes an act, that schedule will become a regulation, but it has thereby sidestepped the possibility of disallowance. That overt, quite deliberate attempt to subvert the responsibility of either of the houses to take away the parliamentary power to disallow a regulation strikes me as flying in the very face of what our democracy should be about.

Indeed, the member for Stuart in his address talked about the fact that there does not seem to have been any discussion of the fact that, once an organisation is declared, there seems to be no mechanism by which one can get undeclared, and thus it is simply an unappealable decision. My recollection is that there has already been one organisation discovered which has a name similar to an interstate group but which is an entirely innocent group of people who have suddenly found themselves named as part of this schedule to the legislation comprising the 27 organisations that it is intended to declare.

I do not want to go into detail about the various provisions of the act. I supported the act when it originally came in, with misgivings. However, without any indication from the police as to their legitimate attempts to use the legislation that they have been given, having been thwarted by our

courts—rather than simply saying, 'Oh well, we haven't actually tried to enforce our consorting legislation. We haven't actually tried to prosecute anyone'—I do not think that is good enough to justify a further extension into the area of the human rights that are abused by taking away people's rights.

Lastly, I just want to say that as a fundamentally small 'l' liberal, I believe in the right of people to wear what they want to wear. It strikes me as absurd to say, 'Well, you're not allowed to wear this clothing or that clothing.' It strikes me as absurd to say that people should not be able to wear any particular element of clothing. I do not think it is going to solve the problem because they will indeed simply change the nature of the patch or the colours, or whatever it might be. Thank you, sir.

Debate adjourned on motion of Ms Digance.

At 18:00 the house adjourned until Wednesday 17 June 2015 at 11:00.