HOUSE OF ASSEMBLY

Wednesday, 17 June 2015

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

Parliamentary Committees

PUBLIC WORKS COMMITTEE: NEW HENLEY BEACH POLICE STATION

Ms DIGANCE (Elder) (11:03): I move:

That the 518th report of the committee, entitled New Henley Beach Police Station, be noted.

This project will see the demolition of the current multibuilding police station at Henley Beach (circa 1962) replaced with a new purpose-built, single building facility that will meet the operational and security needs of a modern police station. The budget is $5.3 million, excluding GST. Currently, if a member of the public wishes to make a statement, they are escorted through the general office area to an interview area. This is both disruptive to staff and has a number of potential security risks. The new facility will provide an interview room adjacent to the public reception, alleviating the need for the public to enter the secure working environment of the general office.

A secure car park will also be constructed, with a breath analysis room adjacent to the rear secure entrance. Again, this avoids the need for the public to enter the general office area. This is a major project for SAPOL: demolition and rebuilding of a police station and the consequent disruption to operations. With the aim of minimal disruptions to both the community and staff, it is aimed to complete the construction within 12 months, commencing in August 2015.

During this period, the patrol base will relocate to the Parks, also part of the Western Adelaide Local Service Area. There should be no impact on the patrol vehicle response times as they are generally already on the road and not at base waiting for a callout. The front of house operations will be provided by a police operation vehicle located adjacent to the Henley Surf Life Saving Club off Henley Square. Many of the public functions will be able to be delivered from here. These temporary arrangements will be published via the media and the police social media networks.

Alternatives to attending a police station to report minor incidents such as minor vehicle crashes will also be publicised. For the record, vehicle accidents with damage under $3,000 can be reported via the internet. The new purpose-built facility will provide a secure working environment for both staff and the public and ensure modern police operations can continue to be delivered for the coming years. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to the parliament that it recommends the proposed public works.

The Hon. P. CAICA (Colton) (11:06): I will be very brief, and I am very pleased to rise today to speak about a police station that is within my electorate. I remember as a young boy (and that was long time ago now) watching the Henley Beach Police Station being built. We lived almost opposite there—

An honourable member interjecting:

The Hon. P. CAICA: There was a big paddock there. It used to be old railway land and, of course, the railway stopped coming down to Henley Beach—but one day we hope it will return, of course. There was a platform and the platform remained, and as a child growing up we had really good fun in that paddock. But notwithstanding that we were all very pleased to see the police station relocate to that location at the corner of Main Street and Military Road.

It has served our community and South Australia very well since that time. It has been a major part of our community but, as you would expect with a building that was built in excess of 50 years ago, it has some shortcomings. I often go over to the police station, for a variety of reasons, and it certainly came, not as a shock but it was a bit off-putting for those people who were visiting the station, for different purposes than for why I was visiting, to not be able to have access to private rooms where they could talk to the police with a level of privacy, and confidentiality of course as well.

So I am very pleased to see that this new design is a modern police station that will be as good as any police station in South Australia at the time the construction is completed, and it will offer all the advantages of a new police station.

I am also pleased to report, as was reported by my colleague and friend the member for Elder earlier, that we will still have a presence down in that area through—it is sort of like a caravan but it is more than a caravan, that will house two police officers there on a shift basis and the community will still be able to report anything that they want to the police. I thank the surf lifesaving club for not only making that area available but also providing the power, if you like, to that caravan.

I am also very pleased that it will remain a base station after its completion and, of course, as was also mentioned by the member for Elder, there will not be any delays in any of the responses during construction because most of the time the police who are on patrol are not at that station anyway; they are out doing what it is they do, and that is making our community a safer place than it would otherwise be.

The other thing that was—not sad I guess, but when I visited the station recently I saw the old gaol out the back. All police stations had these types of gaols, and it is used as a storage area now. I can inform the house that I was locked up in that gaol—

An honourable member: You should still be there!

The Hon. P. CAICA: No, no, no—and in those days, and we still have this today, too, there was community policing. We had a sergeant's house there and, of course, the sergeant, at the request of various parents, was not averse to giving someone that might have been a bit naughty a clip behind the ear and then putting them in the lockup for a few minutes and saying, 'This is what might happen if you continue to act that way.'

But, of course, it turned me into the person I am today, I think. Some people might say, 'Well, that's not a good thing,' but it certainly brought to my attention the role of community policing at a very, very early age, and we still do that in various forms, and I am glad the police do that. But having regard to the traumatic experience that occurred with me being locked up in that gaol, I am glad it will not be there at the new station, although there will be facilities to lock people up. Of course, everything I've just said there was a bit of a joke, but I am not misleading the house: I did get locked up, but that was part of that community policing.

To finalise and summarise, I am very pleased, and I note that the tender was out today, or yesterday, for the police station. I look forward to it being constructed, being completed on time and on budget and to it continuing to provide a very good role to the western suburbs and a significant role as part of our comprehensive police operations in this state.

Debate adjourned on motion of Mr Gardner.

PUBLIC WORKS COMMITTEE: EVANSTON GARDENS PRIMARY SCHOOL REDEVELOPMENT

Ms DIGANCE (Elder) (11:11): I move:

That the 519th report of the committee, entitled Evanston Gardens Primary School Redevelopment, be noted.

The Department for Education and Child Development is proposing to upgrade the Evanston Gardens Primary School to an efficient, modern and functional education facility, at a cost of $6 million, GST exclusive. The school opened in 1908, with two of the existing buildings, the school house and the classroom block still in operation and to remain part of the school. Subsequent additions have resulted in timber transportable buildings, metal relocatable buildings and the Demac units.

The redevelopment will see a revamped library resource centre, which will be located in the old school house, and the administrative functions will then be delivered from the old classroom block. The upgrade will provide library resource facilities, reflective of current and future needs of the students. In addition, the project will also:

- consolidate school functions and remove two non-fixed structures;

- provide a new building with four general learning areas, a common learning street and support areas for staff;
- address site access, egress and security issues;
- address site infrastructure deficiencies; and
- create new outdoor learning areas and shaded soft and hard recreation areas.

This development will allow for enrolment growth of up to 480 students, which will accommodate the land development currently occurring in the area, both at Evanston Gardens and Evanston South. Site works are due to commence in August this year and construction will be completed by October 2016. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Debated adjourned on motion of Mr Gardner.

ECONOMIC AND FINANCE COMMITTEE: EMERGENCY SERVICES LEVY 2015-16

Mr ODENWALDER (Little Para) (11:14): I move:

That the 87th report of the committee, entitled Emergency Services Levy 2015-16, be noted.

The Economic and Finance Committee has an annual statutory duty, as members would be aware, to examine the minister's determination in relation to the emergency services levy. The committee has 21 days in which to inquire into, consider and report on the minister's statement after it is referred to the committee, pursuant to section 10(5a) of the Emergency Services Funding Act. This year was no exception, with the committee receiving the minister's statement on 20 May.

As required by the act, the minister's statement included the determinations that the minister proposes to make in relation to the emergency services levy for the 2015-16 financial year. Section 10(4) of the act requires these determinations to be made in respect of:

- the amount that, in the minister's opinion, needs to be raised by means of the levy to fund emergency services;
- the amounts to be expended for various kinds of emergency services; and
- as far as practicable, the extent to which various parts of the state will benefit from the application of that amount.

On 28 May, the committee heard from representatives from the Department of Treasury and Finance, SAFECOM, the MFS, the CFS and the SES. The witnesses provided the committee with details on the proposed levy for the 2015-16 year, and on 4 June 2015 the committee tabled the report to meet its 21-day requirement under the act.

I would just briefly like to take this opportunity to state, on record, what an excellent and courageous job our volunteer and paid firefighters do. The 2015 Sampson Flat fires were a recent and clear reminder of the dangerous, selfless and challenging work our firefighters undertake. Those fires came very near metropolitan Adelaide; indeed, they came within the bounds of my electorate, and I believe the member for Kavel and the member for Wright were similarly affected. I could smell the smoke clearly from my house. I appreciate, as we all can, the fantastic efforts by all involved in getting those fires under control as safely and as quickly as they did.

In light of that, the committee notes that the total expenditure on emergency services for 2015-16 is projected to be $278.2 million. The committee notes total expenditure for 2014-15 is expected to be $260.4 million, which is $5 million more than projected, and that is largely due to expenses arising from the 2015 Sampson Flat bushfires. The committee also notes that cash balances in the Community Emergency Services Fund are expected to be $6.8 million by 30 June 2015.

The committee notes that the total funding target for the emergency services levy has been set at $285.7 million in 2015-16. This includes projected expenditure on emergency services funded by the ESL of $278.2 million, and $7.5 million to the Community Emergency Services Fund to recover costs associated with the emergency services response to those aforementioned bushfires.

The committee also notes that the 2015-16 target expenditure of $278.2 million is $17.8 million higher than the 2014-15 estimated outcome. The committee was informed that this is mainly due to the extension of workers' compensation entitlements to CFS volunteers who are diagnosed with certain types of cancer and additional training services and equipment for workers and volunteers in the emergency services sector.

The committee notes that there will be an increase in the levy rate for owners of fixed property in 2015-16; however, the effective levy rate remains unchanged for eligible concession holders. The committee also notes that mobile property rates remain unchanged.

The committee has fulfilled its obligations under the Emergency Services Funding Act 1998. I take this opportunity to thank all the members of the Economic and Finance Committee and the departmental representatives who assisted the committee in reporting on the minister's determinations. Therefore, pursuant to section 6 of the Parliamentary Committees Act 1991, the Economic and Finance Committee recommends to parliament that it note this report.

Debate adjourned on motion of Mr Gardner.

PUBLIC WORKS COMMITTEE: HACKNEY AND NORTH EAST ROAD TRUNK WATER MAIN RENEWAL PROJECT

Ms DIGANCE (Elder) (11:19): I move:

That the 520th report of the committee, entitled Hackney and North East Road Trunk Water Main Renewal Project, be noted.

The current trunk water mains along Hackney Road and North East Road was laid 91 years ago and has a combined length of 12.1 kilometres. Since 2002, these two pipelines have experienced 29 bursts. As part of this infrastructure renewal program, SA Water has identified these two pipelines as the next priority for upgrade, maintenance and repair. The project has an estimated cost of $17 million, GST exclusive, and will reline portions of the Hackney Road pipeline and install new pipes for the remainder of a new alignment off Hackney Road, and decommission the pipeline under North East Road and Lyons Road and transfer the existing services and connections to the adjacent larger pipeline.

This is a major project and includes works on some of Adelaide's key roads. Consultation is occurring between SA Water and key stakeholders, such as DPTI and Adelaide City Council, regarding the timing of these works to minimise the impact on commuters, as well as patrons attending city events in early 2016—events such as Clipsal and WOMADelaide. Consultation is also ongoing with businesses and residents located immediately adjacent to the pipelines and directly affected by these works. Further consultation will occur with affected residents, businesses and state members of parliament.

The project is due to commence major works on Hackney Road in August 2015, with completion in September 2016, and the works on North East Road will commence in October 2015, with completion in July 2016. The extended work time frame for Hackney Road takes into account the city events happening during the January to March period. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Debate adjourned on motion of Mr Gardner.

Motions

REGIONAL IMPACT ASSESSMENT STATEMENTS

Adjourned debate on motion of Mr Griffiths:

That this house—

1. Supports the referral to the Economic and Finance Committee of all regional impact statements, with the ability to call witnesses.

2. Urges the Minister for Regional Development to ensure the state government—

   (a) guarantees full compliance by all state government departments, agencies and statutory authorities of the regional impact assessment statement policy and process to ensure the

government undertakes effective consultation with regional communities before decisions which impact community services and standards are implemented; and

(b) makes public the results of all regional impact assessment statements undertaken prior to any change to a service or services in regional South Australia.

(Continued from 3 June 2015.)

Mr PEDERICK (Hammond) (11:21): I have a few minutes left in regard to my contribution on this referral about regional impact statements, so I will just note the first point of the member for Goyder's motion, that the house:

Supports the referral to the Economic and Finance Committee of all regional impact statements, with the ability to call witnesses.

I continue my remarks from the previous occasion in this place. It is not every day you get a good news story in your region, but the United Dairy Power plant in Murray Bridge has got back into gear with new owners and it is very pleasing to see. I have had a conversation with the Minister for Agriculture, and I am sure he is pleased as well with the events that have happened in Murray Bridge, not only because they will strengthen the local community but also because the Beston Global Food Company has shown faith not just in the region but in the South Australian dairy industry.

They will have to go through a process of bringing milk back in because, when United Dairy Power went into receivership, there was a worry about the milk having to go somewhere, and I must congratulate Parmalat and Warrnambool Cheese & Butter for getting on board immediately with that. This is great news for South Australia. The Adelaide-based Beston Global Food Company have come to the rescue and are buying the company, with the two plants at Jervois in South Australia, out of receivership. They want to deliver not only this milk to South Australia but also products to Asia, which is great for export in this state.

This company is headed by Dr Roger Sexton AM. He has built a portfolio of investments with a view of taking premium clean, green Australian food and beverage products into global markets and, as I indicated, particularly China and Asia. When he established the company, his aim was to take heathy eating to the world's growing communities with Australia's best foods. He made the following comment in his press release:

Being able to purchase and revitalise United Diary Power is a win-win. BGFC has secured additional dairy resources to feed its growing overseas markets. We make an even greater contribution to realising the State's food export vision, and through our investment we are adding fantastic value to a regional economy and keeping local jobs and ownership.

United Dairy Power (UDP) and the previous company's facilities have been involved in the production of cheese and other milk products for over 40 years, but sadly have only been operating at about 30 per cent capacity. The company, through Dr Sexton, want to take advantage of the dining boom in Asia, and they are going to invest considerable capital into United Dairy Power to upgrade the facilities at both Murray Bridge and Jervois and increase the production capacities. They will introduce new products for distribution into China and the ASEAN region via their subsidiaries based in Thailand, Vietnam, China and Brunei. I might be destroying the minister's ministerial statement, but that's fine.

The Hon. L.W.K. Bignell: That's alright. It's good bipartisan support.

Mr PEDERICK: Yes. Under the ownership of the Beston group, the company name will change to Beston Pure Foods to reflect the broader scope of the dairy-based food products to be produced at Murray Bridge and Jervois. It is noted that BGFC has created a range of natural, clean and green products which capitalise on the intrinsic benefits of South Australia as a premium food producer. These products will include high probiotic yoghurt and milk drinks, nutritional supplements and organic beverages, all of which are in high demand in Asia and will be progressively introduced into production at Murray Bridge and Jervois over the next three years.

I congratulate the Beston foods group. This is fantastic news for my area, to get those jobs back in, as we lost over 100 jobs recently. I note I have worked with ministers over time but, sadly, we have not been able to negotiate stamp duty exemption or payroll tax exemption for other companies, but I am pleased to see that Dr Sexton's group have just come in with all guns blazing.

They are going to make this a huge asset for the region and South Australia and for our dairy export growth. So, that is a fantastic impact on our regional economy. You cannot come in here and say that every day, but I am so pleased as the local member and so pleased for the betterment of the South Australian dairy industry.

Mr TRELOAR (Flinders) (11:27): Good news indeed for the member for Hammond and his dairy industry, which is a most important industry for regional South Australia. I rise to support this motion today. The motion has been brought by the member for Goyder, and I congratulate him on his diligent work in bringing this motion. I am going to quickly summarise the motion for the purposes of *Hansard* and my constituents. The motion is:

> That this house—
>
> 1. Supports the referral to the Economic and Finance Committee of all regional impact statements, with the ability to call witnesses.
>
> 2. Urges the Minister for Regional Development to ensure the state government—
>
> (a) guarantees full compliance by all state government departments, agencies and statutory authorities of the regional impact assessment statement policy and process to ensure the government undertakes effective consultation with regional communities [most important] before decisions which impact community services and standards are implemented; and
>
> (b) makes public the results of all regional impact assessment statements undertaken prior to any change to a service or services in regional South Australia.

The reason the member for Goyder has brought this motion is that quite simply the government has not been fulfilling its responsibility. This regional impact assessment policy came into operation in July 2003 with good intention, and it is a policy that should be implemented and should be followed through.

Unfortunately, only five RIAs have been completed since 2010 by all government departments, agencies and statutory authorities. In fact, no RIAs have been prepared during the 2013 financial year and, since the implementation of the policy way back in 2003, only 21 RIAs have been completed; this is a sad situation and a sad indictment on this government. Once again, we from the regions feel that we are not just neglected but not considered, in fact, in a lot of not only the legislation but the impact of legislation.

I have in front of me a litany of legislation that this government has implemented just in the time that I have been here—five short years—which has really impacted significantly on my constituents and constituents right around the regional and rural areas of South Australia. It would do the government well to consider the impact of our legislation. Obviously, as legislators we are here to govern the lives of people and build a framework in which businesses and communities can thrive and to provide enough social activity, social security and social safety for society to be good, stable, prosperous and constructive.

Once again, there was much discussion on the radio this morning about marine parks and, more particularly, the sanctuary zones that have been implemented in this state by the government, and the member for Goyder, the mover of this motion, talked about the fishers at Port Wakefield. I can tell you that the impact of the sanctuary zones has been significant and widespread right around the coastal zone of South Australia.

Of course, 11 of the 19 marine parks abut the coastline of Eyre Peninsula including Port Lincoln, the seafood capital, which has the largest fishing fleet in the Southern Hemisphere. It is not only Port Lincoln but that entire coastline where hook fishermen, marine scale fishermen, abalone, lobster, prawns, pilchards and recreational fishers—ultimately finishing up with the tuna quota—have been impacted by this legislation, and it has had a perverse outcome.

I note that the Minister for Fisheries is listening, and he could do well to consider this because the perverse outcome has been, of course, that there has been a more concentrated effort to catch quota in a smaller area. It is bizarre; it is a bizarre outcome. As I have said in this place before, public consultation was carried out for a long period of time—two years in some cases—and people went to the table with goodwill and good intent, but the contribution of those people was simply ignored and neglected. It will be interesting to see how the review goes, and I know the Minister for Regional Development will be heavily involved with that. I have to say I fear the worst for some of my fishing

families, some of my fishing businesses, and also for the environment because the best managers of the environment are those who make a living from it.

I know the member for Goyder wants to take a vote on this at some point this morning so I will be brief. In the last couple of weeks we have seen significant changes to regional skills and trade training and, once again, the consideration of country areas was not factored into this decision. Ultimately, what it means for agriculture, transport and fisheries is that the trade training that is required for people to be able to go into and be employed in these industries will not be available in country areas. Once again, a sad indictment. I could go on, as I said; I have quite a list.

Our primary producers bring so much export into this state and this is new money that comes in. There is no money going around in latte and small bars. This is new money, export money that comes in, and as primary producers we have to be able to remain competitive in a globalised market. It is about competitiveness, it is about jobs, and I congratulate the member for bringing this motion and I urge the government to support it.

Mr WHETSTONE (Chaffey) (11:33): I rise to support the motion put forward by the member for Goyder. Unfortunately, we have seen on too many occasions situations where communities have not been consulted before government decisions are made. In particular, the regional impact assessment statement policy has been in place since 2003, but clearly it is a policy that has not been adhered to by this government.

The statement applies to all state government departments, agencies and statutory authorities, and only five regional impact assessment statements were completed between 2010 and 2014. As I understand it, no regional impact assessment statement was prepared during the 2013-14 financial year by any government department, agency or statutory authority. Just over 20 regional impact assessment statements have been completed. One of the completed regional impact assessment statements was for the Riverland regional hospital development in Berri. We are told that this policy is being reformed, but I continue to remain sceptical as to how Labor will stick to this despite barely doing it so far over the last 10 years.

It is vital that effective consultation is undertaken with the community before decisions are made by government and we need a bipartisan approach to ensure communities are fully engaged before decisions are made. They are micro communities. We are not talking about a big city. We are talking about small regional communities that are, in some cases, fragile and that have a declining population, and every decision by government always has an impact. It usually has an impact to the detriment of those smaller regional communities.

We all know about the well-documented Cadell ferry closure proposal in 2012 and the impacts of weight reductions on ferries. I use the example of my local ferry at Lyrup which has gone from a 50-tonne rating down to a six-tonne rating. There was no consultation and no impact assessment done of the impacts on business, community and tourism. Having met with the minister yesterday and putting some of the statistics on the table, he was quite shocked to see the impact that that downgrading of a ferry has had. It was just a simple decision without any form of consultation.

The proposal to cut the Yamba quarantine station hours down to business hours, which I think was a decision by the then minister O'Brien, was then a backflip to uphold the 24/7 roadblock to keep our state fruit fly and phylloxera free. I think that was a decision that was well applauded by every South Australian and, of course, that had an impact on the electorate of Flinders as well as the Ceduna roadblock. Sometimes they do make good decisions, but it is usually to the detriment of our regional economies.

The closure of the Office of Consumer and Business Affairs in Berri was another decision made without any consultation on the impact that has had on services to those local economies, and it is not just about Berri but also the people from the Mallee and the Riverland who used that office on a regular occasion. It is now not there. The service is gone. We see that it has had a significant impact on another service in the regions.

The proposed speed limit reductions went through in 2005 and 2011. Many speed limits have been reduced from 110 to 100 with no regional impact assessment. We all know that speed kills, but

what the minister needs to understand is that speed limits are not the reason for death. It is people usually breaking the law or the inaction on road maintenance programs or road signage and the like.

The member for Flinders has just made comments about the changes to vocational training under WorkReady. That is going to have a serious impact. We see the government, the Premier and all of his ministers saying how vital trade export opportunities are, particularly with food and wine, yet we are seeing those courses, the upskilling of that vital industry to our state's economy, just being passed by. For the minister to underpin her union mates in TAFE and send the private training sector to the gallows, if you like, was just outrageous and it will be a slur on them forever.

The regional impact assessment on water restrictions decimated the Riverland region. I think that was one of those decisions that the government made with no RIAS. They decided to sacrifice communities right up and down the river so people in Adelaide could have water when they turned on their taps. We acknowledge that the good people of Adelaide do have the right to water, but so do the people of those river communities.

There are a lot of inconsistencies with those regional impact assessments and I note that the Sturt Highway upgrade was one of those in 2007. There have been plenty of road upgrades around South Australia with no impact assessments. I urge this house to support the motion. If it goes to the Economic and Finance Committee—seven members from government and opposition are good people who will consider this issue.

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (11:39): The government now intends to amend this motion to delete part 1 and reword part 2 to more accurately reflect the regional impact assessment statement policy and process. I move to amend the motion as follows:

2. Urges the Minister for Regional Development to ensure the state government—

   (a) requires full compliance of all state government departments, agencies and statutory authorities of the regional impact assessment statement policy and process to ensure the government undertakes effective consultation with regional communities before decisions which impact community services and standards are implemented; and

   (b) makes public the results of all regional impact assessment statements as soon as practicable having regard to cabinet confidentiality.

The Regional Impact Assessment Statement Policy and Guidelines were launched in July 2003 as part of the broader commitment to ensure that regional impacts and issues are considered in government decision-making processes. This policy requires that, when a significant change in services is proposed, the proponent must give detailed consideration to regional impacts before implementation.

The government opposes part 1 of this motion. There would be no additional benefit obtained from expanding the processes for a regional impact assessment statement to include referring the statement to the Economic and Finance Committee. Such a referral would only add to the length of time taken to initiate, assess, consult, analyse and report on a proposal. Regional impact assessment statements are already subject to in-depth consultation and communication with the regional community or communities which may be affected by the proposal. The regional community represents, after all, the people who should be provided the greatest opportunity to subject government policies to scrutiny.

Parliament itself is already able to scrutinise government decisions and programs by means such as question time, estimates committees and tabling of agency annual reports. Individual members of parliament whose electorate is within the regional community covered by a regional impact assessment would be consulted as part of the consultation process. Should it wish to do so, this house can refer any particular matter or public sector operation or service delivery to the Economic and Finance Committee and the committee can look into such matters on their own motion. There is therefore no need to refer every regional impact assessment statement to this committee. It can choose to examine these matters for itself. In summary, there is no case for routinely referring regional impact assessment statements to the Economic and Finance Committee and this part of the motion is opposed.

With regard to part 2 of the honourable member's motion, government departments are already required to comply with a regional impact assessment statement. Agency chief executives are responsible for ensuring there is a process in place to identify when a significant change is proposed for the preparation of a regional impact assessment statement. This policy is in addition to the current requirement that cabinet submissions consider and include comment—

Mr Pengilly interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.G. BROCK: —on the regional impacts of any proposed decision. A regional impact assessment statement can be initiated in a number of ways, including:

- a departmental officer advises a chief executive that a proposal will have a significant impact and therefore a regional impact assessment statement is necessary;
- a chief executive of a department requests that a regional impact assessment statement be prepared; or
- a minister can request that a regional impact assessment statement be prepared.

Agency chief executives have been reminded of the importance of regional impact assessment statements and the continuing requirement for their preparation.

In addition, regional impact assessment statements are required to include consultation and communication with the regional community affected by the proposed implementation of any significant change to a service or services in line with the government engagement principles. The regional community that may be affected by a significant change is consulted and communicated with throughout the process and is advised of the outcome of the consultation in a timely fashion. All completed regional impact assessment statements should be and are published on the Regions SA website and are therefore accessible to all. I am not disputing that we need to sharpen our pencil, but certainly the amendment is as I am putting it to the house now.

Mr HUGHES (Giles) (11:44): I will speak only for a few minutes on this particular motion and the amendment. I had the good pleasure to be around when the impact statements were first introduced. At that time I was on the Whyalla Economic Development Board and the Whyalla City Council. In fact, while on our council, prior to the introduction of the impact statements, we were actively lobbying that such a process be entered into. One of the reasons we were actively lobbying for such a process to be developed was that we had the strong belief that this is an incredibly metrocentric state.

The default option in this state has been historically—and I would probably argue currently—the metropolitan area, and that needs to be addressed. The impact statements were a tool that were developed to see if we can, to a degree, start to address that metrocentric culture.

Mr Pengilly: Don't support the amendment then.

The DEPUTY SPEAKER: Order!

Mr HUGHES: In addition to that, a number of other things were done. The introduction of the Regional Communities Consultative Council was introduced in the early days of the Rann government, and that was very ably chaired at the time by Dennis Mutton. That particular committee went around the state listening to the views of people in regional communities—

Mr Pengilly interjecting:

The DEPUTY SPEAKER: Order!

Mr HUGHES: It is always interesting to listen to those opposite when it comes to bagging the government for its neglect of regional areas. One of the great benefits of being around for a long time, of being on economic development boards, of being on councils, is that you have the memory, and in my mind a very clear memory—

Mr Pederick interjecting:

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

Mr HUGHES: —of the last Liberal government, and that was incredibly metrocentric as well. I do not say that to make a simple political point—

Mr Pengilly: No, no, no.

The DEPUTY SPEAKER: I am on my feet. Sit down. The member for Finniss is called to order and asked to remember standing order 142. We have all listened to everybody in silence this morning but, all of a sudden, you do not seem to be able to control yourself. It is for the benefit of all members that we enforce these orders. You are already on a call to order. Alright?

Mr Pengilly interjecting:

The DEPUTY SPEAKER: You will not be staying for question time.

Mr HUGHES: I do not go on a trip down memory lane just to make some simple political points. The point that I am making—and as I said at the beginning of my speech—is that there is a pervasive metrocentric culture in this state and I believe that we need a bipartisan approach to address that culture. Do I believe the impact statements as they are now need to be improved? I do believe they need to be improved. I do not particularly agree with the mechanism that has been floated here, but I am more than willing to sit down with the minister—

Mr Pederick interjecting:

The DEPUTY SPEAKER: Member for Hammond.

Mr HUGHES: —and those opposite to have a discussion about how to improve impact statements so that regional communities are better involved in the decisions that affect them, because it has been a perennial bugbear. It has been a perennial bugbear of the previous Liberal governments; it has been a bugbear under our government that the quality of engagement with regional communities leaves something to be desired. We need to work on improving the mechanisms that we have when it comes to that.

In relation to the current policy, the regional impact assessment statements policy stipulates that when a significant change in services is proposed, the proponent must give detailed consideration to regional impacts before implementation. When an RAIS is undertaken, the guidelines require that the agency proposing the change in services must conduct a full public consultation process with the affected community. But I take the point about the number that have been done, and that does need to be improved.

The guidelines state that the factors to be considered must include the economic, environmental, social and equitable impacts of the decision. I take the point, especially when it comes to smaller communities. What seem to be small decisions in the context of the state can have major ramifications on our smaller communities. Consideration must be given to both positive and negative impacts of the proposed change, and this consideration must be from the perspective of the community and not the agency. Sometimes that is a tricky thing. We know how agencies can sometimes operate. The government opposes part 1 of this motion; the Economic and Finance Committee does not need to review every regional impact assessment statement. There may not be any impact arising from some of the decisions made but, as I said, I think improvements can be carried out.

Parliamentary scrutiny will determine whether any particular regional impact assessment statement should be subject to the further scrutiny of the Economic and Finance Committee and indeed, as the Minister for Regional Development has said, the committee itself can resolve to look into a particular statement on its own motion. So it can do that at the moment, especially for those more contentious statements. In my view, this should be sufficient. There is no case for referring regional impact assessment statements to the Economic and Finance Committee, and this part of the motion is opposed. Government departments must comply with the regional impact assessment statement policy. I will leave my remarks there, but an offer is open to discuss with anyone opposite, and the minister, how we can improve these processes—because they can be improved.

Mr GRIFFITHS (Goyder) (11:51): I am so disappointed with the comments that have come from this side about the bipartisan nature of it, because that is the exact reason—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr GRIFFITHS: —why the motion is before the house. When I have asked the minister in this parliament questions about regional impact statements he has expressed his disappointment at the lack of them in past years.

The Hon. G.G. Brock interjecting:

Mr GRIFFITHS: In your time as minister, since March of last year, there have been two additions to it, all about the guidelines to it and none about the impact on regional communities and actual services or standards of services or infrastructure. Two examples: the Cadell ferry—nothing occurred about that, and that devastated a community until the community rose as one to fight it—and WorkReady, the training program announced two weeks ago. Minister Gago in the other place refers to a regional impact statement having been done. The Premier refers to a regional impact assessment statement having been done. Well, there is nothing on the website. Until there is actually information available for a level of public scrutiny, the only way to do it is to refer it to a committee of the parliament that allows it to exist. The opposition will not support the amendment.

The house divided on the amendment:

Ayes 22
Noes 18
Majority 4

AYES

Bedford, F.E.	Bignell, L.W.K.	Brock, G.G.
Caica, P.	Close, S.E.	Cook, N.
Digance, A.F.C.	Gee, J.P.	Hamilton-Smith, M.L.J.
Hildyard, K.	Hughes, E.J.	Kenyon, T.R. (teller)
Key, S.W.	Mullighan, S.C.	Odenwalder, L.K.
Piccolo, A.	Picton, C.J.	Rankine, J.M.
Rau, J.R.	Vlahos, L.A.	Weatherill, J.W.
Wortley, D.		

NOES

Bell, T.S.	Duluk, S.	Gardner, J.A.W.
Goldsworthy, R.M.	Griffiths, S.P. (teller)	Knoll, S.K.
McFetridge, D.	Pederick, A.S.	Pengilly, M.R.
Pisoni, D.G.	Sanderson, R.	Speirs, D.
Tarzia, V.A.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Williams, M.R.	Wingard, C.

PAIRS

Bettison, Z.L.	Marshall, S.S.	Koutsantonis, A.
Chapman, V.A.	Snelling, J.J.	Redmond, I.M.

Amendment thus carried; motion as amended carried.

E-CIGARETTES

Adjourned debate on motion of Ms Digance:

That this house establish a select committee to investigate and report on e-cigarettes and any legislative and regulatory controls that should be applied to the advertising, sale and use of personal vaporisers; and in particular—

(a) the potential for personal vaporisers to reduce tobacco smoking prevalence and harms;

(b) the potential risks of these products to individual and population health from vapour emissions, poisoning and the reduced impact of tobacco control measures;

(c) make recommendations on approaches to the regulation of personal vaporisers under the Tobacco Products Regulation Act 1997, including addressing the following areas—

(i) availability and supply;

(ii) sales to minors;

(iii) advertising and promotion;

(iv) use in smoke-free areas;

(v) product safety and quality control; and

(d) any other relevant matters.

(Continued from 13 May 2015.)

Ms DIGANCE (Elder) (11:59): I would like to thank all those who contributed to the debate—the members for Morphett, Kaurna and Hartley. Thank you all. I commend the motion to the house.

Motion carried.

Ms DIGANCE (Elder) (11:59): I move:

That a select committee be appointed consisting of Ms Cook, Mr Picton, Mr Speirs, Mr Tarzia, and the mover.

Motion carried.

Ms DIGANCE: I move:

That the select committee have power to send for persons, papers and records and to adjourn from place to place and to report on 18 November 2015.

Motion carried.

Ms DIGANCE: I move:

That standing order 339 be and remain so far suspended as to enable the select committee to authorise the disclosure of publication as it sees fit or any evidence presented to the committee prior to such evidence being reported to the house.

The SPEAKER: A quorum not being present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

Bills

STATUTES AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 June 2015.)

Dr McFETRIDGE (Morphett) (12:03): I can say from the start that I will be supporting this legislation, but I do have some serious concerns and I look forward to having answers given to this house by the Attorney during the committee stage.

The nature of the rushing of this legislation is something that I am very concerned about and if the government ever expects me to support rushed legislation in Aboriginal affairs, well, they can kiss my derriere. The need to rush legislation through this place is something that I am very concerned about in any circumstances after having been bitten once. Let me tell you that a dog knows the difference between being kicked and tripping over, and I think we got a kicking last time.

The bill gives the executive of this government extraordinary powers. The need to ensure that the executive is subject to the will of the parliament is something that is paramount. We remember that Governor Kevin Scarce said both to the Youth Parliament and to the crowd gathered at my electorate on Proclamation Day that one of the problems with this government is that the

executive ignores the parliament. He went on to say that there is no ministerial accountability. He also said that the Public Service has been highly politicised. So, be alert and be alarmed, and that is something that we are on this side. We are alarmed at the need to rush legislation through this place. If it was not for the fact that I have the utmost confidence in the integrity of our police officers, I would be very concerned about handing these powers over to the Attorney-General.

I cannot let the opportunity of the timing of the bill not be commented upon because this bill is a highly populist piece of politics. We know the timing of the bill is part of a diversion from the economy of the state, the crisis that we are facing in jobs, in debt, in deficit, it goes on and on, and tomorrow all will be revealed. I was just thinking the other day that we all remember the State Bank, but there are a lot of people who do not remember the State Bank. Some of the newer members in this place are quite young. I can assure you, Deputy Speaker, I am not displaying, I am actually just reading from a document here. It is an election poster from 1993, which states:

> State Bank losses blow to $3.2 billion. SA economy worst in nation. Now 230 teaching jobs to go. 1,200 more health jobs face the axe. State Bank a disaster for Labor.

That was back then. We laid the blame on Labor then. We will lay the blame on Labor tomorrow if it is not—

The DEPUTY SPEAKER: Order! Member for Goyder, that is display. Put it down.

Dr McFETRIDGE: The history of this government is of not being able to manage the state economically. Let us hope they can get the law and order right this time around because this is not the first time we have been here on this sort of issue.

Back to 2015 and the future. Last night's TV bulletins, what did they lead with? They led with images of bikies on their road runs, bikies gathering around together, bikies being big guys in their colours, looking very intimidating. It was what is called the CNN effect. This government is using the CNN effect here again, as it has in the past. For people's information, the CNN effect is based around three areas: the images that are portrayed on the television frame the policy agenda away from hard-headed national interest towards emotional outcomes; the images that are portrayed are graphic images that undermine public morale and provide public support for conflicts; and the images also, which in many cases are instant coverage of events, force accelerated decision-making and response times.

That is what we are seeing here. We are seeing the images of bikies, the potential threat of bikies coming and intimidating and possibly assaulting members of parliament, as a need to rush this legislation through. My information is, from speaking to police whom I have known for many years and have met socially with, there is no increased threat to members of parliament, none whatsoever. The threat is there. The risk is still that small risk.

Of course, we do know that bikies have morphed from what they were. They live in a parallel universe. I know that from some of my clients who are bikies who would come in to my vet practice with their dogs. They live in a parallel universe, these people. They used to be a lot more disciplined and a lot more effective in managing their members. That is not happening now. So, yes, sure, there is a risk that one of these wannabes would get out there and do something that is outside of what the parallel universe of rules these bikies live under would think as acceptable. The need to manage these bikies is not about threats to members of parliament, but certainly, the threats and the risks to members of the public are real.

The other thing I am a bit concerned about is not just the haste that we are having this legislation dealt with but also the change we have seen in the Attorney-General. Thursday mornings in this place in private members time, the member for Cheltenham used to sit up on the backbench and rail against this place becoming a rubber stamp for harmonisation of legislation and the nationalisation of legislation. He would talk about the devolution of the sovereignty of this state to COAG, to other sources outside this place. I am sure he is still concerned about that, yet here we have the backbencher one day wanting to be King John the next.

We have heard about the Magna Carta in this place; it was 800 years the other day. We do need to recognise the separation of powers in this place, we do need to know that we are entering into new territory for this state, where the Attorney-General is the sole arbiter of decisions being

made that affect people's civil liberties, and I understand there is a case where the head of ASIO is able to issue orders without consulting the federal Attorney-General. However, as I have said in this place many times, I am not a lawyer; I am just a humble veterinarian trying to get my head around complex legislation to make sure that it is going to deliver to the people of my electorate, and this state more broadly, the intent of the legislation. We know that sometimes the intent of the legislation is not always what we get.

The history of police intelligence in South Australia is certainly a long one, and we saw some of that being outlined in the 1978 royal commission on the dismissal of the then police commissioner Harold Salisbury. That royal commission was undertaken by the late Hon. Roma Mitchell. In her royal commission report the Hon. Roma Mitchell talks about how, in August 1939, immediately prior to the outbreak of World War II and following a conference of police commissioners, representatives of the defence force and the police department with reference to internal security in Australia, an intelligence section was set up in the South Australian police force.

The work of the intelligence section, when first inaugurated, was mainly aimed at continuous observation in peace or war of all potential enemy agents, saboteurs and persons of hostile or subversive association. That was the first thing. The second thing was the scrutiny, in cooperation with the military and civil intelligence departments, of publications and correspondence of all natures. The third thing was assisting the censorship authorities when requested to do so, and the fourth and last thing was a fully organised, comprehensive system for collecting and collating the information gained by such observation and for distributing it to the authorities responsible for taking preventive action.

We saw, with the special branch and the information it collected, that there was an investigation into that. There was a lot of information that was quite ludicrous, to think that people who were being investigated were involved in subversive activities. I will talk about that in a moment.

That was in August 1939, when the South Australia Police founded its first intelligence division. Then we hear that in 1949 then prime minister Chifley talked about the role of ASIO. He said that the security service should be kept absolutely free from any political bias or influence and, when speaking to the head of ASIO, said:

> You will impress on your staff that they have no connection whatever with any matters of a party political character and that they must be scrupulous to avoid any action which could be so construed.

The Hon. Roma Mitchell, in her royal commission report, wanted to ensure that not only should natural justice prevail but that it did prevail, and that investigations were justifiable.

The Special Branch, that morphed from the initial 1939 intelligence division, was the subject of an investigation by Justice White back in 1977. I understand that Justice White examined records at the request of the then premier Don Dunstan. In his report Justice White said that there he found a mass of information relating to matters, organisations and persons having no connection whatsoever with genuine security risks. There were many Labor Party politicians, ACTU officials and university students, and also one card-carrying senior Liberal parliamentarian listed in the Special Branch files. He was listed as a communist because some decades before he had been standing at or near a communist bookshop.

We do not want to go back to those days, and we certainly do not want to go back to the days of J. Edgar Hoover in the FBI. We all remember Helen Keller, the blind, deaf and mute author. She was listed by the FBI as a writer on radical subjects. So we need to be very careful about where we are going on security matters—the powers we are giving to the police and the powers that we are giving to the Attorney-General.

Some of the responses to the outbreaks of violence, particularly acts of terrorism, have been quite amazing. I just remind the house that in the 1960s in the commonwealth democracy of Canada in response to the escalating terrorist acts by the Front de libération du Québec (FLQ), the then prime minister Pierre Trudeau invoked the War Measures Act. All civil liberties were suspended, tanks occupied the streets of Montreal, soldiers in Ottawa patrolled parliament and 450 people were arrested overnight without warrant with many being held as suspected FLQ members. We do not want to go down that path.

Let us hope that this legislation we are looking at today, we are discussing, we are debating, will not go down that path of a slippery slope to where the honourable intentions of our Attorney today (and I do hold him in high regard) do open up doors for people in the future to undertake less worthy acts. In 2005 when we were debating in this place anti-terrorism legislation, I came across a quote from the then president of the Human Rights and Equal Opportunities Commission, John von Doussa QC. Mr von Doussa said:

> Sacrificing basic individual rights for security may seem tough and pragmatic but is short-sighted and fraught with danger.

Mr von Doussa said:

> No-one can argue with the intent, it is just the process.

And that is the problem we have got today. It is not the intent, it is the process that we have the issues with—the need to make sure that everybody in this place understands how this legislation is going to work, that the intent of the legislation is going to be what we actually get, that the bikies are going to be dealt with in a manner that is not going to be dragged out, is not going to put other people in jeopardy, that there is no collateral damage and that there is no smart lawyer well funded by bikies who is going to get funds to make challenge after challenge.

I suppose if I have one particular issue with this legislation it is that during briefings from the police (and I thank the police for those briefings) we were given information that in Queensland this legislation appears to be working in the way it is intended (and there is a history, as we know, of bikies using standover tactics and extortion), and because of this legislation the numbers of reports in one year had gone from zero to 70. People were feeling confident about that happening.

As I say, I am not a lawyer. I do not understand the technical arrangements and legal arrangements in place if police today want to undertake a search warrant or some sort of other covert surveillance of, say, bikies. I think that has to go to a Supreme Court judge which then has to be considered and which is locked away in the judge's safe, so I am told. That I understand is open to challenge and the sources of that information given to the judge could be revealed.

I would like to have this clarified by the Attorney. I want to know that, in this legislation if he is given information by the police, which is highly sensitive information, that cannot then be subject to some smart lawyer having the courts through technical reasons release that information and then put those people in jeopardy. To me that would be an absolute travesty for anyone who is seeking protection from this legislation and who would then be set up, as we know, for potential retribution from these criminal organisations.

We remember Mike Rann declaring war on the bikies. In fact, remember Mike Rann declaring the end of World War II. Apparently nobody had officially done that, and he actually did that in this place. He said we were going to bulldoze the bikies. He said we were going to do so many things that unfortunately have not come to fruition, and that is why we are here today.

I do not want to be in this place in future years having to look at legislation again and again to amend it. We have seen some amendments; they had to come into this place yesterday. I hope that is the last of it other than those that are being offered up by the opposition. I hope that the Attorney is able to do what we want him to do, and that is ensure that South Australians are not being subjected to threats and intimidation from these bikie gangs.

They call themselves one percenters, but I understand there are a bit over 300 of them, so they are far less than 1 per cent of the South Australian population; but we do need to deal with them. It is disappointing that we need to put police resources into them. Remember Operation Avatar back in February 2001 took up dozens and dozens of police. We have seen motorcycle runs where over 100 police have to attend. If this legislation can reduce the resourcing by police for controlling bikies, that would be a good thing, so that we can have police in other areas.

I just hope this legislation does work. I am concerned about some areas of it. I am certainly very concerned about the parliament handing over powers to the executive of the government, as the Attorney has done in the past with the devolution of powers of this parliament to others. The need to make sure it does work is what our constituents, the people of South Australia, want and it is what they deserve.

Ms COOK (Fisher) (12:21): I rise today to talk about the Statutes Amendment (Serious and Organised Crime) Bill 2015. I thought long and hard about talking to this bill, not because I do not want to or because I am scared to, but because it is just so important to our community. I have sat in this place listening to the opposition speak in support of this bill while actually literally saying nothing to support it. I have heard a whole pile of rhetoric. I have heard thousands of words picking any previous efforts over the past decade to bits while offering nothing practical to help in terms of moving forward and doing what we really want to do to this amazing state, and that is to keep us safe, to protect our civil liberties, to protect our kids, to protect our families, to protect the community environment and provide an environment where our neighbours can all walk the streets without fear for their lives, where, in fact, we can all just sit in our homes without fear, without worry and in harmony. We all have this right. This is about our civil liberties. It is the civil liberties of the law-abiding citizens of our community.

I have worked in nursing for long enough to know that bad things happen to good people, and invariably it is not good people who do these things to others. What do these groups do? What do the groups that we are talking about do, these outlaw gangs, these gangs that we want to see the end of? They deal in drugs. They cook drugs, they deal drugs, they push drugs, they peddle drugs, they traffic drugs, and they make our kids take drugs. They provide drugs to our children, and our children die. They change our children's behaviour. Our children do not deserve this. Our children deserve to be safe. It is up to us as a government to make sure that we have the tools in our community to ensure that our kids are safe.

What else do they do? They deal in guns, they deal in illegal firearms. They offer these up to people who have no skills, no reason, no want for guns, other than to cause harm upon other people. We need to stop this. They do not think about our civil liberties when they go into a cafe and shoot people. They do not think about the harm that they can do to innocent people, innocent bystanders. Why should we worry about their civil liberties?

What else do they do? They go out and they actively seek vulnerable young people, vulnerable young people who have not been loved and cared for in their lives, vulnerable young people who do not know where they belong. These children do not know anything else. These young people get wrapped up into these gangs, they get coerced. They get forced to deal, traffic, take, use, push drugs. They get forced to steal, they get forced to be violent. They have no choice. The only thing that has ever made them feel good in their lives is these gangs. These vulnerable young people need to know that they belong elsewhere. They do not need to belong to these gangs. We do not need our vulnerable young South Australians forced to be involved in crimes like this. We need to stop this, and we need the tools to stop this.

I listened yesterday to the member for Heysen talk about having a covert meeting in a cafe with someone she cannot talk about. What sort of person is that who needs to be meeting covertly and not be named? It is a criminal. These criminals do not have the right to be protected, these criminals do not have the right to walk the streets in our community, and they do not have the right to gather in groups. We need to stop this.

In relation to protecting rights, do not worry, your rights are not at the front of their mind as they cook, traffic, deal, push and force drugs on your kids or sell illegal weapons that get used to kill our kids. My son, Lewis McPherson, Jarrod Almond, three examples of young people who would be alive today without drugs or without guns. Yes, we have to protect the innocent people in our community. It must not be, though, that innocent people become suddenly criminals because of association. We need to make sure that there are steps within this legislation to protect people from being blamed, being accused, being found to be criminals, purely by the fact that they are in the wrong place at the wrong time.

That needs to be balanced with the fact that our children can be in the wrong place at the wrong time and lose their lives. How do we stop this? It is simple. I say to these groups of people, 'You will not get in trouble, you will not be arrested, you will not be caught colluding, you will not be accused of association if these groups stop dealing, stop cooking, stop making, stop selling, stop pushing drugs; stop selling, stop dealing in firearms, stop killing our kids. Do this, hang with these people, get in trouble, get arrested, get accused wrongly, I will be the first person to stand up and

protect your civil rights, being accused of hanging with these people who have no right. No right to be free, no right to be out on the streets in gangs, in groups, endangering our kids.'

The opposition has mentioned past attempts that this government has made. We make no apology for trying to protect members of our community. I know nothing about using populist bills to distract from anything else here in this house but I do know that the longer we leave this piece of legislation and the longer we leave this, the more kids die. Friday, I will be at a funeral. I will be attending the funeral of a young man who died because he took one pill.

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) (12:27): I thank all of those members who have made a contribution in relation to this bill. I just thought I would deal with a few matters—first of all, matters of historical nature only. I am not going to rehash things that have been dealt with at length, particularly by the member for Bragg about the Totani case, the Wainohu case and all those other cases, I think that is on the record already.

I can indicate that the government was looking at New South Wales legislation—particularly in as much as it refers to consorting which is part and parcel of this bill—at the time when the Queensland decision came down. At this time, SAPOL requested that legislation based on that and the New South Wales consorting laws be provided to them. This is in the context of SAPOL having asked successive attorneys—that is, both me and my immediate predecessor certainly, and perhaps attorneys before that for all I know—for help in dealing with this group of people.

Their request has been absolutely consistent and it has helped us deal with these people. The parliament has had a couple of different cracks at doing that but I want to make it clear to everybody that any suggestion that police have asked for one thing and then it was not good enough and they have come back asked for something else. The police are not lawyers, they are not parliamentarians, they have always asked for the same thing, which is the capability of being able to deal with these people by means of disrupting their capabilities to associate.

I asked the police for some time to work with me and those who advise me on making the provisions we presently have to enable a declaration to occur to work. I have to say that we had numerous meetings about this, and my only requirement was that I wanted to have a reasonable degree of satisfaction that, if we were to make such an application, it would have a very good chance of being successful in the courts, because it was my judgment that to make such an application and have that fail would be very counterproductive and would result in some of that triumphal behaviour that we saw after the Totani decision came down.

So, eventually I was persuaded that the probability of us being able to achieve that under the existing legislation was small, and that was further frustrated, confirmed or confounded by the patch over that occurred when the Finks overnight became the Mongols. That had a lot of consequences for all the work that hitherto had been done in relation to that and meant that a completely new set of problems had arisen.

So, it was in that context that I heard the request from the police, who said, 'Look, there is now an alternative methodology.' It was one that was known to me, because the commonwealth has done this, used this methodology for some time, and it has been upheld by the High Court in Thomas and Mowbray, so it is a known proposition. I thought long and hard about this, and I asked the police to provide me with briefings, asked them to provide me with information, and I spoke to them and considered and reflected on this matter at length before going to cabinet and asking for permission to prepare a bill in this form.

I have to say that I made it very clear publicly—I think as far back as March—that this was what we were doing. The only material thing that could possibly have been in this bill was the method of declaration; the rest of it essentially is embroidery, if I can use a term once frequently used by a former prime minister, but the main bit was the declaration method, and that has been out there in the public domain at least since March. So, nobody should be suggesting concern that it is something that has taken anybody by surprise.

So, here we find ourselves 10 or 12 days ago, when I sought and obtained the leave of the parliament to both give notice and introduce the bill on the same day so as to maximise the opportunity for members to have a think about it, and this week I had hoped we would get the bill through both houses.

As to a few of the remarks that have been made by those opposite: first, the issue about timing. I can assure members that the timing of this bill's introduction has absolutely nothing to do with anything other than the time it takes to get a bill drafted, approved by cabinet and ready to introduce into the parliament. As soon as it was ready I actually sought out the Leader of the Opposition (I think that on that particular occasion the Deputy Leader of the Opposition was not available, but that does not matter) and said, 'Look, we've just got this thing, cabinet has just said yes to this thing, we want to move it on quickly.' We told him what we intended to do, and that is exactly what we did the last week that the parliament was here with, I might say, the cooperation of the opposition, for which I thank them.

So, the motion that we are somehow doing this now to distract attention from the budget is absurd in the extreme. If there is one event in the parliamentary calendar that blots out the sun for weeks, it is not estimates, it is the budget. It is not estimates. I know that some of the younger members here probably thought it was estimates, but, no, it is not estimates, it is the budget. The idea that we were trying to hide the sun behind Mercury is so absurd that it is laughable, absolutely ridiculous. So the proposition about timing is—to use a word that has been used on occasions by the Deputy Leader—piffle!

Ms Chapman: Budget week, not estimates week. You haven't been listening!

The Hon. J.R. RAU: Yes, I have. I know it is budget week and it is the budget tomorrow, I believe. Can I put it another way: the idea that we would distract attention from an elephant using an ant is a bit peculiar to me, quite frankly. I am surprised they did not actually offer the converse proposition that we were attempting to divert attention from the ant because it was in the same week as the elephant. But, anyway, so much for the timing issue. At the bottom of this, there is a very simple question—

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: The question has been in the public domain, put there by me since March: do we want to tackle these people, or do we not, by means of a declaration put through parliament? That is the question. It is a simple question, and it has got a simple answer: it is yes or no; not maybe—yes or no.

What we have actually got now is an opposition in complete and absolute disarray, an opposition which is incapable of bringing a proposition to this house because they cannot agree on anything, an opposition that cannot come in here with a set of amendments to this bill, an opposition that reserves the right to carp about it, complain about how long it has taken, complain about how quickly it has been moved along, complain about this, complain about that, but not move one single thing in this house.

It is a typical situation where, as always, the opposition uses this chamber as a joke for the people in the other place, who are then delegated the responsibility of doing all of the 'heavy lifting', as they engage in what they prefer to call 'improvement'. So, here we are, in this chamber, and an opposition has come in with no position other than, 'We will support it in here'—except two of them won't. Good luck to them; fair enough. I understand their positions and I am sure they are genuine, but—

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: The point I am making is this: they come in here without a position, and so they do not have to embarrass themselves by saying yes or no they try to have a bob each way. Each one of the speeches says, 'On the one hand, these people are terrible; on the other hand, we can't possibly do this.' Yes, some of them say, 'We'll vote for the thing in here,' with this sort of

tantalising, pregnant question sitting at the end: 'But what will they do elsewhere? Well, wait and see.' They had a party room meeting on Monday, and all I can deduce from the behaviour so far is that at that party room meeting they were so riven by internal conflict and incapacity to follow the leadership of their leadership team that they resolved to do nothing, because to do nothing avoided having to do something.

I have to say, in this business, I have more respect for people who disagree with a proposition and have the guts to stand up and say that, and to put their votes (and, if necessary, their amendments) where their mouth is, or those people who agree with you. I have a lot more respect for those two groups of people than the bob-each-way types who want to have the opportunity of being able to have a free slap at the government for doing this but do not have the guts to put up their proposition.

We have had nothing but whingeing from this mob about this thing for the past day, but not one amendment was moved here, and no indication as to what they are finally going to do when it gets to the other place. Why? The answer is: they do not know; they do not have a position. This mob that would be a government cannot even make up their mind on this proposition. They cannot even make up their mind, and, in fact, what they are doing—the group of them that sit in this chamber—is outsourcing decision-making to that very special cohort of people who sit in their party room but come from red leather seats. We will have to interrogate the minds of these people to find out what ultimately the opposition position is.

Ms CHAPMAN: Point of order: the Attorney is reflecting on persons sitting in another place.

The DEPUTY SPEAKER: Well, only in general. I think he is coming back to the nub of everything—

The Hon. J.R. RAU: I am, and look—

The DEPUTY SPEAKER: —and he is getting ready to finish off, aren't you?

The Hon. J.R. RAU: —if it helps, I can reflect in a positive way and say I am sure that if any of them applied for Mensa membership, they would be granted.

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: So, anyway, I get on with this point: the opposition does not have a position. Members of the opposition have actually undermined the leadership team of the opposition. They have denied the Leader of the Opposition and the Deputy Leader of the Opposition the ability to come into this place and say something conclusive about this issue. They are very happy to leave them hanging out there in the breeze, waiting for the determination from the group that sits in another place to decide what ultimately will be the fate of the leadership team of the opposition.

We will see this beautifully, as I understand it, because at least one member of the opposition in this place has indicated as of yesterday that they will vote against what apparently is the opposition position on this in this house—leave aside the reservation they have made about the other house. There may be two who vote against it; let's see. The question is really very simple—

The DEPUTY SPEAKER: To be or not to be.

The Hon. J.R. RAU: Indeed, to be or not to be—to be hopeless or not to be hopeless, that is the question. The fact is, I think the public in South Australia is entitled to know whether those who would be king, to pick up the member for Morphett's analogy, have the guts to actually tell the public whether they are supporting this bill or not, because so far they have not.

I make this point: we are doing everything we can to support SAPOL in this matter. I recognise and I do not ridicule the proposition that this is taking things to a new level in terms of how seriously we are pursuing this matter, and I accept that. I am a person who has legal training, so I understand the significance of what we are doing, and I can assure members I did not come to this position lightly.

It really comes down to this: there is a group of people in our community who do not accept any of the values or mores that most of us expect our citizens to live by. These people believe the laws that apply to the rest of us do not apply to them and need not apply to them, and can be treated with complete disregard. I do not accept that is okay. If the South Australia Police tell me that this is a tool that they need—and I have reflected on it, I have thought about it and I have brought my best conscience to this, and have come to the point of view that I agree with them—it is my duty to bring this forward, first of all to my colleagues and then to the parliament, and that is exactly what I am doing.

I say this to members opposite: all of you, please—because this apparently will not pass both houses today or tomorrow—go back to your electorates and you speak to people in your electorates and, aside from the noisy few, you see how concerned they are about our parliament having failed consistently to deliver to our police the tools they need to deal with these individuals.

Ms Chapman: Because you are so hopeless, that's why.

The Hon. J.R. RAU: The member for Bragg interjects that we are hopeless.

The DEPUTY SPEAKER: And you are ignoring it, aren't you?

The Hon. J.R. RAU: And I am ignoring it, because we are just getting on with it. You see, we are getting on with it; that is what we do. I do not say this with any sense of happiness or satisfaction at all, but I do make this point: every week that this matter remains unreasonably unresolved, every week that the requests made of the government and given directly to members of the opposition by SAPOL, who have briefed them and the crossbenchers—every week that those requests go begging for an answer, every week those requests are denied is a week where our community is at risk unnecessarily, because SAPOL is not being put in a position to do what it tells me and has told members opposite it needs to do to deal with this group of people.

So, I would ask members opposite, who actually do have electorates—I will just let that hang there for a moment—to talk to some of their colleagues who do not and just explain to them what their people in their electorates think about this and also perhaps share with them your concerns, I would hope, that if one of these outrages occurs in the next few months, as we have seen in the past, and, even more concerning, if that outrage happens to be in your electorate, how they are going to help you justify this inaction. That is the question.

I hope all members opposite are very comfortable with this idea because I will be making it clear every time I get a chance to do so, just as I have about why, on four occasions, they have refused to pass a bill which would bankrupt serious drug traffickers—four times.

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: I remind the opposition that we stand ready to deal with this this week. I am happy to have it go through here in a few minutes. I can ask my colleagues up there, who are generally very helpful, to agree for it to go immediately through the other place. I make that offer.

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: We can do it today or tomorrow, I do not care—whatever you like—and then the monkey is off your back because nobody can say you have held it up.

Ms Chapman: No, you will be holding it up because you have got all those amendments.

The DEPUTY SPEAKER: Order! The deputy leader is, unfortunately, called to order.

Ms Chapman: I've got a clean slate.

The DEPUTY SPEAKER: Well, not now. In question time, you will only have two chances to transgress.

The Hon. J.R. RAU: I make the point: please, get past the fact that there are some recalcitrants within your party room. Get past the fact that there is no sense of esprit de corps that

enables you all to work together. Get past that and support something that the police want to help us make our community a safer place.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Ms CHAPMAN: In respect of clause 1, I would like to ask the Attorney about consultation. Firstly, has there been any consultation on this matter with the judges, including the Chief Justice and/or Chief Judge of the Supreme Court and District Court who currently deal with serious and organised crime criminal matters? If so, what was their response and, if not, why not?

The Hon. J.R. RAU: The answer to that is that to the best of my recollection I have not canvassed this with them, although I may have mentioned it in passing at some meeting perhaps, but that is not surprising because I think, by any definition, this does not involve the courts. It is a matter of government policy: it is not a matter of legal interpretation or legal efficacy that we are dealing with here. As this imposes no burden on them, as this in fact relieves them theoretically of a burden they presently have but have never been called upon to discharge, I have not considered that it would be necessary to discuss this matter with them. It needs to be remembered that the judiciary have never claimed to be, and quite rightly so, arbiters of government policy. This is a policy decision.

Ms CHAPMAN: Given that is not consistent with the fact that when we were discussing with them in 2012-13 the role they would play in declarations, is your position then that, because you are simply proposing to relieve them of some responsibility, they no longer have a say?

The Hon. J.R. RAU: The courts do not have 'a say', in the sense that they have an entitlement to participate in the conversation about the drafting of legislation with some statutory exceptions. What they do have, particularly in the case of the 2012 amendments, is the reasonable expectation that they will be consulted about matters of detail concerning their courts which they will have to administer. That is why in 2012 we did speak to them about things because we wanted to make sure that what we were suggesting was, from a practical courts' point of view, something that was manageable and reasonable. So, of course we spoke to them about that.

As a supplement to that, there is floating about a document which is sort of a protocol about what courts should be consulted on, and I will read this very briefly: 'So, we,' being the government, 'would be seeking feedback on laws which change the structure of the court', this does not, 'alter the jurisdiction or powers of the court', this does not, 'relate to judicial officers', this does not, 'relate to judicial functions', this does not, 'affect the administration of the courts', this does not, 'affect the distinctive character of the courts', this does not.

Ms CHAPMAN: I suppose we will have to agree to disagree on whether in fact they might be dealing with judicial reviews, for example, in respect of your proposed further regulatory power, and we will, certainly. Have you consulted the South Australian Law Reform Institute; if not, why not?

The Hon. J.R. RAU: No, the Law Reform Institute is a project-orientated organisation which has a board of management which selects topics in consultation with me and the Law Society and the University of Adelaide Law School about particular pieces of work it will do in the nature of a law reform recommendation. It is presently quite busy on a number of things. Again, it is not their role to determine government policy.

From time to time, in areas where there is either particular complexity or where there has been a longstanding inability for governments of whatever colour to get around to looking in detail at some rather esoteric matters they are referred off to that institution—so, no. And they are not in a position where they can provide a response at the drop of a hat. They are in the position where, after going through lengthy processes which could take months, and on at least one occasion it took the best part of a year or more, to provide a report.

No, I do not routinely consult with them on anything. All that happens with them is that from time to time they suggest a topic that might be useful from their research point of view. We, the government, may suggest topics and, if there is agreement, then the topic is researched.

The CHAIR: Are we happy to put the short title?

Ms CHAPMAN: I have a further question on consultation. A number of other parties have become apprised of the detail of the bill because it has since been tabled in the parliament. This includes the Independent Education Union of Australia which has written to both you and the Premier this week advising you of the resolution passed at their meeting last Friday night:

> The IEUA believes that freedom of association is an essential aspect of a democratic society and should not be lightly conceded as a quick fix for alleged criminal activity allegedly prevalent in certain groups. The role of government is to establish suitable laws and enforcement capability to deal with illegal activity in its own right. The IEUA deplores the proposal of the SA government to restrict the association of members of certain named motorcycle clubs rather than deal directly with individuals and their actions.

As you would know, Attorney, in addition to that resolution they have sent out in their email to you and the Premier that they are appalled at this draconian removal, etc. That having occurred, have you advised any other unions of the same concerns that have been raised by the Independent Education Union in respect of the anti-association extensions in this legislation?

The Hon. J.R. RAU: The short answer is no, and even the passage that was read out by the member for Bragg identifies some of their lack of comprehension about what these people are actually reacting to because it implies that all measures relating to individual policing or individual prosecution of these people for individual behaviours have been suspended or terminated in preference to some form of collective punishment. That is just quite simply wrong.

The bottom line is very simple. We as legislators have to make a decision: do we support this or do we not? The fact that a group of people whose primary function is to manage and supervise independent schools has a concern about the way in which we choose to support SAPOL is a fact and it is noted. However one dresses it up the policy proposition is pretty simple: you are either agreeing with it or you are not.

The CHAIR: I would like to put the short title.

Ms CHAPMAN: I would just like to have another couple of questions.

The CHAIR: Not on the short title though. The questions are not actually relevant to the short title. If we move down—

Ms CHAPMAN: The short title, with respect, does relate to matters relating to the whole of the bill.

The CHAIR: That is right, but I am informed by the table that we can continue down the clauses as really the questions have nothing to do with the short title.

Ms CHAPMAN: We can deal with it in 'commencement' if you like.

The CHAIR: We would like to have the questions relevant to the actual clauses, so I am going to put clause 1 as printed, which is the short title.

Clause passed.

Clause 2.

Ms CHAPMAN: Given that the Independent Education Union have highlighted their concern about its effect on all the trade union movement, have you taken any action to approach the Independent Education Union to allay their concerns about what you see as a misinterpretation of the legislation?

The Hon. J.R. RAU: No, I have not, but I do intend in due course to drop them a note to the effect that they need not be perturbed because, unless they are an organisation devoted to criminal activity, which I have never heard anyone suggest, they need have no fear whatsoever that the police commissioner will come and visit me or a successor in my role and suggest that they be a declared organisation. If that did happen, there are checks and balances through judicial review and through

the fact of the regulations being capable of being tossed out by the parliament, not to mention the self-evident stupidity of somebody proscribing an organisation which represents the teachers in independent schools. I am happy to drop them a line and allay their fears.

Ms CHAPMAN: In respect of that aspect, Attorney, you are really perhaps trying to be dismissive of the real concern, and that is that they are not suggesting at all that their membership are members of or associating in anything to do with the activity of criminal organisations—in the broader sense, outlaw motorcycle gangs. What they are concerned about, which you know full well, is that persons who might attend in public, when they are undertaking their meetings, protests, rallies or the like, can be caught up in that if there is a member of that congregation who has been even a former member of an outlaw motorcycle gang. The implications to other innocent persons who are in association with them in a public place are vulnerable to potential charging, arrest and being put to the expense of having to prove themselves to have that removed.

You know exactly what they are concerned about and they have made it absolutely clear, so I am heartened to hear you say that you are going to write to them and dispel them of that concern. I would be interested to see what you have to say in that correspondence. In the meantime, I think I understand that you have not pursued that with any other body in respect of consultation in the union movement.

Progress reported; committee to sit again.

Sitting suspended from 13:01 to 14:00.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome today students from Thorndon Park Primary School, who are guests of the member for Morialta.

Ministerial Statement

MOOMBA GAS SUPPLY HUB

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. KOUTSANTONIS: Last week, I wrote to the managing director and chairman of the Australian Energy Market Operator (AEMO), Mr Matt Zema, to immediately proceed with the developmental work to enable the implementation of a gas trading exchange framework at Moomba. I had previously contacted the joint venture partners who own and operate the Moomba facility, namely Santos, Beach Energy and Origin Energy, to indicate that the government will be asking AEMO to establish a Moomba gas supply hub. There was unanimous support for the proposal.

Similar to the Wallumbilla hub in Queensland—the first gas supply hub, established in March 2014—Moomba is a suitable location for the establishment of a gas supply hub because it is a major point of transit connecting Queensland and the southern states with significant production and storage capability. While establishing the first gas supply hub was a major reform in Australia's energy market, the requirement to physically deliver gas through Wallumbilla has sidelined some of the market participants. Several gas participants are unable to trade at the Wallumbilla hub as it requires physical delivery of the gas. This means sellers have to have the capacity to transport gas to Queensland to access the market.

Basically, we are creating a commodities exchange that specialises in gas and we want to do that here in South Australia where the gas is sourced. Just like commodity exchanges around the world, participants are able to use a transparent trading platform to secure the best price by matching offers to bids. Efficiency and transparency reduces risks, helps suppliers and buyers better manage their businesses and creates an environment that is more attractive to investment. It will ensure that investors in our state have efficient, low-cost options for trading gas.

South Australia is front and centre in the energy revolution, so it makes increasingly more sense to give market participants an alternative trading platform close to where they operate, which they can all access. A gas supply hub at Moomba will make it easier for smaller explorers and producers to individually value and market their gas, as well as potentially facilitate increased competition and greater price transparency. Further, the resulting efficiency benefits would support future gas supply agreements and investment while enabling the entry of new large users of gas and reduce risks associated with long-term investments in gas fields by having the ability to on-sell gas via the supply hub.

The east coast gas market is facing a period of unprecedented change, driven by increased demand and the development of a significant liquefied natural gas export program. As the gas sector transitions from a local focus to one that services domestic and export markets, mechanisms that support continued exploration and development of the Cooper Basin will increasingly play a significant part in securing a reliable supply of energy.

CHINA-AUSTRALIA FREE TRADE AGREEMENT

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (14:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.L.J. HAMILTON-SMITH: Australia's free trade agreement with China took a significant step forward today with the formal signing in Canberra by the Prime Minister, Tony Abbott, and China's commerce minister, Gao Hucheng. One benefit of the signing is that the full text of the agreement including, most importantly, all of the tariff schedules, was immediately made available. This development will be very important for farmers and for the regions.

These schedules run to hundreds of pages that spell out the detail, at individual product level, of the benefits that will accrue to Australian exporters. This allows us to refine our current understanding of the agreement's benefits for South Australia. After some administrative and legislative processes it is expected that the full agreement will come into force in October or November, and the first year's scheduled tariff reductions will come into effect. Further tariff reductions are expected to come into force on 1 January 2016; that is, there will be a double dividend within a matter of two to three months.

The agreement gives South Australia a significant advantage over larger players like the EU, the United States of America, Canada and the Chinese agriculture market. In the past, the absence of a bilateral trade agreement with China has meant that Australian producers have faced significant tariffs, not applied to some main competitors, on agricultural products and have been at a competitive disadvantage. This now means South Australian exporters will see tariff elimination on the vast majority of agricultural and horticultural products, mostly over relatively short time frames. For example:

- tariffs from 14 per cent to 20 per cent on wine will be eliminated within four years;
- the removal of tariffs on all horticultural products, ranging up to 30 per cent, mostly within four years;
- the removal of tariffs on seafood, including 15 per cent and 14 per cent respectively on rock lobster and abalone over four years; and
- tariff reductions on beef, dairy products and an Australia-only duty free quota for wool.

In the agreement China has offered Australia its best ever services commitments in an FTA. This includes new or significantly improved market access for Australian banks, insurers, securities and futures companies, law firms and professional services suppliers, education service exporters, as well as health, aged care, construction, manufacturing and telecommunication service businesses in China.

The agreement, in addition to evolving patterns of demand in China, is creating new opportunities for South Australian producers which only increase under the FTA. New opportunities

mean new jobs—more jobs. The state government is committed to making the best of these opportunities. The recent trade mission to China was our biggest ever and we are already seeing the benefits. It was the largest trade mission ever conducted by a single state in Shandong.

I pay tribute to the businesses, the local government representatives and the trade officers from the state government—

An honourable member interjecting:

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

The Hon. M.L.J. HAMILTON-SMITH: —for their efforts to make the best of the opportunity. Members opposite, however, have questioned those efforts—

Ms Chapman interjecting:

The SPEAKER: The deputy leader is warned for the first time.

The Hon. M.L.J. HAMILTON-SMITH: —preferring, it appears, that we stay at home.

An honourable member interjecting:

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

The Hon. M.L.J. HAMILTON-SMITH: Today's official signing ceremony in Canberra is a great moment in Australia-China free trade relations, something about which the member for Heysen would have no idea whatsoever. Federal trade minister, Andrew Robb, one of the key architects—

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: For that matter, I wonder about the Leader of the Opposition as well. The federal trade minister, Andrew Robb, to whom I suggest members opposite speak, one of the key architects—

Members interjecting:

The Hon. M.L.J. HAMILTON-SMITH: Here they go, sir, here they go.

Members interjecting:

The Hon. M.L.J. HAMILTON-SMITH: Calm down.

Members interjecting:

The Hon. M.L.J. HAMILTON-SMITH: Calm down.

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: Am I?

Mr Marshall: You are.

The Hon. M.L.J. HAMILTON-SMITH: Have a look in the mirror, my friend. You've got your own side publicly disagreeing with you. Federal trade—

Mr Whetstone interjecting:

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

The Hon. M.L.J. HAMILTON-SMITH: —minister, Andrew Robb, one of the key architects—

Mr Tarzia interjecting:

The SPEAKER: The member for Hartley is warned a first time. Questions have not yet begun.

The Hon. M.L.J. HAMILTON-SMITH: —of the Free Trade Agreement kindly invited me and other trade ministers to attend the signing in the Great Hall in Parliament House.

Mr Pengilly interjecting:

The SPEAKER: The member for Finniss is warned for the first time.

The Hon. M.L.J. HAMILTON-SMITH: The Department of State Development's CEO, Don Russell, represented me at the event, and I look forward to his briefing on the latest developments.

The state's task is to build on the work done so far. Every trade opportunity means more job opportunities, and I would think that members opposite would welcome the opportunities that farmers will now have to increase their export.

Mr Pengilly interjecting:

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

The Hon. M.L.J. HAMILTON-SMITH: I can assure the house that, on this side, we will do all we can to build the export base of South Australia for the benefit of our farmers and for the regions. I hope that members opposite do the same.

Mr Pederick interjecting:

The SPEAKER: The member for Hammond is warned a first time. The member for Little Para.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:11): I bring up the ninth report of the committee, entitled Subordinate Legislation.

Report received.

Question Time

STATE BUDGET

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12): My question is to the Premier. Given that the government has now adopted Liberal Party policy to restore pensioner concessions, fund body-worn cameras for South Australian police, focus on international students and today's announcement to cut the Save the River Murray levy, will the government adopt our policy to reinstate the remissions on the emergency services levy in tomorrow's state budget?

The SPEAKER: Before the Treasurer answers that, the leader must be aware that the scope for replying to that goes over the horizon. So, I trust that, given that he has asked such an open-ended question, he won't object to anything the Treasurer has to say in the next four minutes because it will be very hard even for the Treasurer to be out of order. Treasurer.

The Hon. J.M. Rankine interjecting:

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

The Hon. J.M. Rankine interjecting:

The SPEAKER: The member for Wright is warned for the first 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) (14:13): We are not interested in their policy, just their—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: —calm down—just their frontbenchers. That's what we are interested in, Mr Speaker. I know that the level of frustration—

Mr Pisoni interjecting:

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

The Hon. A. KOUTSANTONIS: —for members opposite is growing, watching the government govern, another four years in opposition brought to you courtesy of your current leader. I know that it hurts to watch the government implement good policies to grow the economy. I know that watching the irrelevance of the opposition. Three more budgets until the next election—sitting there patiently, knowing that the reason the opposition are in opposition is entirely in the hands of the Leader of the Opposition.

The Leader of the Opposition couldn't have put it better himself than he did on the day before the last state election—couldn't have put it better himself: 'If you want to grow jobs, if you want to invest in the economy, then tomorrow you need to go out and vote Labor. You need to go out and vote Labor.' The Leader of the Opposition couldn't have put it better himself. I can tell by his anxiety today that he is worried—he is worried about a good budget. He's worried about a budget that will deliver more jobs, that will deliver what the people of South Australia are looking for from their government. And the anxiety is growing.

If only he hadn't run away from every press conference, if only he had talked about Wok in a Box before, if only he hadn't told everyone to go out and vote Labor, it might have been him over here talking about tomorrow's budget. But instead, because of the way he conducted himself in the last election campaign, he's got a former Liberal leader talking about questioning his policy on outlaw motorcycle gangs, he's got a former deputy leader questioning his policies on outlaw motorcycle gangs and he's got his current deputy saying she is unhappy with the current laws.

Perhaps the Leader of the Opposition should look in the mirror before he attacks this government for getting on with the business of delivering good government to the people of this state. Now—

Members interjecting:

The Hon. A. KOUTSANTONIS: Screaming at me because you lost the last election isn't my fault. I played a small role, but the truth is that the only person the opposition can blame for the reason they are sitting there watching us deliver this next budget tomorrow is the Leader of the Opposition. Can I just say again: thank you, thank you. Like a gift voucher, the gift that keeps on giving.

Mr Marshall interjecting:

The SPEAKER: Don't tell me there's a supplementary.

Mr MARSHALL: Second question, sir.

The SPEAKER: Second question, leader.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): My question is to the Premier. How many fewer subsidised training places will be available in regional South Australia following the changes to vocational training funding announced by the government two weeks ago?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:17): The point of retaining a strong role for TAFE is so that we can increase access for—

Mr Pederick interjecting:

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

The Hon. J.W. WEATHERILL: For those opposite, just to remind them what's in the interest of their country constituencies, TAFE actually is one of the most important regional providers of training services in this state, so it follows a strong TAFE is good for country regions. It's the reason we wanted to make sure that TAFE had its focus on quality, on accessibility, and in particular on matching real jobs with their training.

We cannot afford to train just generally and hope that people find jobs. We now have to take a much more targeted approach. In a post Skills for All era, where there are fewer resources, we need to target those resources more carefully, but the truth is, both in terms of the number of hours and the amount of money that's spent, there is more money that is being spent in training and higher

education services through our vocational education system now than there was in the pre Skills for All environment.

Members interjecting:

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18): Supplementary, sir.

The SPEAKER: Before the supplementary, I call the member for Mount Gambier to order, and I warn the member for Chaffey for the first time. Leader.

Mr MARSHALL: Supplementary, sir: will the government rule out closing any regional TAFE campus or reducing the scope of training available at any regional TAFE campus?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:19): These are matters for TAFE. TAFE has an independent board, and they are questions best directed to that. The overarching principle will be accessibility. So, precisely how TAFE organises itself in terms of bricks and mortar campuses is one thing, but it will be a matter for judgement for it how it seeks to ensure that its services remain accessible and affordable to country people. That's the principle we will insist upon; how they implement it will be a matter for the independent board of TAFE.

Members interjecting:

The SPEAKER: Before a further supplementary is asked, I call to order the member for Goyder, I warn for the first time the members for Unley and Heysen, and I warn for the second and final time the member for Heysen. Leader.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19): My supplementary to the Premier is: how many of the forecast 500 TAFE redundancies through to 2017 will be in regional South Australia?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:20): I thank the honourable member for his question. As the Premier has already said, the reason for the current reforms to TAFE is to ensure that we strengthen TAFE in the regions—

An honourable member: Why?

The Hon. A. PICCOLO: Well, we made it very clear last week we are strengthening TAFE to make sure that TAFE does two things—

Mr Marshall interjecting:

The Hon. A. PICCOLO: Mr Speaker, does the Leader of the Opposition want an answer or not?

Mr Pengilly interjecting:

The SPEAKER: The member for Finniss is so close to leaving. Minister.

The Hon. A. PICCOLO: That would be a great loss. As the minister said last week, the major emphasis behind the changes to TAFE is to make sure we strengthen TAFE and we make sure TAFE remains relevant in terms of its delivery of training, and that is why we actually are taking TAFE to the people—very clearly, and that was a huge emphasis last week—we are taking TAFE to where people need the training.

Mr Griffiths interjecting:

The Hon. A. PICCOLO: Sorry?

Mr Griffiths: Starting the consultation now.

The Hon. A. PICCOLO: Yes—and we're taking TAFE to the people to make sure that people actually get the training when it is required, where it is required rather than them coming to us and

that is the emphasis. Also the advantage of having new technology is that we will be able to deliver more TAFE in a timely way to people.

Members interjecting:

The SPEAKER: Before I call the leader, the member for Schubert is called to order and so is the member for Kavel. The member for Schubert is warned a first time, the member for Goyder is warned a first time, and the member for Schubert is warned a second and final time, and so is the member for Chaffey. Leader.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22): A supplementary to the minister: given the cuts in the number of subsidised training places in regional South Australia, has the government received any advice regarding the number of non-TAFE providers who are also likely to close?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:22): I thank the honourable member for his question. As the minister made it quite clear, we are actually consulting with the whole program at the moment and what will happen where and when will depend—

Mr Bell interjecting:

The Hon. A. PICCOLO: No it's not. No it's not. It will depend on the response we get and where the demand for training places are.

The SPEAKER: The member for Mount Gambier is warned a first time. Leader.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22): A question for the Premier: how are the government's cuts to the number of subsidised training places under the WorkReady program going to impact those workers in regional areas who have lost their jobs and are seeking to retrain in order to gain new jobs?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:22): There are no cuts, there is just the end of a time-limited program under Skills for All and—

Mr Marshall: There are no cuts?

The Hon. J.W. WEATHERILL: There isn't; there is the end of the program which had a life—

Mr Marshall: And that is not a cut?

The SPEAKER: The leader is called to order.

The Hon. J.W. WEATHERILL: It was a program to deliver 100,000 training places and it exceeded that and it came to an end. Of course, this is the same opposition that would be calling for a smaller effort in terms of government expenditure, so it is passing strange that they criticise us for making, essentially, a prudent decision to ensure that we can live within our means. If the Leader of the Opposition and those opposite are paying any attention to the WorkReady reforms they will realise that very much the targeted effect of those reforms is to ensure that the training is going—

Mr Pisoni interjecting:

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

The Hon. J.W. WEATHERILL: —to be linked to a job. The truth is that the many thousands of job cuts which would have eventuated should those opposite have occupied the Treasury benches, would necessarily have had to fall in areas like TAFE, so the idea that somehow they criticise us for making sensible economies and sensible allocation of the training budget just does not square up with their stated intention of actually cutting deeply into the South Australian Public Service. There is just nobody out there who believes the Leader of the Opposition when he cries

crocodile tears about us doing sensible things to economise in the Public Service; nobody believes it.

Mr PISONI: Point of order: the Premier is obviously entering into debate.

The SPEAKER: Yes, I uphold the point of order. Has the Premier finished?

Members interjecting:

The SPEAKER: I warn for the second and the final time the members for Goyder and Mount Gambier. Deputy leader.

MOTOR ACCIDENT COMMISSION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:25): My question is to the Treasurer. Has the government undertaken any modelling or received any advice regarding the likely changes to the cost of CTP premiums after the cap on pricing is removed?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:25): What we have done is we have got PricewaterhouseCoopers to do some modelling for us about the best model to allow a competitive market to grow in the compulsory third-party premiums area. There has been a lot of confusion, I think, by the media and members opposite, that we are somehow selling the Motor Accident Commission as a monopoly provider—

Members interjecting:

The Hon. A. KOUTSANTONIS: I know you want to be noticed where we send backbenchers to die, but it's okay, we know you are there; it's alright. What we are doing is we have got modelling about what is the most efficient way to allow South Australians to have more choice when it comes to compulsory third-party premiums, remembering that we compel South Australians—every South Australian that registers their motor vehicle—to have compulsory third-party premiums. So, it is a compulsion on South Australians, and we now have a government-run monopoly that issues those premiums. We believe, as do our commercial advisers, that the best option for South Australians is that that go out to a competitive market.

Mr Marshall: You can do that with the existing legislation.

The Hon. A. KOUTSANTONIS: Yes, we can. The legislation that we are seeking to introduce is to have an independent, industry-specific regulator. What the Leader of the Opposition is talking about is, 'Well, why don't you just use the government guarantee to protect taxpayers'—

Mr Marshall: Don't put words in my mouth!

The Hon. A. KOUTSANTONIS: —like a bank—

Members interjecting:

The Hon. A. KOUTSANTONIS: —like a bank—

Mr PISONI: Point of order, sir: the minister is—

The SPEAKER: Why is the member for Unley waving his arms about?

Mr PISONI: —entering debate. When he refers to what he believes the Leader of the Opposition has said, he is obviously entering debate.

The SPEAKER: I thank the Leader of the Opposition for answering my question. I don't uphold the point of order.

The Hon. A. KOUTSANTONIS: The advice that our commercial advisers gave us is the Motor Accident Commission cannot guarantee that premiums won't increase or decrease under a government monopoly. The best way to ensure a competitive market which will actually give motorists a more competitive outcome is that we will allow the private sector, in a competitive way, to offer people premiums.

I know members opposite are harking back to the 1980s, when there were great socialist initiatives by using government guarantees to run public institutions. We do not believe that. We believe that the private sector can do this better. I am stunned that there are members in the Liberal Party who actually think issuing government guarantees in the private sector is a good thing, and I am looking specifically at the member for Davenport—

Members interjecting:

The SPEAKER: Point of order.

Mr GARDNER: The Treasurer's characterisation of what he believes Liberal Party members' views are is clearly debate.

The SPEAKER: I think the Treasurer has made his point. Supplementary, deputy leader.

MOTOR ACCIDENT COMMISSION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:28): If the government is so confident that the competitive market will emerge to the CTP and have that effect, why is it necessary to have a cap for the next three years?

Mr Marshall: There's an election.

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): That presupposes we are frightened of the Leader of the Opposition; in fact we are hoping you hang on. That is what we're hoping for. But, Mr Speaker, no: what we want to do is avoid the mistakes made in other jurisdictions. We want to settle in the competitive process. We want to settle private providers into this, because remember, we compel people to buy compulsory third-party. This is not a matter of choice to South Australians: we make every single South Australian buy compulsory third-party premiums.

So, what we are doing by allowing the private sector to issue this, and by allocating policies equally across the number of providers we have, we are limiting growth to CPI-like increases, remembering that over the past two years there has been a $140 reduction in compulsory third-party premiums. I know members opposite laugh and scoff at that, but $140 is a lot of money for a lot of South Australians, and that decrease, I think, was welcome. I congratulate the health minister on those reforms that brought about those changes for South Australians. What we want to do is give South Australians choice. We said in the last budget—

Members interjecting:

The SPEAKER: Did the member for Unley interject?

Mr PISONI: No, sir, I was speaking to my colleague next to me.

The SPEAKER: Yes. I notice the member for Unley is often giving the deputy leader and the leader tips for their next interjection. Alas, there is no offence such as conspiracy to breach standing orders. Treasurer.

The Hon. A. KOUTSANTONIS: We believe in allowing the private sector to be bedded in. What we do not want to see is what we saw after the privatisation of ETSA, where the former government handed a whole group of customers to one retail provider, the retailer of last resort. We have seen that those customers have the largest increases in electricity prices when members opposite privatised ETSA. The method we are using by not allowing a monopoly provider to step in and having the private sector face competitive forces means that they will all be fighting for these customers.

Mr Marshall: Do it now.

The Hon. A. KOUTSANTONIS: I note that the Leader of the Opposition is interjecting, 'Do it now' at the same time as telling us that he is going to vote against legislation allowing us to open up contestability. So in one aspect he says, 'Do it now' and in the next he says, 'We'll vote against it in the parliament.' It seems to me that the Leader of the Opposition, whether it is outlaw motorcycle gangs or privatisation, just can't get—

Mr VAN HOLST PELLEKAAN: Point of order, sir.

The SPEAKER: Point of order. Member for Stuart.

Mr VAN HOLST PELLEKAAN: The minister is very clearly debating the issue.

The SPEAKER: On balance, I uphold the point of order. The deputy leader.

MOTOR ACCIDENT COMMISSION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:31): Final supplementary on this matter: given the reliance of the government on the PwC report, will the Treasurer table it and make it available for members to view?

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): No, I will not. The reason I will not is that we are in the middle of a competitive process and a commercial process, and the idea of the Leader of the Opposition doing everything he can to undermine the competitive process for compulsory third-party premiums in the middle of a commercial process will do harm to motorists, and I will not allow that to happen.

Mr GARDNER: Point of order, sir. I think the Treasurer just imputed improper motive on another member.

The SPEAKER: What was the improper motive?

Mr GARDNER: Seeking to undermine a commercial process.

The SPEAKER: There has to be some room for argy-bargy in question time. Treasurer, you have finished? Okay. Deputy leader.

MOTOR ACCIDENT COMMISSION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:32): I have another question, if I may, to the Treasurer. Has the government received any unsolicited bids for the Motor Accident Commission and, if so, what was the process for the assessment of such bids?

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): If we did, they would go to the Coordinator-General, but I suspect that we did not receive as many unsolicited bids as the opposition did during the caretaker period. Subsequently, after the election, when the government was returned and I was made Treasurer, there were a number of insurance companies that met with me—

Members interjecting:

The Hon. A. KOUTSANTONIS: I think you are the fifth leader of the opposition in a number of years, too. You could be one of six.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: The tallest man in the room always wins. Anyway, I am pretty confident that the opposition have had many of these unsolicited bids put to them, but the truth is that if there were any unsolicited bids, they would have gone to the Coordinator-General. There is a competitive process in place. I am confident that that competitive process will give us and motorists very good outcomes. I am just surprised that there is anyone left in the Liberal Party who does not think that the private sector can do this better than a government monopoly.

MOTOR ACCIDENT COMMISSION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:34): A supplementary to the Treasurer: of the numerous meetings you had with prospective insurance companies who were interested in this space, were any documents presented to you as to how the proposal would advance and, if so, to your knowledge, has any of that correspondence been sent to the Coordinator-General as per the government's unsolicited bid policy?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:34): No, first and foremost in the advice that I have I was not given any unsolicited bid proposals by any providers, it was more that a lot of insurance companies wanted to meet the new Treasurer of South Australia. It was just normal incoming meetings you get when you get sworn in to a new ministry. Of course, any proposals that we may have received—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: Again, the Leader of the Opposition here is saying before we announced this—the reason the insurance industry was looking or thinking about this was because they were talking to members opposite. They have been talking to members opposite. I would be careful if I was the Leader of the Opposition because a lot of these companies have spoken to me about meetings that they had with the opposition, so I would be very careful if I were them about what they claim.

In terms of any unsolicited proposals, from my memory, I have received none on this matter, and any meetings that I had with insurance companies that may have been potential bidders for this were in the presence of Treasury officials. There has been an independent process now after the budget announcement last year and, of course, there is a tender out. The opposition are trying to claim that I may have received an independent or unsolicited bid, but we are going through a tender process, so I have to say—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: Again, the Leader of the Opposition, like a true left wing liberal, will not stand up for the private sector, will not stand up for free market competition, is more interested in the government-run monopolies than he is in the private sector—

Mr VAN HOLST PELLEKAAN: Point of order, sir: continued debate.

The SPEAKER: I uphold the point of order.

MOTOR ACCIDENT COMMISSION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:36): A final supplementary, if I may, on this matter to the Treasurer: given that the Treasurer cannot recall whether in fact any material was presented to him that could be within the unsolicited bid proposal, will he make that inquiry and report back to the parliament as to whether any material was received in that category and, if so, where it was sent?

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): Of course, I will. Our responsibility in the hour every day in question time is to answer questions and, if I do not have the answer here at hand, I will get it to members opposite. But I also say to the members opposite, if you have any evidence or you have an accusation, make it.

ADELAIDE LIGHTNING WOMEN'S BASKETBALL TEAM

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:37): I have a further question to the Treasurer. What will the future be of women's basketball in South Australia and the $150,000 promise to Adelaide Lightning by the SA Motor Accident Commission under the government's plans to sell the commission?

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) (14:37): Thank you very much, Mr Speaker, and happy birthday. I hope you are having a good day.

The SPEAKER: Thank you.

The Hon. L.W.K. BIGNELL: I thank the deputy leader for the question. The Motor Accident Commission deal is a one-off deal. Adelaide Lightning, of course, is a well-respected sporting organisation and club in South Australia. It has won five national titles, it has produced some of our

best ever Olympians and what they were after was from the commercial sector of South Australia to put some money in for some long-term sponsorship. There is some discussion still going on with the club because that is what they need to work on for the season after this upcoming season.

What the Motor Accident Commission was able to do was step in, intervene and provide sponsorship for one year. It has been made very clear to Adelaide Lightning and to Basketball South Australia that it is a one-year deal to help them through a difficult period. In the past the team has been owned by an individual who, over six or seven years whenever something needed to be done, chipped in with the money. What happens when you have that around a sporting club is that often you get a breakdown in the support network that is usually around sporting organisations, so I guess the Adelaide Lightning is going through a transition where they are trying to re-engage with the commercial sector and potential sponsors. But they were delighted that the Motor Accident Commission could come along and help out for this year so that they could keep a team out there on the court.

They want to get the best possible players they can, they have a new coach in place, and I am sure we all wish them the very best for the next season, but we also need to keep the word out there that the private sector needs to get in behind our elite sporting teams as well, just like we see for the Crows and Port Adelaide and the Thunderbirds, that all of our elite level teams have the sponsorship that is there from the commercial sector. When we look at things like the Santos Tour Down Under, we see the number of commercial entities that get in and do that, so my plea for the commercial sector in South Australia is that we have a fantastic team in the Adelaide Lightning and it would be terrific to see private sector sponsorship come in and help them after this upcoming season.

ADELAIDE LIGHTNING WOMEN'S BASKETBALL TEAM

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:39): Supplementary, if I may, on this: given that the $150,000 is a one-off payment, and I take it from that that it is assured, really after that unless the private sector come in and provide ongoing funding there's no commitment from the government, at this point, to give them any continued funding?

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) (14:40): Absolutely. The club and the basketball association of South Australia have never asked the government to step in and support Adelaide Lightning with funding. What we do is we support basketball and all sports at the grassroots level. We think there is a duty there from corporate South Australia to get behind our elite teams. It's a terrific opportunity to get names—

Members interjecting:

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

The Hon. L.W.K. BIGNELL: It's a terrific opportunity to get corporate names on singlets and tracksuits and on television coverage for these companies. We really need to see that corporate South Australia actually does get behind and sponsors our elite sporting teams. But I reiterate that at no stage did the club or the basketball association ask the government to try to bail out Adelaide Lightning. They actually wanted us to help them in the search for a corporate sponsor and we think that's a good idea. I am sure there is someone out there who would love to get behind Adelaide Lightning, just as we saw overnight a new ownership group has taken over the Adelaide 36ers.

Basketball is a great sport, it's a great sport at the grassroots level and it's a terrific sport at the elite level. We have the Opals and the Boomers, who do so well for us at the world championships and at the Olympic Games, and Adelaide Lightning and the Adelaide 36ers have had proud histories. We have seen the 36ers have a great couple of seasons. They've got new owners announced yesterday and I think their future is assured and is very bright. We would love to see the same thing for the Lightning.

DAIRY INDUSTRY

Mr PICTON (Kaurna) (14:41): My question is also to the Minister for Agriculture, Food and Fisheries. Can the minister update the house about the future of the UDP dairy plants at Murray Bridge and Jervois?

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) (14:41): I thank the member for Kaurna for this question. I also acknowledge that the member for Hammond had some words to say about this issue this morning. The Premier and I joined with Dr Roger Sexton this morning, who has the Beston Global Food Company. He stepped in and bought two milk plants, one at Jervois and one at Murray Bridge, that closed in April when the UDP business went into receivership. It was shocking news for the local area, shocking news for dairy farmers everywhere and bad news for the South Australian economy, because we all know that when the regions are thriving and when our agricultural sector is thriving everyone in the state does really well.

So, it was terrible news back in April but very good news to stand there today with Roger Sexton as he announced that his company was going to take over both of those plants. They will have 12 people employed there from September to put the plants back together again and then they look to hiring as many of those 120 people who lost their jobs in April in the first 12 months as they ramp up the production to 100 million litres of milk, which is what UDP was processing before they went into receivership, but Dr Sexton's goal is to actually reach 200 million litres of milk produced each year through those two plants.

One of the things they are going to need to do is renegotiate contracts with dairy farmers throughout South Australia, who were fortunate that dairy processors over the border took their milk on board in April so that we didn't have a case of milk being wasted. I must congratulate David Basham from the South Australian Dairy Association, who has done a tremendous job in helping the dairy industry, the receivers and the government through this very difficult time. It was good to hear Dr Sexton say this morning that David Basham and SADA will hold a town hall style meeting to try to get the word out there that this business at Jervois and Murray Bridge is going to be back up and operating from September and they are going to want as many milk contracts as they can possibly get.

The great thing about the work of Beston Global Food Company and its label Beston Pure Foods is that it is ticking all the boxes on at least six of our state government's economic priorities. Of course, the main one is that we produce premium food and wine from our clean environment and that we export it to the world, but it's also ticking a lot of other boxes in terms of innovation. Dr Sexton isn't just talking about putting milk through those plants and producing sort of fairly basic milk produce but really high end, high value products that he can sell not only here but around the world.

He has teed up some amazing distribution networks through South-East Asia and through China. He's got supermarkets involved. He has a retail outlet for whatever it is that he produces. His company already owns about 35 per cent of Paris Creek dairies, so he has some experience in the dairy industry. It also owns a share in Ferguson seafoods, so when they are selling their produce into China, Malaysia, Singapore and Thailand, they have skin in the game at the very source. I think that is a terrific business model, and I commend Dr Sexton and all the people involved in Beston Global Food Company.

I thank the member for Hammond for his continued cooperation on this. We have been on the phone several times over the past 12 months. We both had very strong fears for what might happen. Unfortunately, in April we saw those fears eventuate, but I think today is the first day of what should be a very bright future for this company and also for those workers. While there are 130 workers directly employed—hopefully we will see even more than that employed—there are hundreds of other people in the Murray Bridge and Jervois area who rely on the good work that is done by the people in those two factories.

INVASIVE IMAGE DISTRIBUTION

Ms HILDYARD (Reynell) (14:45): My question is to the Attorney-General. What has the government done to criminalise the non-consensual sharing of intimate photographs?

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) (14:46): I thank the honourable member for her question. Members may have read a disturbing article in the newspaper about a

website containing intimate images of Adelaide women and teenagers. Some of the images were apparently taken in circumstances of consent by the subject at the time of the taking or the making of the image, but they have now been used in a way that the subject most definitely has not consented to.

Thanks to legislation passed by this government in 2013, the Summary Offences (Filming Offences) Amendment Act, the act of distributing an invasive image without the consent of the person in the image is illegal in South Australia. The penalty for this entirely new offence is up to two years' imprisonment. An invasive image is defined as being a moving or still image of a person engaged in a private act or in a state of undress such that the person's private regions are exposed. It does not include an image of a person in a public place, or images of persons under 16, because that is classified as child exploitation material, which of course is a completely separate kettle of fish.

A private act includes sexual activity or—disturbingly, I think, from some of the things we've read in recent times—the use of a toilet. This legislation was the first of its kind in Australia. The legislation also created a new offence of humiliating or degrading filming, criminalising the filming and distribution of images of persons being subjected to humiliating or degrading acts. I provided copies of this legislation to the other state and territories' attorneys-general and encouraged them to consider a similar reform in their jurisdictions.

Ms Chapman interjecting:

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

The Hon. J.R. RAU: The message in South Australia is clear: you may not distribute an intimate image of another person without that person's consent. If the person consented to the taking of the image in the first place, that is not enough. Distributing these types of images is not okay. I look forward to receiving an update from SAPOL in due course about their investigations of this website and the sources of material depicting members of our community. I certainly hope that in due course the moderators are brought to account for their actions.

ARRIUM

Mr HUGHES (Giles) (14:48): My question is to the Minister for Mineral Resources and Energy. Can the minister update the house on the strategic review announced by Arrium and its implications for the great city of Whyalla?

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): I am glad to see the member for Stuart nodding, because he wouldn't play politics with this. I thank the member for his question. Arrium did inform shareholders this week about the recent steps taken to reduce costs at South Australian operations that ensure this company continues to export iron ore from the Middleback Ranges through the port of Whyalla. Arrium's continued commitment to mining in our state and exports of iron ore at levels that are triple the throughput of just a few years ago are great news for Whyalla and the Upper Spencer Gulf. Arrium's announcement included underlying earnings for the current financial year—

Mr KNOLL: Point of order, Mr Speaker. The information that the minister is referring to is part of Arrium's website as an ASX release dated 15 June, entitled 'Mining restructure, results update and strategic review'.

The Hon. A. KOUTSANTONIS: I disagree, sir.

Members interjecting:

The SPEAKER: Alas, I don't have the member for Schubert's—

The Hon. A. KOUTSANTONIS: Thank you, sir. Arrium's announcement included underlying earnings for the current financial year even stronger than expected in the second half performance of the financial year ahead. You think that would be good news. You would think that members opposite would celebrate that, and it should have been a confidence boost for the state at a time when a fall in commodity prices has put a lot of pressure on South Australian miners—not only here but across the country.

As part of its announcement, Arrium also announced a strategic review of all of its business operations, to adopt an appropriate corporate restructure to deal with these costs. It is a sensible and prudent approach, you would think, under the current environment. Unfortunately, in the absence of bad news in that ASX announcement, the naysayers had to invent shadows of doubt for the people of Whyalla.

It is bad enough that some in Canberra have invented scenarios that Whyalla would be wiped off the map, yet here we go again making up horror scenarios to scare South Australians and cast doubt on what should have been embraced as good news for the people of Whyalla.

Ms CHAPMAN: This is clearly debate about other people's views, unidentified, and is not consistent with the question which was on the Arrium review.

The SPEAKER: Deputy leader, I will listen carefully to what the minister has to say. In the meantime, I will warn for the second and final time the member for Hartley. I call the minister.

The Hon. A. KOUTSANTONIS: Only this week, we had some people in this place wilfully speculating about the outcome of the strategic review announced by Arrium. They said this should be ringing alarm bells for us here in South Australia—alarm bells, Mr Speaker. Even though the company specifically forecast an improved performance in Whyalla, improved performance in its steel division and a forward plan for continued exports out of Whyalla, members opposite said alarm bells should be ringing. Well, how's that for a confidence boost for the people of Whyalla? What do we see today? The chief executive of Arrium, Mr Roberts, in an unprecedented way putting out a release saying:

> …that speculation that the review announced by the company on Monday specifically includes the closure of the Whyalla Steelworks is off the mark.

He goes on to say:

> From a Whyalla perspective, the announcement does not include any material job losses for either the Mining or Whyalla Steelworks businesses.

An honourable member: Fantastic!

The Hon. A. KOUTSANTONIS: Exactly—it is fantastic. The member for Stuart wouldn't get up there and say, 'This should be cause for alarm bells to be rung,' would he? No, because he wants the Upper Spencer Gulf to thrive. It is good for the company and it is good for the South Australian and the Whyalla economies. I know good news is not welcome on that side of the house. I know that good news undermines the exaggerated claims about the narrative of our state economy, and I invite members opposite to use those incredible results and the strategic review to help us lure Arrium to South Australia.

Mr GARDNER: Point of order, Mr Speaker: under 98, the Treasurer is debating.

The SPEAKER: I uphold the point of order.

The Hon. A. KOUTSANTONIS: We should be using this strategic review and the comments by Arrium to encourage them to move their headquarters of operations to Adelaide, to South Australia, where their steelworks and mines are being prosperous, are growing and are integral to their business, rather than saying that their strategic review causes alarm bells to be rung.

METROPOLITAN TRANSPORT NETWORK

Mr WINGARD (Mitchell) (14:54): My question is to the Minister for Transport. Has the minister or his department discussed with any companies the possible sale or lease of any part of the Adelaide Metro train or tram system?

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) (14:54): Can I thank the member for Mitchell for his interest in this area. Certainly it has not been put to me, as far as I am aware, that somebody wants to purchase the metropolitan rail network. Whether somebody has approached the Coordinator-General, I am not sure. I would have to take that on advice.

METROPOLITAN TRANSPORT NETWORK

Mr WINGARD (Mitchell) (14:54): Supplementary, sir: would the minister come back to the house and let the house know whether there have been any unsolicited bids or any bids put forward for private owners taking over the Adelaide Metro tram or train system?

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) (14:54): Certainly I can make inquiries. As to who is responsible to the house for the activities of the Coordinator-General, I would need to take some further advice; but, as I said, I am happy to make those inquiries.

JACKMAN, MR M.

Dr McFETRIDGE (Morphett) (14:55): My question is to the Minister for Emergency Services. On what basis was Mr Malcolm Jackman approached to become the new head of SAFECOM and were any other applicants considered? Yesterday the Minister for Defence Industries said:

> Mr Jackman has taken an opportunity to serve with the Minister for Emergency Services in a very important role where the government needs him.

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:55): I thank the honourable member for the question. I can advise the house that Mr Jackman's name came up during the recruitment process for the commissioner for the emergency services. At that time he did not meet the strict criteria for that position. When the position of CE, given his background, became available I was happy to have the people approach and discuss it with him.

Being an existing member of the government, in terms of the Public Service, I had discussions with the Commissioner for Public Sector Employment regarding the processes of approaching him, and I did.

The SPEAKER: The member for Morphett, supplementary.

JACKMAN, MR M.

Dr McFETRIDGE (Morphett) (14:56): Is Mr Jackman paid $150,000 more than the previous CE of SAFECOM, and is Mr Jackman on about a $400,000 package?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:56): I can confirm that Mr Jackman is not being paid $150,000 more than the previous person. I can also confirm that my agency is paying him the same amount as the previous incumbent.

JACKMAN, MR M.

Dr McFETRIDGE (Morphett) (14:57): Supplementary, again: is Mr Jackman the presiding member of the board as well as the chief executive of SAFECOM?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:57): Mr Speaker, just to clarify the question: is he the presiding member of SAFECOM and also the CEO? Is that what the question was?

Dr McFetridge: Yes.

The Hon. A. PICCOLO: Yes. That is the current act, and so I comply with the current act.

JACKMAN, MR M.

Dr McFETRIDGE (Morphett) (14:57): Supplementary, again: is any other agency contributing towards Mr Jackman's salary?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:57): My understanding is that the government as a whole is contributing to make—

Members interjecting:

The Hon. A. PICCOLO: Well, Mr Speaker, he—

Ms Chapman: Let Martin answer.

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

The Hon. A. PICCOLO: Mr Jackman is a highly qualified CEO having worked in the private sector, and I was more than happy to approach him when the opportunity arose. I think that he will be a great asset to the sector. Given his rural background, I think he will be a great asset to my sector, as well as his CEO contribution over many years.

JACKMAN, MR M.

Dr McFETRIDGE (Morphett) (14:58): Another supplementary, Mr Speaker: what is Mr Jackman's length of contract and what is his total package worth?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:58): Like all contracts there is a salary component plus others. I will have to take it on advice as to the exact amount. When—

Members interjecting:

The Hon. A. PICCOLO: Mr Speaker, I will also—

Members interjecting:

The SPEAKER: The Treasurer is called to order and so is the member for Colton.

The Hon. A. PICCOLO: I made it very clear—and I notice that the member for Morialta has said something.

Ms Redmond interjecting:

The SPEAKER: The member for Heysen is warned for the second time for the second time.

The Hon. A. PICCOLO: The cost to my sector is no more than the previous incumbent, and I reaffirm that.

Members interjecting:

The Hon. A. PICCOLO: No, no; his interjection was that—

Mr Marshall interjecting:

The Hon. A. PICCOLO: What was the question again?

Dr McFETRIDGE: The total package and length of his contract.

The SPEAKER: Supplementary, member for Stuart.

DEFENCE SA

Mr VAN HOLST PELLEKAAN (Stuart) (14:59): My supplementary is to ask of the minister: who is going to be in charge of Defence SA, whether another arrangement has been made for a new CEO of Defence SA, and who will be in charge of Defence SA in the interim?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (15:00): I will take that question, and I thank the member for it. Some of these questions, I must say, would be very good for budget estimates, but for some reason the opposition is spending time on them during question time.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is warned for the first time.

The Hon. M.L.J. HAMILTON-SMITH: Mr Jackman will now be working for minister Piccolo in a very important role. Interim arrangements have been put in place for an acting CEO at

Defence SA while we take steps to find a permanent position. The acting CEO is Ms Julie Barbaro. She will not be an applicant for the permanent position.

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: Well, calm yourself down; there's plenty of time for another question if you'd like to ask one, leader.

Mr Knoll interjecting:

The SPEAKER: The member for Schubert is very close to departing.

The Hon. M.L.J. HAMILTON-SMITH: You don't need to demonstrate to everybody here that you're on top of things. I'm answering the member for Stuart's question, alright? I'm arranging with the commissioner for the public sector, Ms Erma Ranieri, to go through a process which is already underway to identify a new permanent CE for Defence SA, and I hope that that process will be complete within around eight weeks, and I'd be more than happy to elaborate on that during budget estimates, if you'd like to pursue it.

Mr VAN HOLST PELLEKAAN: Supplementary, sir.

The SPEAKER: Well, that's five supplementaries by my count. So, can we have another question from the member for Morphett?

COUNTRY FIRE SERVICE

Dr McFETRIDGE (Morphett) (15:01): We certainly do, sir. My question is again to the Minister for Emergency Services. Did the minister issue a ministerial directive to the SAFECOM board to investigate the provision of additional equipment to Mount Barker CFS and will he table that ministerial directive?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:02): I thank the honourable member for his question. I think he's asked me this question before in a slightly different way, and the answer is no different, though.

Dr McFetridge interjecting:

The Hon. A. PICCOLO: Well, the answer is no different. The answer is no I did not give a direction. Certainly, the minutes of the board, which are public documents, I understand, indicate that I did raise it at a board meeting. I raised it, and that's what the meetings show, and there was a discussion at board level after I left the meeting at which the board made a decision about what they would do. End of story. They're in the minutes.

Dr McFETRIDGE: Supplementary, Mr Speaker?

The SPEAKER: I should say in response to an earlier question, the Minister for Defence Industries shouldn't refer to a minister by his surname; he should be referred to by his portfolio. The member for Florey.

ABORIGINAL SCHOOL ENROLMENT AND RETENTION RATES

Ms BEDFORD (Florey) (15:02): My question is to the Minister for Education and Child Development. What are the latest Aboriginal enrolment and retention figures at public schools?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:03): While acknowledging that there is a great deal more work to be done, including on the APY lands, I had a very interesting conversation over the weekend with a teacher on the APY lands about ways in which things are improving there but still have a long way to go. Nonetheless, overall, the results for Aboriginal students are pleasingly going in the right direction. In fact, over the last decade there has been a significant improvement in the number of students enrolling.

I will give you the specifics. For state schools, in 2005 there were 7,000 Aboriginal students and in 2014 there were 9,700. For preschool students, in 1999 there were 869 and in 2014 there were 1,642, which is not far off a doubling. It is an extremely important part of what we're looking for

with any disadvantaged community, and in particular with Aboriginal students, that engagement early, ideally before official school starts, will give them the best possible opportunities to participate well in school and to keep up and learn and then to graduate.

There are two strategies that we've employed to work with Aboriginal communities and with our schools. One is to work very strongly with the parents, to engage with the parents in the ways in which they can assist their children to engage actively in their school and education. We have a program called Starting Out Right which involves quite intensive discussions with parents.

Another way in which we have worked on improving the outcomes for Aboriginal students is to work on the school environments themselves to make them 'culturally competent', as the terminology is, to make them inclusive. For example, at the moment we have 12 homework centres for Aboriginal students, where they can stay after school or during lunchtime and work on their school work and get that extra attention. That is an excellent strategy.

In all we have now an 85 per cent retention rate for Aboriginal students. We still haven't entirely closed the gap, as we are all trying to do in all our areas, but that is a significant improvement and I am pleased to see it. I would like to congratulate the teachers involved, the SSOs involved, particularly the Aboriginal education workers, the parents, the leaders in the Aboriginal community and the Aboriginal students themselves for these pleasing results.

SAMPSON FLAT BUSHFIRE

Dr McFETRIDGE (Morphett) (15:05): My question is again to the Minister for Emergency Services. How much is the investigation by Kingswood Investigations into the minister's visit to Sampson Flat costing, and is this money coming out of the CFS budget via the ESL?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:05): The actual cost I don't know. It wasn't commissioned by my office: that inquiry was commissioned by the chief of the CFS.

Mr Marshall: But it's coming out of your budget.

The Hon. A. PICCOLO: Let me finish the question for once. At the outset, the request for the investigation was a demand made by the CFS Volunteers Association, so if the member for Morphett is saying that the investigation shouldn't take place he should say so because the investigation is at the request of the volunteers.

In response to that, the letter went to the CFS chief officer to undertake an inquiry. Because the CFSVA then subsequently were not happy for him to do that, when the CFS chief officer contradicted public remarks made at the time about an incident, he then asked a colleague in the sector to undertake the inquiry. That person, who is the chief officer of the SES, went to crown law for advice, and crown law advice has directed the chief officer to undertake the Kingswood investigation. That investigation is being done at the direction of volunteers in the sector and ultimately the cost will be picked up by the sector.

MARINE PARK SANCTUARY ZONES

Mr GRIFFITHS (Goyder) (15:07): My question is to the Minister for Regional Development. Can the minister update the house on the preliminary findings of the research being undertaken for the impact statements examining the government's marine park sanctuary zones on communities?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:07): I will take that on notice to refer to the Minister for Environment.

REPATRIATION GENERAL HOSPITAL

Mr DULUK (Davenport) (15:08): My question is to the Minister for Health. Does the minister accept that if the government proceeds with its plan to close the Repat Hospital, this will mean that Ward 17 will need to be co-located with an acute hospital elsewhere? The expert advisory panel for the new Centre for Excellence for Post-Traumatic Stress Disorder has decided, as reported in its 27 May newsletter, that the new model of care for PTSD must include an inpatient component.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:08): I am yet to receive formal advice from that committee, but certainly it would be very difficult (if the acute model is the model that they go for) for it to continue at Daw Park. But I am waiting for advice from them, and I imagine that that advice will be coming to me shortly.

The SPEAKER: Supplementary, member for Davenport.

REPATRIATION GENERAL HOSPITAL

Mr DULUK (Davenport) (15:09): So at the moment there is no plan to go along with the advice and put it into another hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:09): Well, I've got nothing to add to what I have previously said publicly, and that is that the committee is doing its work. I haven't received any formal advice from it as yet, but when I do you will be one of the first to know.

REPATRIATION GENERAL HOSPITAL

Dr McFETRIDGE (Morphett) (15:09): Supplementary to that, can the minister rule out moving Ward 17 from the Repat to the Glenside Hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:09): No, I can't.

LYELL MCEWIN HOSPITAL

Dr McFETRIDGE (Morphett) (15:09): My question is to the Minister for Health. Given that yesterday afternoon the Lyell McEwin Hospital intensive care unit was accommodating 50 per cent patients more than its capacity—150 per cent capacity—can the minister advise the house whether the hospital's recovery area was used as overflow and, if so, how many surgical procedures had to be cancelled because of the lack of recovery spaces?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:09): Certainly, our hospitals have been very busy over the last few days. As I have said, we have had a very bad start to the flu season. Generally, the end of the week is not too bad for our public hospitals, but even on Friday we had a bad day at the Flinders Medical Centre. Mondays are always a very busy day in our—

Mr Marshall interjecting:

The Hon. J.J. SNELLING: We are having death rattles from the Leader of the Opposition. We have had death rattles from the Leader of the Opposition all question time, and the death rattles will continue, no doubt, for many months to come. I must say, those death rattles from the Leader of the Opposition for me are very reassuring. I love those death rattles from the Leader of the Opposition.

Ms CHAPMAN: Point of order.

The SPEAKER: I take it the deputy leader is objecting to the quarrel between the leader and the Minister for Health?

Ms CHAPMAN: And the question of relevance. Given that advice about death rattles, you would hardly want to be lining up to his hospitals.

Members interjecting:

The Hon. J.J. SNELLING: Frivolous and half-hearted canned laughter from the opposition, but not a bad go.

Mr Marshall interjecting:

The Hon. J.J. SNELLING: A fetid carcass waiting for the member for Stuart to come and cut him down. It is almost comical, Mr Speaker. There is no doubt we have been very busy in our

hospitals over the last few days, and all the signs with the beginnings of a very bad flu season are ominous. With regard to particular locations, I am more than happy to have a look at that and get back to the house with a report.

The SPEAKER: There was a great deal that was out of order in the deputy leader's point of order, the leader's interjection and the minister's answer.

WOMEN'S AND CHILDREN'S HOSPITAL

Dr McFETRIDGE (Morphett) (15:12): My question is again to the Minister for Health. Does the minister consider that the emergency power supply at the Women's and Children's Hospital is adequate, given that the opposition has been advised that the surgery of at least one child was cancelled recently after that child had entered the operating theatre?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:12): Certainly I have received no advice to say that there were any problems with the backup generation at the Women's and Children's Hospital. It operated exactly as it was meant to.

Grievance Debate

GOVERNMENT PERFORMANCE

Mr GARDNER (Morialta) (15:12): Thank goodness for small mercies. A government with absolutely no idea what they are doing, with the support of about one in three voters in South Australia, entering their second year—a year when the Premier said that we would have our socks knocked off by the boldness of their policy agenda.

Thank goodness they had a policy agenda to look at, and that is the policy agenda put forward by the Liberal Party at the last state election—not only in refunding Education Adelaide have we seen the government support Liberal Party policies; not only in supporting body-worn cameras for our South Australian police, which is going to be in tomorrow's budget; not only in restoring pensioner concessions on council rates—a strong Liberal policy announced by the Liberal Party a long time ago; not only in agreeing that Adelaide High School's ideal site was not on the Royal Adelaide Hospital site; not only in agreeing that CFS volunteers should have cancer compensation; and not only in keeping emergency services sectors separate, rather than a ridiculous reform process put in place by the Minister for Emergency Services.

Today, we have seen the latest in a tranche of Liberal policies gratefully grabbed by the Premier and the government in their desperate search for relevance: abolishing the River Murray levy on residential households—Liberal policies that this government should be grateful for because what else have they got going for them? But can I suggest to the government, with 24 hours until we see the budget handed down, that there are some other things that they should do if they want to rescue the South Australian public from the extraordinary consequences of 13 years of dreadful misadministration.

Can I suggest to the government: let's start with tax reform. Let's start with the tax reform that the business community in South Australia is so desperately calling for, payroll tax reform, land tax reform. The Premier went out before the election to talk about how they were supporting small businesses. The Treasurer went out after the federal budget thanking the federal government for its small business tax reform, yet when does the tax reform and the tax relief that the South Australian government has given the small business sector run out? Very, very soon. Tomorrow, we need to see more relief for the small business sector through payroll tax reform.

Can I suggest to the government that the commissioner for children, with investigative powers, is an urgent measure that must be brought into place as soon as possible. It was a recommendation of the Layton report in 2003, something that is desperately needed in our child protection sector for an extended period of time. It was something promised by the member for Wright (as the minister) before the last election. The legislation was not even introduced until last year and now it is nowhere on the *Notice Paper.* Can I suggest to the government that separating child protection from the education department is a critical Liberal policy that this state desperately needs.

Just while we are on the education sector, we might as well look at moving year 7 into high school, as it is in every other state in Australia, which is so important for improving our NAPLAN results. Can I suggest to the government that reducing red tape for the small business sector is critical, as is capping council rates for the cost of living. A cap on council rates to CPI level for South Australian households is desperately needed. These sorts of suggestions will actually improve the quality of life for all South Australians, and the government, in tomorrow's budget, must respond to some of them. However, one issue is critically important, and that is infrastructure.

Before the last election, there was in fact a Labor government policy which we supported. We supported it before the last election and we support it now, but it is the Labor Party that decided to abolish the upgrade of the Paradise Interchange. At the moment, we are spending $160 million on a project that will save an average of seven minutes in the average transport commuter time in a whole day. Seven minutes and it is costing $160 million. As one of the very few members of the house—if not the only member, apart from the member for Hartley—who actually uses the O-Bahn bus service on a regular basis (almost every sitting day), I spend more time walking from my car to the O-Bahn bus service at the Paradise Interchange than is going to be saved by the $160 million tunnel that the government is proposing to go ahead with.

For $7 million the government was going to build a new interchange at Paradise. In 2012, long before the car park tax that the government keeps using as its excuse as to why it cancelled the upgrade, the member for Florey, in response to my motion in the house, announced that Paradise was going to be upgraded. In response to my petition from 1,100 residents that I and the member for Hartley collected—even though the member for Hartley was not even in parliament at the time—the member for Florey said of the Paradise Interchange:

> The department has also sought, through a public tender, concept design of Paradise…to:
>
> - improve passenger loading times;
> - improve accessibility…
> - improve access to and exits from the interchanges to the adjacent road network; and
> - improve commuter bicycle and car parking capacity.

That was what the government promised in 2012, well before the budget and well before the car park tax. Tomorrow, it is time for the government to come good on its commitment for the Paradise Interchange.

BOWEL CANCER AWARENESS

Ms BEDFORD (Florey) (15:17): Today, many of us are wearing ribbons and apple badges to promote bowel cancer awareness. June is Bowel Cancer Awareness Month. Today, 17 June, is Red Apple Day, when green and red ribbons are sold to raise funds for research. One in 12 Australians will be diagnosed with bowel cancer during their lifetime, and every week 77 people die from the disease.

Many of us will have held events for Australia's Biggest Morning Tea in aid of the Cancer Council of South Australia in what has become an annual tradition. At the Florey EO, we hosted both a morning and an afternoon tea, and I would like to thank my staff for baking and co-hosting on the day and the many schools, community groups and clubs that attended.

Cancer, in any of its forms, has touched all of us in one way or another. While there seems to be many triggers and factors, healthy living and eating is one way all of us can hope to live a cancer-free life. Keeping a healthy weight is vital. Obese women have a 40 per cent higher risk of developing at least one of seven types of cancer in their lifetime.

Cancer Research UK, referred to by *The Advertiser* in an article by Jenny Hope on 18 March this year, tells us that the seven cancers are: bowel cancer, postmenopausal breast cancer, gallbladder cancer, womb cancer, kidney cancer, pancreatic cancer and oesophageal cancer. Statistics show that obese women have around a one in four risk of developing a cancer linked to weight in their lifetime. In a group of 1,000 obese women, 274 will be diagnosed with a body weight-linked cancer in their lifetime, compared with 194 women diagnosed in a group of 1,000 healthy weight women.

There are different ways obesity could increase the risk of cancer, and I am sure it is the same for men. One possibility is that it is linked to the production of hormones by fat cells, especially oestrogen in women, which is thought to fuel the disease. About 12 per cent of postmenopausal breast cancers are blamed on obesity. It is the highest number of cases linked to obesity because the cancer is so common.

Last year a study in the UK found that women were at double the risk of getting the disease because of their weight compared with men. Researchers said 8.2 per cent of all cancers in women in the UK are caused by being fat. The study found 4.4 per cent of all cancers in men were due to obesity. Dr Julie Sharp of Cancer Research UK said:

> Losing weight isn't easy, but you don't have to join a gym and run miles every day or give up your favourite food. Just making small changes that you can maintain in the long term can have a real impact. We know that our cancer risk depends on a combination of our genes, our environment and other aspects of our lives, many of which we can control—helping people understand how they can reduce their risk of developing cancer in the first place remains crucial in tackling the disease. Lifestyle changes—like not smoking, keeping a healthy weight, and cutting back on alcohol—are the big opportunities for us all to reduce our cancer risk. Making these changes is not a guarantee against cancer, but it stacks the odds in our favour.

Our concerns for men's health—prostate cancer, in particular—are paramount, and I commend the work of the Florey Medical Centre in this field. Health checks are an important first line of defence and save lives. It is time to renew my call for multigrain and wholemeal breads to be on offer at the thousands of community sausage sizzles all over South Australia, and indeed Australia, every weekend.

Of course, fresh seasonal fruit and veggies are always best. Choosing from the food groups is an important habit to foster from childhood. I always ask children their favourite vegetable because mine is broccoli and it usually elicits a laugh. If you are what you eat, I have two recent articles that are worthy of note. On 27 April this year an article by Giles Sheldrick talks about a breakthrough in research into back pain suffered by millions of people and the way we could look at new ways of preventing this agony. Analysis shows that the rapid development of the human race learning to stand on two feet left us very vulnerable to slipped discs. The article goes on:

> Back pain is one of the most common health issues—but for decades the cause of rapid deterioration was unknown. Medics thought it was simply age making our discs less flexible. Now it is thought there may be a link between walking upright and back problems.

Another article on the same day in the *Daily Mail* is about broccoli and the fact it contains the compound sulforophane which is known to block the inflammation and damage to cartilage associated with the condition of arthritis. However, patients would have to eat more than five pounds of broccoli a day to derive any significant benefit, so luckily they are working on a new synthetic compound that offers the potential of treatment.

While fresh is best, this capsule will become an option for us in the future. Sulforadex, which is the drug, significantly improves bone architecture, gait balance and movement. The research goes on to say that the initial results are very positive. Broccoli is also believed to reduce the risk of some cancers and cardiovascular disease and improve symptoms of autism. In another study carried out by the University of Pittsburgh it was found that it could be used to prevent throat cancer as in laboratory tests, extracts from broccoli were shown to give mice protection against oral cancer—

Ms CHAPMAN: Time!

Ms BEDFORD: —so I urge you all to eat more broccoli.

The SPEAKER: I uphold the deputy leader's point of order.

Time expired.

FOSTER CARE

Ms SANDERSON (Adelaide) (15:23): I would like to put on the record the personal story of a foster carer in South Australia, so I will be reading from her notes as follows:

> Issues regarding the lack of services and support for my foster child who has high and complex needs.

1. When my foster child first began to abscond and associate with others whilst roaming the streets day and night, the response from agencies involved was that he was being irresponsible and making bad choices and he would either end up being hurt or being caught for offending. When I could no longer cope with these behaviours, my foster child was placed in a residential care facility and community care accommodation for 5 weeks after which he returned to my care in a very traumatised state. He had been physically hurt in at least one incident, was now using more dangerous drugs, and was in trouble for offending.

At the point when my foster child first began absconding putting himself at risk, a comprehensive risk assessment should have been done with the option of being placed in a therapeutic treatment facility with a plan in place to focus on placement stability and family therapy. My foster child was presenting with behavioural and emotional problems consistent with what might be expected with a diagnosis of having a Reactive Attachment Disorder, but there were no specialised and intensive treatment options for him.

2. My foster child continued to deteriorate in terms of his mental health problems, substance use issues and offending and was eventually placed in a correctional facility for six weeks to allow for a psychological and psychiatric assessment to be conducted. In this facility my foster child tried to self-harm and when he returned home he was once again even more disturbed, troubled and traumatised and was at high risk of harm and exploitation.

My foster child should not have been placed in a correctional facility to be assessed. He should have been placed in a therapeutic treatment facility and provided with therapeutic treatment which would also focus on supporting his placement in family based care.

3. After nearly two years of trying to support my foster child without the intense and specialised therapeutic treatment he needed, his placement with us broke down. He lived away from home for three months and during that time was homeless for one month, returning to my care once again when he had nowhere else to go and contacted me late at night in a very emotional and traumatised state asking to please come home. Since that time I have been asking for specialised family based therapy, as my foster child knows he is not ready for independent living and is very insightful and articulate about the problems he would experience in supported accommodation and an independent living situation, which is the current plan developed by Families SA and supported by the psychologist.

My foster child and I must receive the support, respect and services we need so that he can live with our family until he is stable and healthy enough to live independently. Common sense should indicate to all parties concerned that any 16-17 year old would struggle to live in supported accommodation or independently, let alone a young person who has serious behavioural and emotional problems, substance use issues, no continual mainstream high school education beyond year 8, and is easily influenced by undesirable people and groups in the community.

Final comment

It is my view that the current system is failing to meet the needs of severely traumatised children and young people in care, who have multiple and complex needs, because the specialised and intensive services they need have not been recognised, developed and implemented.

To fully address the situation the following actions need to be taken:

- Professionalising the foster care program.
- Developing and implementing national standards and training.
- Having specialised family based therapy available for foster children/young people and their foster carers.
- Providing children/young people with specialised, time limited and intensive therapeutic treatment facilities and therapeutic post care options, with the aim of supporting family based placements.
- Providing children/young people with specialised educational day programs which are therapeutically based to assist them with behavioural and emotional problems.

I put that on the record on behalf of one of my foster parents and there are certainly many more stories similar to this and even more alarming that are going on in South Australia. Thank you.

RECYCLED WATER

Ms VLAHOS (Taylor) (15:28): I rise today to speak about a very important issue to the horticulturalists in my electorate and the state: access to water. The Northern Adelaide Plains region has the largest concentrations of horticultural activities in southern Australia and adds around $350 million to the economy of South Australia. The horticultural growers in the region are broken into two main production groups from around 3,000 grower businesses, with 1,300 of these being glasshouse/polyhouse production systems and the remainder being broadacre vegetable growers and orchardists.

All of this activity relies on a strong background of water infrastructure, whether that be through the mains system, rainwater capture, the Bolivar pipeline system of recycled water or using

groundwater from the local aquifers. We are very lucky to have high quality water in our aquifers, water that many horticulturalists take advantage of for commercial and residential purposes in the Northern Adelaide Plains.

However, the growing region has capacity to expand beyond the areas south of the Gawler River, but in order for this to happen recycled water pipelines need to be extended further north to open up new land to horticultural production. Local growers in the area, including industry group Hortex Alliance, strongly support the development of existing pipelines in the Northern Adelaide Plains. It is an issue I have advocated for my constituents in the past and will do so in the future. You only have to go and have a coffee at Goldie's Café in Virginia and listen to local chatter from local farmers and businesses to hear what they think of the issue.

Our horticulture industry is growing at a very robust pace. There are great signs of hope. There is a long-term strategic goal to grow the industry's farm gate value from $350 million to $500 million. Minister Bignell has recently sent letters to federal agriculture minister, minister Barnaby Joyce, to seek the commonwealth's support for this $170 million project, and I will do the same on behalf of my constituency.

This project has the capacity to create more productivity, more jobs and more opportunities in the Northern Adelaide Plains at a time when all of these things are very much required. It is a proposal that is based on proven business models and established technology. There is even potential locally, nationally and internationally for investors interested in the proposal to get involved. All of this ties in particular to the government's 10 economic priorities, such as priority 2, to have premium food and wine produced in our clean environment and exported to the world, something many growers in my electorate are actively doing, but wish to do more of.

An expanded water recycling system would also fit within the South Australian government's recently released directions paper, 'A shared vision for northern Adelaide', which highlights the potential for growth and employment in the region after the automotive industry exits.

MAGNA CARTA

Mr DULUK (Davenport) (15:31): I rise today to celebrate this week being the 800th anniversary of King John, under duress of the English barons, putting his royal seal on Magna Carta. John is said to be one of the worst kings that England has ever had. He was cruel, disloyal, dishonest and prone to violent rages. His disloyalty to his subjects was the worst trait in my opinion. Those who do not give loyalty cannot ever expect to receive it in return. English monk Matthew Paris in 1235 wrote of King John: 'Foul as it is, hell itself is defiled by the fouler presence of John.'

So how did such a bad king come to be associated with such a great document? British member of the European parliament, Daniel Hannan MEP, described the Magna Carta as the Torah of the English-speaking people. To quote Hannan, it is 'the text that sets us apart while, at the same time, speaking universal truths to the human race'.

History teaches us that the most important lesson from Magna Carta is that the executive must be restrained by law. In Latin, the saying, 'rex lex' meant 'The King is the law.' Until Magna Carta, this was the case throughout England. The King had unfettered power to do whatever he liked with any person's life, liberty or property. Magna Carta had the effect of reversing this, so that the Latin became 'lex rex', 'The law is king.' The rule of law is what separated England from her continental peers and allowed her to grow.

From the rule of law, all other rights have flowed. Once you establish that the king himself, the most powerful man in the land, cannot do whatever he wishes, but must respect contracts that he has signed and agreed to be bound by in his dealings, then from that flows freedoms such as the non-arbitrary use of power, habeas corpus and the right to trial by jury.

Importantly, when the barons cornered John at Runnymede they made it clear that what they requested in Magna Carta were not new rights, but ancient liberties that all Englishmen held as their birthright. Liberty is not something distributed from above by a government or a human rights commission. As Thomas Jefferson put it:

> Rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add 'within the limits of the law' because the law is often the tyrant's will and always so when it violates the rights of the individual.

I believe the most important clause from Magna Carta is clause 39, which states:

> No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled or deprived of his standing in any way, nor will we proceed with force against him or send others to do so, except by the lawful judgement of his equals or by the law of the land.

'Lawful judgement of his equals', and especially 'the law of the land', are the beautiful expressions which sum up how the jury system and the law operates, not only in this country, but in all English speaking countries. The law of the land is not what the government arbitrarily decides it is on a particular day. It is a greater force than any one person or judge, and it is one of our strongest safeguards against tyranny. The common law as it has built up over centuries of case after case is a stronger guard of liberty than any code or human rights declaration that can be found in any other legal system. The jury system is another essential part of Magna Carta. Placing legal power in the hands of ordinary people in the form of juries is the greatest embodiment of the trust and high regard that we can place on our society.

I have touched a bit on what Magna Carta has meant to the past and I would like to end on what is really important—and that is, of course, the future. The price of liberty is eternal vigilance so, as members of this parliament, we are the guardians of liberty and must be watchful and stop those who come into this place and little by little erode the liberty of South Australians.

The bossy nanny staters of those opposite are the great danger to freedom in South Australian society today. Whether it is by borrowing billions which they never intend to repay, increasing the burden of state taxation to the highest levels in the nation, selling public land and assets without proper tender process or by introducing laws which trample over the fundamentals of liberty—the list goes on—it is clear that the Labor Party in this state is an anathema to liberty.

REFUGEE WEEK

Ms WORTLEY (Torrens) (15:35): I rise today to speak about Refugee Week, first celebrated in 1986, and scheduled every year to coincide with World Refugee Day. Refugee Week here in Australia has already begun and will conclude with Refugee Day to be observed globally on 20 June 2015. In my former role and now, as a member of this parliament, I have attended and addressed countless citizenship ceremonies and, on these occasions, some of those receiving their citizenship were refugees who had fled their homeland due to a well-founded fear of being persecuted for reasons of race, religion or nationality.

Today I reflect on the journeys and aspirations of these new citizens when I consider Refugee Week, which serves as a way of raising awareness about the many issues impacting on refugees. Its theme this year is 'With courage let us all combine', words drawn from the second verse of our national anthem. This theme acknowledges the courage of refugees as they leave families, friends and homes, perhaps forever, to flee conflict, religious or political persecution and injustice, in search of a better life for themselves and their children.

It encourages us to give a warmer welcome to refugees and to acknowledge the skills and ingenuity, the energy and creativity, and the sheer imagination they bring to our community. These are undoubtedly the characteristics of people who make and carry out the extraordinary decision to step into the unknown, to keep going in adversity and sometimes despair, and to start all over again, work hard and create a new home where they can live in safety and peace.

Refugee Week also provides an opportunity to acknowledge our refugee leaders and advocates and, importantly, those many compassionate Australians who work most quietly and often without recognition to give comfort to refugees and to help them settle into their new lives. In my electorate of Torrens I shine a light on Wandana Community Centre and its manager, Rille Walshe, and her volunteers, who work tirelessly with refugees in the community.

Finally, this global observance invites us to consider the many positive contributions made to Australian society over the past several decades by the 800,000 plus people who were once refugees and who sought our aid in their time of need. Among them are people like:

- Ahn Do who arrived by boat from Vietnam as a child. He is the author of *The Happiest Refugee*, the 2011 Book of the Year, and an Archibald Prize finalist. He is also the brother of Khoa Do, film director and Young Australian of the Year in 2005.
- Tan Le, a refugee from Vietnam, now a technology entrepreneur and co-founder of Emotiv, which specialises in electroencephalography headsets.
- Les Murray, the eminent sports journalist and soccer broadcaster whose parents came to Australia under the Hungarian refugee assisted scheme.
- Sir Gustav Nossal, a distinguished research biologist, esteemed for his contributions in the areas of immunological tolerance and antibody formation, and a former Australian of the Year. His family fled Vienna for Australia following the Nazi annexation of Austria.
- Frank Lowy, a Holocaust survivor and now founder of the world's largest shopping centre group and a significant contributor to our economic and cultural life.
- The Hon. Tung Ngo in another place.
- Our Governor, His Excellency Hieu Van Le, who arrived by boat from Vietnam in 1977 with his wife, Mrs Lan Le, and who is now our highly regarded vice-regal representative who has done so much for our community in South Australia.

As His Excellency noted with typical modesty when he took up his new role:

I arrived here 36 years ago with nothing but an invisible suitcase filled with dreams to live in a peaceful, safe and free country to live a meaningful and fulfilling life.

And is that not what each of us aspires to do for ourselves and our families? Of course, there are thousands of other stories we will never hear—stories of refugees who fled from fear, conflict, persecution and injustice but who survived and worked hard and who are so happy to have a second chance.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before I proceed I would like to acknowledge the presence earlier today in the gallery of a group of representatives from the Australian Nursing and Midwifery Federation ambassador program who are guests of the member for Ashford.

Bills

WATER INDUSTRY (THIRD PARTY ACCESS) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

STATUTES AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL

Committee Stage

In committee (resumed on motion).

Clause 2.

The CHAIR: We need to find someone. We are looking for her now. There not being a quorum present, ring the bells.

A quorum having been formed:

Clause passed.

Clause 3 passed.

Clause 4.

Ms CHAPMAN: This is the commencement of the clauses which provide for the implementation of the new participation offences based on a declaratory process by the executive.

The current act under the Criminal Law Consolidation Act provides for participation in a criminal group or a criminal organisation as an offence, and in that, which is in the current section 83D, it makes provision for a criminal group or a declared organisation as being the two categories that form the basis of what under our current law would be defined as a criminal organisation. In respect of the criminal group, it is a group of two or more persons if, in short, they have an aim or activity to engage in committing serious offences of violence (I am summarising that) and, secondly, an aim or activity in facilitating the engagement of serious offences in a similar vein.

We know, Attorney, no application has been lodged under the current court procedure seeking a declaration of an organisation for the reasons which have been referred to in the debate. My question is: have any charges been brought in respect of there being participation in a criminal organisation within the meaning of a criminal group?

The Hon. J.R. RAU: The short answer is I do not know. That would be a matter for SAPOL. I can ask the question of them, but I make the point that they have been here and available for briefings and they have been available to answer these questions, but I will convey that question to them.

Ms CHAPMAN: I would not be getting too cute, Mr Attorney, about the question of its availability. We have had 10 days to deal with this and, whilst the police have been available to deal with a number of issues, the capacity to be able to go through line by line in respect of these outcomes has not been available, and I just place that on the record, unless we spent day and night for the last week. Clearly, we cannot do that and nor can they, so please refrain from that sort of remark.

The CHAIR: Order! I will do the ordering. Perhaps if we just get to a question.

Ms CHAPMAN: It is a request.

The CHAIR: Could we just get to a question.

Ms CHAPMAN: It is a request I make.

The CHAIR: Could we get to a question, please.

Ms CHAPMAN: In not being able to tell the committee how many, would you make that inquiry and make it available between the houses?

The Hon. J.R. RAU: I said yes.

The CHAIR: Okay, third question.

Ms CHAPMAN: In respect of the current legislation, the definition of 'participating', which is slightly different from 'participant' under the new model, is clearly more restricted. What is the basis of extending the definition of participation to include in the new participant clause those who seek and/or are associated, which is under paragraph (c) (again, I'm paraphrasing it) and also those who attend one or more gatherings?

The Hon. J.R. RAU: I do not understand how these questions, particularly the latter one, are pertinent to subclause (4), and I am struggling to find the section to which the member for Bragg is referring.

Ms CHAPMAN: If you consider part 3A and part 3B of the Criminal Law Consolidation Act, they relate to offences relating to public order and offences relating to a criminal organisation, which currently set out the law in respect of disorder and participation, if I can again generalise. Section 83D under part 3B sets out the current regime, for definition purposes, as to what is a criminal organisation and also participation. On the participation aspect, in subsection (1)—

The Hon. J.R. RAU: This is why I am confused. We are actually on clause 8 now.

The CHAIR: No, we are on clause 4, but we are roaming between clauses 4 and 5, talking about section 83D.

Ms CHAPMAN: Yes, I am talking about what is about to be removed, rather than the new section 83G. If I can just go back to the current act, in respect of the definitions, 'participating' is outlined in the definitions in 83D(1). Under our new regime, which is about to come before us in the

next clause, there is a more extended definition. My question essentially is: what is wrong with the current definition of participant, which is actually defined in the verb of participating?

The Hon. J.R. RAU: There are two things. First of all, if I am understanding what is being asked presently, I am actually being asked why clause 8 under the definition of 'participant' is proposing something different to the existing wording of 'participant'.

Ms CHAPMAN: Yes.

The Hon. J.R. RAU: Okay, so the answer to that is, and this is why I was confused because I was not comprehending this to be a question about clause 8 which in fact it is.

The CHAIR: I am looking at clause 4.

The Hon. J.R. RAU: That is okay; it just means we are getting to clause 8 more quickly. That is okay. There are two answers to that proposition. The first thing is that the current wording is an inclusive but not exclusive model, whereas this is an absolutely exclusive model. In other words, 'participant' means these things, nothing more nothing less, whereas the present model says 'participant includes the following' without any limitations, so this is actually a tighter definition.

The second point is this definition is actually reflective of the definition, or a copy indeed, of the definition that was used in the Queensland legislation because in as much as we have been able to do so, we have attempted to replicate that so as to be entirely faithful to my comments back some time, that we would be picking up the elements of the Queensland legislation and replicating it.

Clause passed.

Clauses 5 to 8 passed.

The CHAIR: Clause 9. We have amendment No. 1 standing in the Attorney's name and we are going to move amendment No. 1 to clause 9 as printed.

Ms CHAPMAN: I thought we had done 1 to 7.

The CHAIR: No, I said 1 to 8.

Mr WILLIAMS: One to 8 inclusive?

The CHAIR: That is what 1 to 8 usually means, yes.

Mr WILLIAMS: In that case, can I move that we resubmit that clause for further consideration because I think most of the questions arising out of this bill will be with regard to clause 8.

The CHAIR: I was very clear with what I said. Is the committee willing to—

The Hon. J.R. RAU: Yes, but I thought we had dealt with 8 under the heading of 4 a moment ago, but if there is more on 8, fine.

The CHAIR: Well, if you have questions, but it is important that we all listen because we were talking about clause 8 at the end. So we are going to resubmit clause 8.

Clause 8.

Mr WILLIAMS: I have a number of questions on this and my principal concern with the whole bill arises in clause 8. My glasses are currently being repaired so I am struggling to read what is on the paper. The definition of 'criminal organisation' concerns me because there does not appear to me to be a process where evidence is gathered, tested and then a judgement made.

It seems to me that the declaration of a criminal organisation follows a process where maybe one or two people are charged with the decision. We had a significant briefing from senior police a couple of days ago and it seems that, although the regulation-making process might be subject to parliamentary scrutiny, certainly the basis for making the declaration in the first place and with respect to the evidence which was presented to yourself as the Attorney-General, we were told the full evidence would not be made available to members of parliament who may be undertaking that scrutiny.

My question to you is: how can the parliament be assured that mistakes will not be made? I remind the minister that he has tabled a number of amendments to some of the schedules to this bill because mistakes were made by the police—the very same people who would be assembling the evidence to present to you on which you would make a decision and then have the Governor make a regulation. But the parliament, which may wish to scrutinise that regulation and maybe disallow it, would not have the opportunity to view that evidence even if it were qualified to do so.

The Hon. J.R. RAU: It is obviously a reasonable question. I will do my best to respond to that. The first part of it is this: there are two separate categories of classification that are contemplated by this bill. The first class is the group of organisations and places which are mentioned in the bill, and therefore would be, in effect, prescribed by the parliament as a whole. In respect of those, I have sought to provide members with as much as I possibly can, by way of briefing and opportunity to ask questions of SAPOL. I do not think there is much more I can say about that, other than to obviously say to members that I personally am satisfied that these are both organisations of criminals and criminal organisations.

That then leaves what happens in the future. What happens in the future is to be dealt with by way of regulation. What I would say about the regulation-making power is this: the power of the minister to make a recommendation to the Governor is not open ended, and that power is contained within subsection (3) of the new proposed section 83GA, which appears on page 5. That says:

(3) The Minister may, in deciding whether to make recommendation for the purposes of [a declaration], have regard to the following matters:

I will not read them all out, but it sets out a number of various matters which point in a direction. The other thing is, of course, that it is not contemplated that the minister will be pulling these names out of thin air but will be responding to requests from SAPOL.

To put it another way: we have a SAPOL-initiated suggestion to the minister that the minister consider recommending to the Governor that a regulation in a certain form be made. The minister is obliged to turn his or her mind to subsection (3). The regulation might or might not then be something cabinet agrees to allow to go forward. If that happens, there is a power in the parliament to disallow that.

If it was not disallowed by the parliament, it is my view—and subject to anything I am about to hear from somebody immediately to my left—I think it must be the case that, because there are criteria set around the regulation-making power, that would be a reviewable matter, in a sense. So, there is judicial review capable of that. I think that covers off most of it.

The other point that was made by the member for MacKillop, which is an important point, touches on something which is very difficult, which is basically intelligence. Intelligence is not, by definition, evidence. It might point you towards evidence, it might assist you in seeking evidence out, but it is not necessarily in and of itself evidence; in fact, almost exclusively not.

Also, intelligence itself falls into a number of subcategories. For example, you may have intelligence which is the product of listening devices. You may have intelligence which is the product of concealed cameras, or whatever the case might be, and you may also have intelligence which, most sensitively of all, is sourced from a human source. In those circumstances, obviously the revelation of even the existence of that intelligence potentially places that human source at risk, because the dots can be joined back to 'well, how did they know that?' There are only a certain number of people who would have been in a position to give that advice over; therefore, by process of elimination, getting it right or wrong, you can lead to some very unsavoury outcomes.

I think what we have to be prepared to say is that the minister of the day must have regard to these items which are set out there. They must rely on the recommendation of the police. They cannot initiate the thing without the police agitating the proposition. I take the point that the member for MacKillop is making: that just because the police agitate a point does not necessarily mean it is conclusively good enough, and there does need to be an independent mind brought to it. All I can say is that the checks and balances to that in order are: number one, the minister is expected to make their own reasonable inquiries to satisfy themselves, and number two, the minister has to take the recommendation to the cabinet in order to receive permission for Executive Council to consider

the matter. Then, after all of that has gone by, there is still the capacity of the parliament to disallow the regulation if it is not comfortable with it, or for any other reason.

Finally, if the regulation does go through, then a person considering themselves to be aggrieved by this would be in a position where they could take judicial review proceedings on the basis that the minister had no reasonable grounds for making the regulation. Yes, that is more complicated than some alternatives, but this legislation needs to provide for the capacity for things to be modified according to changing circumstances.

Mr WILLIAMS: Minister, I have to say that you have not allayed my fears. You said in your response to my inquiry that the minister 'must take into account', whereas subsection (3) of 83GA provides that 'the minister may'. It does not say the minister must do anything, it says 'the minister may'. Then it goes on to say that the minister may 'have regard'. It does not mean that the minister must actually fulfil the criteria that is set out underneath. It does not say there that the minister will only act on information brought to him by the police. It says 'any information suggesting a link exists'. It could be brought to you by your neighbour down the road, according to the bill. I am most concerned about subparagraph (e) where it provides, 'any other matter the minister considers relevant.'

Minister, let me say that I am not legally trained, and therein lies part of the problem, because about the only check or balance in this matter would be the parliament, and the vast majority of the members of this parliament are the same as me. They are not legally trained.

I would suggest that this parliament is not competent to carry out the task that your bill is asking it to carry out. My reading of this is quite different than what you have just told me. You might address my concerns by explaining to me why the word 'may' is there instead of 'must', why the phrase 'have regard to the following matters' rather than 'take into consideration the following matters' is there, why there is no mention there that the suggested link has to be proposed to you by a senior police officer or the commissioner of police, and why on earth you need the subclause (e) to provide 'any other matter the minister considers relevant'.

Minister, I have heard this expression so many times in this place—and I genuinely mean it when I say I have faith in your ability as the Attorney-General of this state. I have to tell you that I have seen a number of people hold ministerial positions and lots of other positions in this parliament who I have not had that degree of faith in. I am sure that from time to time there will be people, and sometimes a whole cabinet of them, in whom I would not have a huge amount of faith. I am really concerned about the ability—as I said in my second reading contribution, we are turning on its head hundreds of years of development of law, of principles of law. There are no guarantees in my mind and very few assurances to be quite frank.

The Hon. J.R. RAU: Again, can I say that I absolutely respect the member for MacKillop's position on this, and I know that he is absolutely genuine in his concerns. Aside from what I have already said, which I will not repeat because that would be tedious for everybody, I would only make the following additional remarks.

First of all, (3)(e) means that if there were some other matter of significance in the opinion of the minister which is not in the list—and you have to imagine that it is very difficult to foresee in the circumstances what will be available and what will not be available and what might be sitting around. If, by sheer happenstance, we have not included that in the first ones—(a) through to (d)—then it might be argued the minister cannot consider those things at all.

I am pretty confident that any court being called upon to consider the conduct of the minister in such a case as this would, in effect, treat those provisions as directory provisions. I acknowledge the word 'may' is there but this is a direct copy of the Queensland provision, so we have not fiddled with it one way or the other but a court would invariably take a reasonably serious view, having regard to the consequences potentially of a regulation standing.

It is a matter of statutory interpretation, which I think still holds good, that a remedial statute is to be interpreted generously and a penal one is to be interpreted very narrowly and restrictively. If you provide a legislative scheme to look after orphans and people with sickness, any ambiguity at all, any opportunity at all, they are supposed to blow the thing out and make it bigger. Conversely, if you are taking someone's property off them or putting them in gaol, or in this case stopping them

associating, the courts will bend over backwards to restrict the operation, so I am absolutely confident that the courts would basically assess any decision by the minister against these criteria and the minister would be expected to account for what they did or did not do against these criteria.

As for (e), they would expect the minister, if there is anything under (e), to not only explain what it was but why it was relevant. If any minister was stupid enough to include something in there which was manifestly frivolous or a dopey consideration, the courts, I am confident, would tear their heads off. So, I understand the member for MacKillop's concern but I do believe that the courts would treat this as a pretty serious inquiry.

Mr WILLIAMS: I accept that this is a really tough situation. I accept all of that. I accept that we have come to a position where we are grappling with a very serious problem—I accept that. The reason I believe the problem is so serious is that this—and I referred to it yesterday in my second reading contribution—is an industry. There is an industry out there and it is a very valuable industry. Nationally, it is a multibillion dollar industry. So, we are not talking peanuts.

When we received the briefing from senior officers of the South Australian police force, they briefed us on the impact this legislation has had in Queensland and they gave us some stats. All of the statistics they gave to us concerned outlaw motorcycle gangs' impact on each other and members of such gangs. They were unable to give us any information, other than one piece which I will come to in a moment, about the impact on the general crimes that we are trying to address, and I would suggest mainly drug-related crimes.

They did tell us that there have been, I think, 70 reports of extortion in Queensland that have been made to the authorities since this legislation, whereas in the previous 12 months there had been none. Now, that may be a very big upside. When I specifically asked if there was any evidence about decreasing the distribution of drugs or the breakdown of drug networks or some of the other activities that these outlaw motorcycle gangs are involving themselves in, they were unable to give us any information with regard to that, but they were very fulsome on the information about the reduction in outlaw motorcycle gangs shooting at each other, or involving themselves in serious assaults against each other, frays and, indeed, murders, all against each other.

For the life of me, minister, and I know you have been requested by the police to give them this extra set of tools in their toolbox and I know you are genuinely trying to resolve what is a serious issue, but by passing legislation which will certainly make life a bit more difficult for these thugs I do not think these measures are going to disrupt, to the point of resolving, the problem we have with these groups of people carrying out organised crime.

You may stop them from congregating in their clubrooms where they display their banner on the front gate or something, but surely they will still congregate, maybe without wearing their colours on their back, somewhere in a private home or some other quite inconspicuous place. I am absolutely convinced that their level of activity will not diminish, that they will continue their activities. That is why I made the point that this is a multibillion dollar industry.

I am far from convinced that the supposed benefit we might get as a society from changing this legislation is worth the risk of overturning the principles that underpin our law and have done for hundreds of years in the endeavour that you have put before the house; I cannot accept that.

There is really no question therefore other than: have you any evidence to suggest that the disruption that you hope will occur if you get this matter through the parliament will have any real effect on the key problem? I suggest the key problem is that of drug distribution.

The Hon. J.R. RAU: Again, a very thoughtful and reasonable question, I think. In relation to this matter, I have never used terminology like 'I'm declaring war' on anybody, and I have never sought to overcook what we are doing.

I am not pretending for a minute that the mere passage by the parliament of this will instantly, or even over the next few months, eliminate all the bad behaviour that is associated with these people. What I can tell you is this: if these people wish to associate together after this legislation comes into place, a lot more of them are going to wind up in gaol, which means not on the street and not doing whatever it is they are doing now. That is point No. 1.

Point No. 2: in those instances of affray and whatever, which are in many instances between group A and group B on our list, I know many people, including constituents of mine, think that is not a bad thing and the more they did that to each other, jolly good. The problem is that they do not go to some remote spot and just bash it out; they often do it in a cafe or in a busy street or somewhere else, and completely innocent people are at risk of being injured or caught up in this thing and, at the very least, traumatised by it if not permanently scarred or worse. The mere fact of their interaction with each other being limited, and the affray and all that sort of stuff disappearing, is actually good in the sense of making our streets safer and stopping innocent people being unwittingly drawn into these situations.

The other thing I would say is this: the police in South Australia have told me—and I am sure they have told those members opposite who have been briefed—that they saw a definite falling away, a significant falling away, in activity by and membership of these groups immediately following the declaration, which was ultimately challenged in the High Court in the Totani case. As soon as that challenge was successful, they all popped up again out of the woodwork and were running around in a very triumphal sort of mood.

I have spoken on many occasions to the former attorney of Queensland, Jarrod Bleijie, who was the architect of this and other legislation in Queensland which, incidentally, I have not picked up. He told me that there was a dramatic drop-off in bad behaviour, particularly along the Gold Coast in Brisbane, associated with the behaviour of these people who had a large presence in clubs, pubs, entertainment precincts and suchlike.

The last point I would make is that part of the modus operandi of these people is that if somebody starts attempting to agitate you as a citizen, and they are wearing the uniform of somebody you know to be a person with a large number of very big friends who wear similar outfits, you are probably more likely to be intimidated by that person and perhaps intimidated, for example, into not telling the police something you actually should tell the police so that they can investigate something, and so on.

We should not underestimate the significance of this. If you want to use an analogy, imagine that every police officer had to take off their uniform and engage in every situation where they are trying to help the public in plain clothes. I would simply ask the question: would that make them more or less effective? I think the answer is obvious. They are not going to disappear off the face of the earth, but we are forcing them not to hang around together and we are forcing them into plain clothes if they are out in public.

The police say that they have confidence that those measures are significant, but I take the member's point: does that mean that all distribution of ice or whatever will stop? No, of course, it does not. But do I believe that it will mean there will be an improvement in the public order in our state? Yes, I do. Do I believe that over time we will have more of these characters in gaol than presently are? Yes, I do. Do I believe that every one of these people you take off the street and put in gaol the safer it gets for everybody else? Yes, I do.

Ms CHAPMAN: In relation to the definition of 'participant' in paragraph (d), which is a person who attends more than one meeting or gathering of persons who participates in the affairs or the organisation in any way, does the Attorney agree that that is not time limited and that it could be a meeting 30 years ago?

The Hon. J.R. RAU: Yes, it could be.

Ms CHAPMAN: And in new subsection (3) which has been the subject of the preceding questions, my understanding is that this prescriptive list of matters that can be considered by the minister (yourself) in recommending any of these regulations is not actually in the Queensland legislation. I may be wrong, but that was the advice I received, that in fact the Queensland provision does not have a list at all, and this is something—

The Hon. J.R. RAU: My understanding is that it was, but I will check.

Ms CHAPMAN: I agree with the member for MacKillop that there are issues in relation to the judicial review, and if the Attorney were confident that these are, general as they are, really matters that must be given some consideration, then that would be something that would be

important to our support of the regulatory power, so I indicate that that is something that is very important to us. Secondly, the change of name issue, which is in new subsections (5) and (6), is really as a result of the Finks/Mongols problem we had in South Australia, and that also is not part of the Queensland legislation, and that it is really to cover that circumstance. So, there are some differences, as I understand it.

The Hon. J.R. RAU: Can I just explain this. I have in front of me a copy of the Criminal Law (Criminal Organisations Disruption) Amendment Bill 2013, which is the relevant Queensland bill or act. Section 348A of that is 'Criteria for recommending an entity be declared a criminal organisation'. I have not had a chance to spend a lot of time looking at it, but it looks to me to be absolutely identical to the one I was talking to the member for MacKillop about.

As to your other question, the business about the change of name was something which we added in and which is taken out of our SOCC Act, so it already exists here in another way, but we did that mindful of the experience we had had with the patch-over of the Finks to the Mongols. So we already have something like that in our SOCCA, but we thought, having been through that whole experience, not to have taken some account of it in the legislation would be not helpful.

Ms CHAPMAN: Under the process of how this is to operate under the regulatory arrangements, you would receive a brief from the police, you would consider these factors, as to whether you would make a recommendation to your cabinet and, if so, you would put that recommendation to cabinet. The police brief, as such, would not be presented to cabinet, but if they asked to see it would they be able to see it?

The Hon. J.R. RAU: I have approached the present bill basically as if I were making myself comply with what I understand that subsection (3) would ask me to do. I received two levels of briefing; one level basically talked about the groups and gave information about the groups—how many people there are, how many had been convicted of offences and that sort of thing. I think that the Deputy Leader of the Opposition might have seen a similar document, if not the same document; and, obviously, I asked questions about that document as no doubt the deputy leader has asked. There was then an additional document which had attached to it a higher level of sensitivity. In fact, it was a document which is not able to be left sitting around the place. There is very restricted access to that document.

Ms Chapman interjecting:

The Hon. J.R. RAU: Well, put it this way: I briefed cabinet as far as I could, and I think that I had SAPOL there as well, if I remember correctly, so that they could directly answer any question that cabinet might have had about the matter because I thought it was appropriate that this one be done in the same way as I would expect things to be done in the future.

Ms CHAPMAN: I will deal with the 27 in the list in a minute and the places, but I assume from that that the minister is saying, 'Look, for the purpose of even putting in this bill for approval by cabinet and the schedule I did what I would normally be expected to do as if I was doing that by regulation. So, I got a briefing—general and sensitive information. I presented that to cabinet, made others available from the police to answer any questions, and that, without seeing the documents, they accepted my recommendation to present this bill to the parliament, which included that list.'

The Hon. J.R. Rau: Basically, yes.

Ms CHAPMAN: And that the minister's expectation for the future is that for the regulation of any other club or place, he would follow that process?

The Hon. J.R. Rau: Yes.

Ms CHAPMAN: And of the 27 that are in the current list 16 are operating in Queensland—

The Hon. J.R. Rau: Or elsewhere.

Ms CHAPMAN: —or elsewhere, and 11 are in South Australia but some are amalgamated, so it is nine. In any event, 11 of that list of 27 already operate in South Australia.

I appreciate that the minister has seen the general and the sensitive for the purpose of making this assessment. We have seen in respect of the 16 that operate elsewhere a file on those,

and from my understanding of the briefing there was not sensitive material attached to those because we were shown them. It was a half page document which identified the group, where they operate, largely a summary of the estimated number, an indication of how many of those have got a conviction against their name, the belief that they are involved in a list of activity and the final point which is that they have been declared a criminal organisation under the Queensland law, or such other jurisdiction as they are applying to. Now that is pretty brief, obviously.

In accepting that those 16 go on the list, did the minister make any other inquiry or did the minister accept the fact that they had been declared a criminal organisation in those other jurisdictions as sufficient to satisfy himself that they should go on our list?

The Hon. J.R. RAU: That is a good question, and I did spend some time thinking about this. First of all, obviously, the fact that SAPOL has connections with its counterparts in other jurisdictions means that they have access to information from elsewhere, which I, as a matter of routine, do not; and so I obviously relied upon them in providing that list of names, or at least verifying that list of names which appeared in the Queensland legislation.

The second point I would make is that, whilst it might be said that section 83GA(5) will deal with the circumstance in which we have a patch over of an existing South Australian body (and let us assume that it does satisfactorily cover that), it does not help if an organisation that does not exist here at all decides to set up a branch. I think what members might be assisted to think about here is that in some respects these organisations operate as a franchise. So, you have a franchisor who might be in Los Angeles or wherever. That franchisor has a business model and has certain symbols and a certain cachet (if that is the right word), and they have to grant the right to somebody else to use their paraphernalia, their name, and whatnot, and for all I know there is some payment of franchise fees in exchange for that; I do not know.

What I do know is that, if we close the front door on our existing people and leave the back door open so that, whilst those existing people are going to be restricted in their activities and they cannot use the simple device of a patch over, assuming that is an effective provision for the purpose we have put it in there, we would still be leaving the back door open so that a new franchise from elsewhere would be able to move in and set up and perhaps attract a member from here, a member from there, or a group of new people who were never members before, or they might migrate over here because things are convenient here or inconvenient somewhere else. That was the reason for that. The idea of that was a protective measure: if we are closing the front door, we did not want to leave the back door open.

Ms CHAPMAN: That might be the basis upon which you have dealt with the pre-emptive strike in dealing with those that might come across the border, but in relation to the 16 from Queensland or other jurisdictions that may invade us, it appears, on the information that we have been shown and purportedly what you have been shown, that there was no other evidence before you to confirm that there was criminal activity operating in these groups other than the fact that they had been declared a criminal organisation in Queensland.

The Hon. J.R. RAU: I think it goes a bit further than that; I think the police made inquiries of their counterparts. Let us just take a step back for a moment. Given that these organisations do not presently have a footprint here, it is not as if any individual member of that group is being in any way disadvantaged by that declaration. So, on the one hand, the member for Bragg's proposition that the level of scrutiny that we have subjected these additional 16 to is less than the others, I accept, but it is on the advice of the police. But, on the other hand, the implications for these 16, provided they remain foreign to South Australia, is zero. I think you have to weigh up the impact upon them and how much weight you need to attach to it.

Ms CHAPMAN: It is noted that the regulation process in Queensland has a different structure to the extent that there is no upper house and that a regulation, an edict of a minister, once it has got through cabinet, is really a question of numbers in the parliament. I have not read their subordinate legislation act as to whether they have some other capacity to challenge, but I make the point that it is a slightly different set of rules here.

If the regulatory power which is being invoked for the purposes of declaring groups and places other than those listed in the bill is a satisfactory one, and, as you acknowledged today, has

a level of expectation that you as the minister would be properly considering the matter, taking into account the factors that it is judicially reviewable as an administrative determination, and if that is such a safe and appropriate process, why in South Australia are we being asked to sign off on 27 organisations and 15 places as a statutory determination in this bill thereby avoiding any capacity for a judicial review?

The Hon. J.R. RAU: That is exactly why we are doing it, and it is on the same basis as this: the federal parliament has determined that Jemaah Islamiyah and Al-Qaeda are terrorist organisations and brings down the whole burden of commonwealth terrorist laws upon members of those organisations.

Did the commonwealth parliament ask a court whether they were going to make those decisions? No. The minister made the assessment, and ask yourself the question: what possible hope would a minister of the Crown have of proving it to the satisfaction of a court that Al-Qaeda, and proving with evidence, mind you, not innuendo? My point is this: I have never tried to move away from the proposition that our intention is to start this off in a way which is not going to wind us up in endless litigation in the courts with these people.

We are making a point. We are saying that the parliament should be able to make this decision and for the future there will be a reviewable process, but we are saying that we are satisfied that we should be supporting SAPOL in this and that we should do so in a way that is not going to wind up with endless litigation, delay, expense and cost to the state. Quite frankly, if we are going to do this, we cannot half do it, at the beginning anyway. We have to actually acknowledge what problems we have now and try to deal with them, and that is what this seeks to do.

The CHAIR: Bearing in mind that we have had 15 questions on clause 8, I would like to put clause 8 because we are already on the schedule 1, basically, so could we do clause 8?

Ms CHAPMAN: I am happy to go to that clause and deal with places.

Clause passed.

Clause 9.

The Hon. J.R. RAU: I move:

Amendment No 1 [DepPrem–1]—

Page 9, after line 22 [clause 9, inserted section 117C]—After the present contents of inserted section 117C (now to be designated as subsection (1)) insert:

(2) It is a defence to a charge of an offence against this section for the defendant to prove that the defendant or another person referred to in subsection (1)(a), (b) or (c) made a request to a police officer in accordance with section 117E(2a) in relation to the person wearing or carrying a prohibited item.

Amendment No 2 [DepPrem–1]—

Page 10, after line 7 [clause 9, inserted section 117E]—After subsection (2) insert:

(2a) If a person referred to in section 117C(1)(a), (b) or (c) requests a police officer to exercise a power conferred by this section in relation to a person, the police officer must do so if satisfied that the power may be exercised in relation to the person under this section.

Ms CHAPMAN: In relation to the licensing act amendments, I note the importance of the amendments that went into this major amendment. I am pleased that the government has acknowledged the importance of ensuring that the police shall attend if they are called upon in these circumstances, and we appreciate that. My question is: how many barring orders are currently operative in South Australia; if you do not have that information, could you provide it to the house between the houses? That was not specifically available during the briefings.

The Hon. J.R. RAU: I will ask for it, yes.

Amendments carried; clause as amended passed.

Clause 10.

Ms CHAPMAN: Clause 10 relates to the upgraded modified consorting as per the New South Wales model, in short, and we were given some information from the police about the general effectiveness of this in New South Wales. We have already had the debate about consorting, so I have not spent a lot of time with that in the second reading, but I would like to have some data in the meantime as to how many persons have been charged with consorting—

The Hon. J.R. Rau: Under our existing?

Ms CHAPMAN: —under our existing—in the last, say, two or three years since its inception, which I think was in 2013, so it will only be two years. How many have been charged and/or convicted in New South Wales under this legislation? If that could be made available between the houses, I would appreciate it. Particulars of the sentence for any convicted would also be appreciated.

Given the experience in Queensland of charges on the participation in declared organisation offences, I would also ask to have the particulars of any charges and convictions. Whilst the police could give us advice on the lack of criminal presence along the Gold Coast and apparent reduction in attendances at licensed premises at the like—and, very importantly, that 70 witnesses have apparently come forward to make complaints about apparent extortion or other types of behaviour—they were not able to give us all the details on any prosecutions.

I indicated during the second reading that there were only two cases I have been briefed on, both of which have been withdrawn. The details are in the second reading. Could we have the particulars in Queensland of those charges that have been laid, a summary of either the convictions or penalties, if there are any, and the number that have been charged, withdrawn and/or acquitted.

The Hon. J.R. RAU: I will provide a copy of the *Hansard* with those questions to SAPOL and ask for them to do their best to provide the answers to that. Can I just make the point, though, that one should not measure the—

Ms Chapman interjecting:

The Hon. J.R. RAU: No, I will ask them to do it. Can I make the point that one should not measure the value or otherwise of a consorting law purely by reference to the number of charges or convictions, because the obvious intention of the consorting provision is to actually stop people continuing to consort. I think I should ask, for completeness, about whether they were issuing notices. A number of people may have been satisfied that a notice was enough and they stopped doing it. So, just because there are not a lot of convictions does not mean that it is not effective.

The other point I would make is that a former New South Wales attorney-general (two attorneys back), Greg Smith, was responsible for the introduction of that, or at least it occurred during his tenure of the position. I remember him telling me that his police were telling him that this was a very effective tool in managing the behaviour of these people in Sydney. That is anecdotal, that is an attorney telling me about this. He was thoroughly delighted when the High Court came back and endorsed this because there was a question as to whether or not this would be constitutional, and he was extremely pleased that it was found to be so.

Ms CHAPMAN: That may be so, but the practical application in South Australia of our current law, we are told by the police, is impeded by the fact that they are required to give six notices within a year. That is just a practical application. They are obviously looking to go to the New South Wales model and—

The Hon. J.R. RAU: I think, in fairness, it is not six. They have decided that six is probably safe. It is habitually consorting, and the question is: what is habitual? There is a lot of common law about that, so they have decided to shorten it up.

Ms CHAPMAN: I understand that, and I am not wanting to misrepresent the police's position. They just say it is impractical and problematic in its application, so, again, we are not rushing to that. Whether people are meeting each other outside a public environment, of course, is going to be another matter. But, in any event, we will see how that goes.

On the sentencing, which I think was actually part of clause 8, I will just make a quick comment in relation to rather than doing it in the third reading, if that suits the Attorney—

The Hon. J.R. Rau: Sure.

Ms CHAPMAN: —because I had made inquiry about the sentencing law that we currently have. It supports the opportunity for people to get a reduction in sentence in a number of ways, one of which, under the 'carrot' options, is to assist the police in their inquiries in relation to other investigations. We have an informal process in the courts which can accommodate that. I do not need to give it in detail; for the purposes of that exercise, it is better that I do not. I just make the point that our concern in relation to the requirement of the judge in this new, more prescriptive sentence regime for this legislation requires reasons.

The Attorney's chief of staff pointed out that her understanding was that that would only apply if a judge determined that the standard nonparole period should not be imposed, and it obviously presents something else. On my reading, that appears to be the case so I will not take that any further. However, our concern would be if judges were required to publish reasons and in that sense disclose whether there had been a benefit given for the reduction in sentencing as a result of the cooperation of police. I do not think I need to make any other comment, and I thank her for that inquiry. I am happy to move to schedule 1.

Clause passed.

Clauses 11 to 14 passed.

Schedule 1.

The Hon. J.R. RAU: I move:

Amendment No 1 [DepPrem–2]—

Page 13, line 22 [Schedule 1, clause 3(c)]—Delete paragraph (c) and substitute:

(c) Section 331 Keith Street, Whyalla Playford;

Amendment No 2 [DepPrem–2]—

Page 13, line 23 [Schedule 1, clause 3(d)]—Delete '117' and substitute '113-115'

Amendment No 3 [DepPrem–2]—

Page 13, line 24 [Schedule 1, clause 3(e)]—Delete '19' and substitute 'Lot 101'

Amendment No 4 [DepPrem–2]—

Page 13, line 25 [Schedule 1, clause 3(f)]—Delete paragraph (f)

Amendment No 5 [DepPrem–2]—

Page 13, line 28 [Schedule 1, clause 3(i)]—Delete paragraph (i) and substitute:

(i) Lot 51 Trafford Street, Mansfield Park;

Amendment No 6 [DepPrem–2]—

Page 13, line 30 [Schedule 1, clause 3(k)]—Delete '110' and substitute '108'

Amendment No 7 [DepPrem–2]—

Page 13, line 31 [Schedule 1, clause 3(l)]—Delete paragraph (l)

Ms CHAPMAN: I will deal with the list of criminal organisations and prescribed places. Again, I note the amendments to be more prescriptive as to the detail of the addresses that relate to the identified places to be prescribed places and the exclusion of two. It cannot go without notation that that has really confirmed the concerns of the opposition as to the danger in progressing with a legislative endorsement of these organisations and places by statute, making them part of the act and therefore only able to be remedied if these orders had been made to give relief to the two properties at Whyalla and Willaston in particular by bringing a bill before the parliament to have them removed.

The alternative is, as the Attorney says, that once they have gone through as part of the bill they then become a regulation. He can then simply promulgate a regulation which says, 'I'm going to delete those two from the list.' The isolation of this first group and the implementation of a different procedure to avoid what we would say is a fundamental basic procedure that may well be ultimately

acceptable to the opposition is concerning to us; namely, that the government insists on trying to get the parliament to rubberstamp this.

I make the point that this parliament and the members of this parliament have not been able—and we are not critical of this—to view the sensitive material that the Attorney has received. We are being asked to accept that the Attorney's assessment of this material has been comprehensive and reliable and has been done in a proper manner, but we have no capacity to identify whether that is accurate. The information that we had that a local amateur motorcycle club with the same name as one of those listed, namely the Phoenix, only adds to that concern.

I think the expectation of the government for the parliament to rubberstamp this is a level too high. I make that clear. It would certainly be possible for us to consider a structure involving the regulatory procedure of all of these, including in it the capacity for a committee of the parliament to receive and review on a confidential basis the information upon which the Attorney relies.

I am advised by SAPOL that that is something they would acquiesce to, that is, that they would make that information available at the very least, not so that they are second-guessing the Attorney's assessment, but for the purposes of their being able to make some assessment as to whether they should give notice to disallow the regulation. You may treat that as second-guessing but it may simply say, 'We are not in a position to give support to it, therefore, we consider that the parliament should consider disallowing it, not because we think that the information is an error even, but that it is not adequate and, therefore, we should not be relying on it.' It is, to that extent, some safety net in the regulatory process. Presumably, if it fails at that point by the parliament, then that is something that the Attorney can consider, whether it is tried again at a later date or more information obtained.

However, the aspect of having judicial review in the context of what we are taking about here is really going to be the capacity for either the Attorney and/or the parliament to accept that there is sufficient information, intelligence—call it what you will—in these files to be satisfied that this group should be treated as a criminal organisation. Fundamental to that is what is in your list of factors, including a link to criminal activity. There has to be a fundamental purpose of the existence of this group, not exclusively but significant in its operation that it is to undertake criminal activity. Frankly, unless that is able to be identified, then it should be reviewed and whether that is thrown out by the parliament under the regulatory process or goes off to SACAT or some other body which will review it under a judicial review application, then so be it.

It seems to me that that is the proper process and, if the government is really serious about pursuing this part of the bill which is clearly the most controversial, then quite frankly it will need to look at how we manage that. This bill is not—I think the opposition has made quite clear—one which we comprehensively reject. There are aspects of this that we are prepared to support the government on, but there are other aspects where I expect that the threshold is clearly too high, and I think I have tried to outline to the Attorney where we are going in that regard. I ask him to give serious consideration to that between the houses.

The Hon. J.R. RAU: Just on that point, we do have a standing committee of the parliament, the Crime and Public Integrity Committee. There is absolutely no reason whatsoever—because that committee being a committee of the parliament is master of its own destiny—why that committee could not determine for itself that it wishes to undertake a conversation on an in camera basis with SAPOL and/or the Attorney of the day about any proposed regulation. There is certainly no reason why that committee could not make a report to the houses of parliament to the effect that it is not happy with the justification given. I do not have any problem with that at all. I imagine that if the members of that committee are interested in this matter that is exactly what they will do and I do not have a problem with that.

Ms CHAPMAN: I am pleased to hear that, Attorney, because I have read a letter from you dated 25 March this year to the presiding member, the Hon. Gerry Kandelaars, on its inquiry into serious and organised crime legislation in which you are aware of that. They invited you to make a submission, you declined to make a submission, you gave notice to them that you intended to change the law in relation to this area and introduce legislation in May—full stop. So, if you are now saying, yes, you do see them having a role in relation to the assessment in the regulatory process for the

future, then what we are saying to you is it is not unreasonable that they have a role in relation to the current 27 and 15 organisations and places respectively—or what will now be 13. You are shaking your head. I accept that you are refusing to accept that, but I make the point that as generous as you might be in saying, 'Well, they can come in in the next tranche of potential organisations or places, but they are not going to be involved in the current one,' I am indicating to you as the Attorney that we are seeing that as a threshold too high.

The refusal by the government to even consider that is concerning in itself, especially when we have had a group apparently inadvertently captured and two places of which people are living in now and of which there is no actual organised crime gang headquarters or meeting place at. Surely, that should say to you that despite your best efforts it has not been done thoroughly, mistakes have been made and it needs to be properly scrutinised.

The Hon. J.R. RAU: Yes, mistakes have been made, but mistakes that I identified myself, brought to the parliament and did not attempt to hide anything about. Can I also say this: that sounds awfully like some process which will delay this. For that reason, and for the important other reason that whatever briefing might be given to that committee at some point in time in the future, however comprehensive that might be, the Deputy Leader of the Opposition has had whatever that briefing would have been and had access to whoever those police officers would have been—

Ms Chapman interjecting:

The Hon. J.R. RAU: I am sorry then, in that case we are at cross-purposes because I am not suggesting that the stuff that I have—I only have in my possession if I am the only person in the room and I have it locked up in a safe—is going to be provided to anybody. I hope—

Ms CHAPMAN: The police have said that. The police have made it clear that if it is produced on a confidential basis to a parliamentary committee, the whole files, the general and the sensitive that you have referred to, would be made available to that committee for review. What you have seen, they would see. I make that point. They made that clear to us in the briefings. We understand entirely, especially on the sensitive material, as to why that would need to be in camera, or however you want to describe it, however we would structure it, but let us be absolutely clear: even for the purposes of us as parliamentarians having any hope of being reassured that what you have done is adequate then we would need to have some group have a look at it to indicate to us whether we should be filing a notice of disallowance or not.

The Hon. J.R. RAU: I will tell you what I will do between the houses. I will try to ascertain from SAPOL exactly what it is they were saying they were prepared to offer to that committee. Can I say this: once I have ascertained what that is I will give consideration to, rather than giving it to the committee, giving it to the Deputy Leader of the Opposition so that she gets that briefing, whatever it is. In this instance, given the Deputy Leader of the Opposition is representing the alternative government in this place in this debate, then provided that I am crystal clear on what SAPOL is saying they would be giving to that committee, frankly, I cannot see how, if they are prepared to share it with all the members of that committee on a confidential basis, they should not be prepared to share it with the Deputy Leader of the Opposition on the same basis.

I am happy to make inquiries about making that available, but I am not interested in having this thing slowed down. As I said, we have made briefings available. If there is more information the deputy leader needs to satisfy herself, that is fine, but I regard it as important that this matter progresses.

Ms CHAPMAN: Just in the sense of timing: clearly, it is not going to be dealt with in the Legislative Council for at least two weeks. We know that, by virtue of time. I place on the record that it is not acceptable that the material be thrown to me, as the deputy leader or shadow attorney-general, to be the one person who otherwise is to provide some advice to parliament. That is totally inappropriate.

The Hon. J.R. Rau: It is not to provide advice to parliament.

Ms CHAPMAN: To provide advice to the opposition or anything else; that is completely inappropriate. What is appropriate is that yes, Attorney, you do check with the police as to what they say they are about. That was my clear understanding, because we asked it several times, fully

understanding that it would not be appropriate to just go out to all members, clearly. We were not even asking that.

They did not even prescribe it to be the Crime and Public Integrity Policy Committee, but I agree with you that that is the appropriate body if we do have a parliamentary committee, but a parliamentary committee, on a confidential basis, and there should be adequate time for them to view that. They may seek some more time, but I make the point that there are worthy aspects of this bill. This question of taking through 27, plus now 13, clubs and places via the parliament is going to be problematic. The Attorney ought to be on clear notice about that, but there is a model, I think, which we should be sitting down and having a discussion about, to see whether that can be achieved. If it cannot, then parts of this bill may flounder.

The CHAIR: Do we want to continue?

The Hon. J.R. RAU: Yes, please.

The CHAIR: I am feeling like the world has ended already.

Amendments carried; schedule as amended passed.

Schedule 2 and title passed.

Bill reported with amendment.

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) (17:01): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 June 2015.)

Mr GARDNER (Morialta) (17:02): It is appropriate that somebody from the opposition should stand and put the opposition's point of view on this matter, and it would appear this afternoon that the most appropriate person is me as the shadow minister for corrections.

Members interjecting:

Mr GARDNER: I am indeed here and I am the lead speaker for the opposition. Perhaps in the 800th anniversary week of the signing of Magna Carta it is appropriate that there be a piece of legislation debated that does seek to curtail some level of executive power over the people in our community. The principle that we all stand equal before the law irrespective of political or power-related considerations has an opportunity to get some air time. This bill makes some contribution towards the idea that we are equal before the law and that legal matters should be a question of fair enactment of justice and not a political question. With that in mind, the bill is significant and has a number of measures, and the opposition will be supporting it.

The bill does a number of things in relation to reform of the parole process concerning those people who have been sentenced to life imprisonment, in relation to the process for parole for prisoners who have been sentenced to life sentences for the offence of murder. I will take you through them, and the consultation and the principles behind the opposition's position. I thank the minister and his staff for the opportunities to be fully briefed on this matter through its development.

The first thing that the bill does is enact what has been in shorthand described as 'no body, no parole'. As I think the minister described in his second reading explanation, perhaps it might be more correctly described as 'no cooperation means no parole'. The threshold question is whether the police commissioner is satisfied that a murderer who has committed a murder might be withholding

information deliberately, as the minister described in the second reading, further traumatising grieving families and loved ones. The commissioner must be satisfied that the person has undertaken cooperation with the police to assist in finding a body before the matter is taken to the Parole Board. In terms of how it plays out, in new subsection (6) of the bill it states:

> …the Board must not order a prisoner serving a sentence of life imprisonment for an offence of murder be released on parole unless the Board is satisfied that the prisoner has satisfactorily cooperated in the investigation of the offence (whether the cooperation occurred before or after the prisoner was sentenced to imprisonment).

For the purposes of that subsection (6) it states:

> , the board must take into account any report tendered to the Board from the Commissioner of Police evaluating the prisoner's cooperation in the investigation of the offence, including—
>
> (a) the nature and extent of the prisoner's cooperation; and
>
> (b) the timeliness of the cooperation; and
>
> (c) the truthfulness, completeness and reliability of any information or evidence provided by the prisoner; and
>
> (d) the significance and usefulness of the prisoner's cooperation.

That is really the aspect of the bill that deals with this 'no body, no parole' or, again, as the minister described it, 'no cooperation, no parole' factor. I think that it meets the government's election commitments certainly but the process as described is that, again, the commissioner's report goes to the Parole Board in those cases where a body has not been found and we hope that it will enable—in those cases where a body has not been found—the families of the victims to have closure in that regard.

The second aspect of the bill has been described as 'life means life' and requires that for a prisoner serving a life sentence, should they be released on parole, their supervision by the Parole Board will continue for the rest of their life. Currently such a parolee ceases to be considered to be under the supervision of the Parole Board after a period of time, between three and 10 years—I think 10 years is usual. This matter is dealt with in clause 8 and it very simply identifies that:

> A prisoner serving a sentence of life imprisonment who is released on parole after the commencement of this subsection will, unless the release is cancelled or suspended, or the sentence is extinguished, remain on parole for the remainder of the sentence.

The opposition also has the view that that is an appropriate measure to take. For somebody who has been sentenced to life imprisonment, I think the community's expectation is that they will serve a sentence of life whether they remain in gaol for the entirety of that sentence or, indeed, are let out on parole. The Parole Board can continue that supervision and if there are orders which the Parole Board imposes then, of course, it is the suitable body to judge whether those orders are relevant every time that person goes up for review by the Parole Board, but that that parole should not expire after 10 years is appropriate.

The third aspect concerns a requirement that the Parole Board contemplate electronic monitoring as part of the order. That is in clause 7, new subsection (4). Currently the Parole Board may often contemplate electronic monitoring as part of the release conditions under parole supervision for a parolee. This subsection requires that they consider that matter, and we have no objection to that being included to ensure that new technologies are at the forefront of the Parole Board's mind. However, I do note that members of our Parole Board would have that at the forefront of their minds anyway, I am sure.

At clause 10 is the fourth part of the bill and that concerns the three people—who we will talk about a bit further—the Attorney-General, the Commissioner of Police and the Commissioner for Victims' Rights—who will have significantly enhanced roles in the application of this law. Those three people will have the right under this legislation to seek variation or revocation of parole conditions by application to the Parole Board at any time after the person has been released on parole. Those measures are described in clause 10, and that is suitable. Finally, I suspect the most significant aspect of the bill is the application of the end of the executive veto on a matter that has been considered by the Parole Board, recommended for release and then the executive has the opportunity to veto that.

The new model that is proposed is described particularly in subdivision 2, which relates to the parole administrative review commissioner, and, in fact, a fairly significant body of work has gone into developing this model, so I will set out the processes to be enacted.

As per the second reading, the minister described the review process. If there is a review to be done on the recommendation of the Attorney-General, or the victims of crime commissioner, or the police commissioner the review process will be undertaken under this new parole administrative review commissioner model. As the minister said in his second reading:

> The establishment of the PARC for this function will maintain and even strengthen confidence in the parole decision process for these prisoners as the Bill limits eligibility for appointment to former Court Judges only: Exceptionally respected, learned individuals who it could be easily argued are the very best placed citizens to be appointed to undertake such a review.
>
> At the conclusion of the review, the Commissioner may affirm or vary the decision of the Parole Board. The Commissioner may also set aside the decision of the Parole Board, and either substitute their own decision, or send the matter back to the Parole Board with directions or recommendations.
>
> The establishment of the Commissioner and the right of review process will provide the appropriate oversight of decisions made by the Parole Board for the release of life sentenced prisoners.

Such is the way that it was described by the minister and I repeat it because I think that that is clarity itself. The processes proposed would involve, firstly, the Parole Board considering an application once it had passed the police commissioner's eyes for that 'no body, no parole' test, and making a determination. If the determination is to refuse the prisoner's application, the prisoner, as now, can reapply in 12 months' time but, in the meantime, they go back to prison.

I encourage any member who is unfamiliar with the workings of the Parole Board to go and have a talk to them. I was very privileged, along with the shadow attorney last year, to be able to observe some of the way that it works. That process is clearly laid out and I will not take up the time of the house by going through it. Anyone can read the bill if they wish to. However, I do encourage them to get briefings on this matter because the work that it goes through is important.

The Parole Board chair, Frances Nelson, I do not think could fairly be described by anyone as a soft touch in any way, but the expertise she brings to the role is significant and we thank her for her service to the community. The people who serve with her on that Parole Board represent a range of backgrounds. It must be a judge or a retired judge of certain courts, or a legal practitioner or a person who has extensive knowledge of or experience in criminology or penology, a medical practitioner who has extensive knowledge and experience in psychiatry, a person who has extensive knowledge of or experience in criminology, sociology or other related sciences, a person who has extensive knowledge of or experience in matters related to the impact of crime on victims and the needs of victims in the criminal justice system, a former police officer, a person of Aboriginal decent and men and women totalling nine members.

So, the work the Parole Board does is significant and the processes that it has, and importantly involving victims of crime in that process through the opportunity for victim statements to form part of the considerations, are important. The Parole Board undertakes its processes. If a determination is to approve release under parole supervision then, under the method prescribed in the bill, the determination is then stayed at that point for 90 days. Within the first 60 days of that 90-day period an application for a review by the commissioner may be lodged by, first, the Attorney-General on behalf of the government, second, the police commissioner on behalf of SAPOL, or the victims of crime commissioner on behalf of victims.

If no application for review by a commissioner is lodged by any of those three people then there is no review. The prisoner is released per the determination of the Parole Board once the remainder of that 90-day period has elapsed and remains under the supervision of the Parole Board for the rest of their sentence, unless, of course, that sentence is overturned in some way.

The Attorney-General, the police commissioner or the victims of crime commissioner if they wish to apply for review can either apply for altered conditions, which can either be agreed to by the Parole Board and the prisoner released accordingly under supervision, or if the Parole Board disagrees then they are referred to the parole administrative review commissioner.

Secondly, the Attorney-General, the police commissioner, or the victims of crime commissioner can oppose release, which again is also referred to the parole administrative review commissioner. The parole administrative review commissioner then reviews the matter. The commissioner can affirm the Parole Board decision, and the prisoner is released accordingly; it can amend the conditions in the Parole Board's decision, and the prisoner is released accordingly; or they can set aside the Parole Board's decision, in which case the prisoner remains in custody and is eligible to reapply in 12 months' time.

Once the commissioner is appointed, they will sit as the commissioner only when a matter is brought forward. There will be no new bureaucracy. The position will be supported as needed from within the Corrections department's existing resources. It is unclear how often the commissioner may be sitting in any given year, and of course from year to year that might change, depending on the nature of prisoners who are reaching the end of their nonparole period, those considerations by the Parole Board and how often review is sought by the Attorney-General, the victims of crime commissioner or the police commissioner.

I think it is important at this point to talk about the contributions of members of the community and stakeholders who have strong views on the matter. Perhaps unsurprisingly the legal fraternity in particular has had many advocates who are expressing support for this aspect of the bill, but not necessarily all aspects. The opposition supports the earlier aspects of the bill that I described. I should note that some of those legal practitioners have expressed concerns about 'no body, no parole'.

In relation to the end of executive veto and the establishment of the parole administrative review commissioner, I note the Law Society's Rocco Perrotta has publicly said, in relation to an offender who might potentially be applying for parole under these conditions:

> If they're dangerous and they're still dangerous and there's a safety risk to the public then I'm confident, in fact I could say I'm sure that the Parole Board wouldn't recommend that they be released.

I think that is probably a fair summary of how a number of those legal representatives have been putting their views that are being heard by the opposition. I want to focus for a little bit more time on the contributions made by victims and their representatives to the consultation process. I have a quote from the Commissioner of Victims' Rights, Michael O'Connell, who supports the bill. He has been described as supporting the 'depoliticisation' of the parole process, and in relation to the bill—and I am quoting Mr O'Connell—he said:

> Life should mean life was a recommendation I made because victims' families often say the murderer has sentenced their loved one to death...

I think that that 'life means life' aspect is well understood and supported. The minister in his second reading identified:

> The Governor and Executive Council has the final decision as to whether a life sentence prisoner is to be released to parole. This state is one of only two states in Australia that still has the Governor as a decision-maker.

It would perhaps be expected that the people who are the most personally and traumatically affected by these sorts of matters are the families of the victims themselves.

I am very glad that I had the opportunity to speak to Mrs Lynette Nitschke from the Homicide Victims Support Group, who speaks on behalf of a range of people from her organisation who have suffered unimaginable pain from the crimes that have been committed upon members of their family. I can report from my conversations with Lynette Nitschke that she supports this bill. I think it is appropriate to put on the record the importance of what she says—and I think she is right—that every effort must be made under this new process for the victims of crime commissioner to have every opportunity to get in touch with victims of the person seeking release so that their contributions may be considered under the process.

Now that is certainly the intent of the existing legislation as it stands and I believe it is the intent of this legislation, and certainly it is work that the victims of crime commissioner does, and every effort is made. Sometimes it is not possible and sometimes there are cases, as I understand, where victims of crime have elected that they would rather not be advised and that does happen from time to time.

Given that the commissioner is doing this work now, it should not be assumed that any future commissioner should be, so I think that it is important that it is understood and mentioned in the second reading debate that our expectation is that the victims of crime commissioner will continue to undertake that work and be given support to do so, so that their views may be represented through this process.

The other point that Lynette Nitschke made, which I undertook that I would place on the record for the government's consideration—and it is not a suggestion for a change to the legislation but potentially its application—is that, when the parole administrative review commissioner is to be appointed, the Homicide Victims' Support Group is eager that consideration of the experiences of the potential judge prior to their appointment as a judge, whether that be as a defence lawyer or prosecutor, be noted.

It is the view of Mrs Nitschke's group that, if possible, preference should be given to somebody who has prosecutorial experience. I offer that on her behalf to the debate but, as I say, I do not think it is a matter that is suitable for consideration in the legislation itself; it is a matter that this government or any future government can take under advisement.

The hour in the day is becoming late so in conclusion I would like to thank members of the community and representatives of the different groups who have expressed their views on this matter including the legal fraternity, the judges, the Parole Board chair (Frances Nelson), the victims of crime commissioner, the Offenders Aid and Rehabilitation Service, Second Chance, a number of constituents and, of course, Mrs Nitschke, who have taken the opportunity to speak to the opposition about this matter.

I trust that this new model will benefit the South Australian community, will serve the interests of justice and that we will benefit by having the decisions that are made about justice issues made by justice professionals rather than by politicians. I support the bill.

The Hon. M.J. ATKINSON (Croydon) (17:22): This is a matter about which any member of the public may have an opinion. It is not a matter for experts or for lawyers, despite the resemblance of the flowchart that illustrates the process to 'noodle nation'. Executive Council's authority to veto Parole Board recommendations for release of lifers in almost all cases—probably in all cases, murderers—is an extension or an application of the Executive Council's ability to commute the death penalty. That was its origin. Of course, we have seen a recent contretemps in Indonesia about the President's ability to commute a death sentence in which Australians were particularly interested.

When the Rann government came to office in 2002, I was a minister in that government and we had to grapple with this power. I should say at once that on the way back from our first community cabinet at, of course, Murray Bridge, I was in my car drafting, giving instructions on legislation of exactly this kind to take the authority away from Executive Council and take the authority away from the cabinet so that we would avoid the opprobrium amongst the public if these people who were to be released were to reoffend. The idea was to give that authority back to the Parole Board so that we could avoid the political risks.

Cabinet decided not to go ahead with my legislation; therefore, throughout my entire time as a minister, we had these debates about whether particular lifers should be released. I think it is fair to say that many of these prisoners are prisoners who, on the whole, are rehabilitated, are not a risk to the public, and are not likely to reoffend.

Ms Chapman: You should have let them out then.

The Hon. M.J. ATKINSON: Well, I will come to that because I can tell you that, time and again, Dr Jane Lomax-Smith and I were the people arguing that they be released—

Ms Chapman: Are you going to tell us what happened in cabinet?

The DEPUTY SPEAKER: Order!

The Hon. M.J. ATKINSON: —in order to—

The DEPUTY SPEAKER: Order! I am going to protect the member for Croydon.

Mr Pengilly: Argy-bargy!

The DEPUTY SPEAKER: And I am going to ask the member for Finniss to—

Ms Chapman: This is very interesting.

The DEPUTY SPEAKER: —listen.

The Hon. M.J. ATKINSON: —free up a cell for someone who was really dangerous. But, it would be fair to say that my co-conspirator and I did not often succeed. Indeed, after Mike Rann left office, my understanding is—

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order!

The Hon. M.J. ATKINSON: —cabinet refused nearly every application for release. My view is that, in exercising the authority that way, cabinet was doing its best to forfeit the moral authority to make these decisions; hence, this legislation. So, I understand the immediate cause of the legislation. My own view—it is a personal view—is that it would be better if cabinet made these decisions and took political responsibility to the people of South Australia for them. But, if it were to do that, it would have to grapple more—

The Hon. S.E. Close: Courageously.

The Hon. M.J. ATKINSON: Courageously, yes; thank you—courageously with the proper considerations that ought to be applied, and that would have involved releasing more prisoners. I am worried about the trend in our political system in South Australia—particularly since the upper house was elected by proportional representation after 1975 and no government ever had a majority in the upper house after 1975—which is this tendency for us to reach political agreements and compromises, which involves emptying the role of elected representatives and, in particular, governments.

We tend to shove things away to statutory officers—to judges, to magistrates, to ombudsmen and to commissioners. You have to say we seem to be emptying out our customary role as elected representatives, and we are afraid to make big political decisions and to be responsible to them for the public. I think the public sees that, and there is a loss of respect for us, because, actually, we do not decide very much at all anymore because of decisions we made, often in deadlock conferences, so that the side that was out could deny the side that was in the ability to make big decisions. It seems to me that the side that was out (for two terms, I was with the side that was out) did this without much attention to what would happen when we were the side that was in. So there seems to be this game of denying the elected government the ability to make big decisions, and I think this is one of those decisions that we ought to be making.

In 2002, just after Mike Rann was elected premier, he was at the Oakbank races when he was approached by the Chairman of the Parole Board, Frances Nelson, who said that she had some really big and difficult decisions she was sending to him. By that she was referring to these decisions on lifers. Well, the premier took her literally. He took her at her word and, rather than just be a rubber-stamp for the Chairman of the Parole Board, he had cabinet give its earnest consideration to these decisions and make them. I have to say that as a member of cabinet I came to support his decision. I might have decided some cases differently; for instance, I would certainly have released Watson years ago, and I think probably McBride is pretty stiff—

Mr Pengilly: Steve Eger?

The Hon. M.J. ATKINSON: Yes, well, I remember that one. That was a difficult one. For instance, McBride was released before Labor came to office. He was sent back to prison for violating his parole conditions by drink-driving and then he was held in prison on the basis of the crimes he had committed and been sentenced for and then released on parole. So, essentially, as the Crown Solicitor put it to me over drinks, he is still in prison for drink-driving. So I understand what the minister is trying to achieve.

For myself, I would prefer that cabinet made these decisions and was responsible to the people of South Australia for those decisions. I would not have appointed a retired judge to review

these decisions because I do not see why the vocation of retired judge has any special insight or knowledge about whether a particular prisoner is likely to reoffend. I would have thought that someone like Dr Craig Raeside or Dr Ken O'Brien would be in a better position to make those decisions, but of course they cannot, I suppose, as a matter of law, because they have already been involved in the process by which the Parole Board comes to make its decision. I thank the house for listening to me so patiently and in particular the member for Bragg so respectfully.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:32): I rise to speak on the Correctional Services (Parole) Amendment Bill 2015 and thank both the minister and the shadow minister for their contribution, not only in the parliament but also at the round tables that were offered to bring together a number of different interested parties to try to deal with a sensible resolution of the problem that we face. I think that that was mature and effective, and I think we are better for the outcome, particularly in respect of the formula that is encompassed in this bill that deals with the end of the executive veto power in respect of murder convictees.

That said, I also identify the irony that here we are with this bill that is purporting to take away the executive power of government, on which there has been full consultation by the minister, after a bill where we have in fact given the executive more power (or propose to) and taking it away from the judiciary without any consultation. So I commend the minister in this instance for making sure that there was a thorough consultation on this matter. I think that his bill, in the end, is better for it and I think South Australia will be better for it. I appreciate being invited to be part of it.

I do not think I need to deal with the 'life is life' or 'no body, no parole'. Some shortcomings have been identified with that; nevertheless, at least the latter was an election commitment, and I note the words of the shadow minister on that.

We are dealing with the extinguishing of executive veto in respect of murder convicted parties which has been used to overturn Parole Board recommendations in this state for 13 years. Whilst I appreciate that the member for Croydon has come in here to identify his little unit of resistance within cabinet (comprising himself and minister Lomax-Smith) in relation to the determination of these matters, I am stunned to hear about it given that I thought there was something about cabinet solidarity and all these things that are supposed to be confidential and given his flowery contributions to the parliament when there were challenges about decisions of cabinet to overturn the Parole Board, about how disgraceful these people were and how necessary it was to keep them locked up, as he used to make as the former attorney. I am stunned that he would make that assertion.

Nevertheless, he sat in a cabinet which for 13 years consistently refused to allow the recommendations of the Parole Board to take place. One example was where a male and female were convicted of the same murder and they let one out and kept the other one in—the same murder. The decisions of the government from 2002 to as we speak now, I think, have been reprehensible and, frankly, the member for Croydon as the attorney in that cabinet ought to take some responsibility for it.

I make this point: our gaols are overcrowded and we do have a problem. More than once we have said to the government if you want to have a policy which says that people who commit murder are to be locked up forever and we throw away the key and all those other sorts of flowery things that they would say to the public, then let us have the debate about it, let us deal with it on that basis. Don't come in here allowing a situation to prevail in our criminal law consolidation laws, and in particular that act to deal with murder, have minimum mandatory now 20-year nonparoles and those sorts of things, then accept that legislation and then go out to the public with all this nonsense about how they will never see the light of day outside of our prisons, we will throw away the key, etc. That is not acceptable.

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: Don't look at me, member for Croydon, with some sort of surprise at the mischievous claims that are being made.

The DEPUTY SPEAKER: Order! How can you interpret his look? Let's just keep ourselves—

Ms CHAPMAN: Alright. Let me say this: this process that currently exists of recommendation by Parole Board (or its equivalent, because we have had prior processes) and the veto by Executive Council has been a sensible formula that has operated in this state for decades under previous governments, and it was the government—the Rann government, in particular—that completely abused that process.

We are here today having to clean up the mess of an overburdened prison system as a result of that conduct by that government, which frankly has been perpetuated, unless this minister is prepared to come in here, have a discussion across the board and work out a way around it. We are supporting him to fix this, because we have a problem in this state, and it is as a result of the Rann government in particular, so shame on the member for Croydon for even coming in here and trying to give some pathetic excuse about him in some whimpering corner of the cabinet, failing to convince his colleagues that the responsible thing to do would be to let out some of these people on the basis of previous recommendations.

In respect of the process itself, apparently there is no appetite for the new cabinet to take on that responsibility to actually act responsibly, and that may not be the fault of the current minister for corrections. He has a problem; he has to deal with the prisons. But where is the current Attorney? Why isn't he in here giving some explanation as to why he and a new cabinet are not acting responsibly and making sure that we do have the proper declining of executive to get in and interfere with that process? That is what I think is unacceptable and I am very concerned that we are having to throw away an Executive Council role—so, I agree with the former attorney in this regard—because frankly it has been a good one up until the Rann government. If it had been exercised properly, we would not be placed in this position here today to have to introduce a new structure in order to deal with the problematic circumstance that we now face.

I will support the bill. I commend the current minister for at least brokering a sensible alternate resolution within the envelope of the fact that it is a shameful day, really, when we have a situation where a previous cabinet, and even part of the current cabinet, failed to act responsibly on behalf of South Australians and deal with this matter in the way they should have. I too have taken the view that if in the past the Executive Council has declined to accept a Parole Board recommendation, the very least they should have done on the refusals (one after another) is to confirm for the Parole Board chair (over the last 13 years) the basis upon which they have acted.

I appreciate they have had the power to do it, but what is the point of taxpayers paying the Parole Board to sit there and hear these applications, consider the submissions, make determinations, send them up to the Executive Council to present them to the Attorney-General to take them to cabinet, just to have them overturn it? What is the point of Parole Board chair Frances Nelson QC, members of her board and other staff spending hours and days to do all of this work simply to have it extinguished by the flash of a pen by the Executive Council and to have no feedback whatsoever as to whether she should even consider it next year, which she is legally obliged to do if the prisoner applies every 12 months, which they are legally entitled to do? What is the point in wasting her time, year after year after year, and the time of the Parole Board, when, frankly, it is being completely undermined by the conduct of the cabinet?

So, with those few words, there is a little scintilla of agreement I have with the former attorney, the member for Croydon, and that is that it is a sad day when we get rid of what has previously been a good model because it has been butchered by this government.

The DEPUTY SPEAKER: I am sure he will savour that scintilla. Member for Finniss.

Mr PENGILLY (Finniss) (17:41): I would like to make a small contribution on this. It is something I have had an interest in. I was interested to hear the member for Croydon's explanation of a few antics in cabinet a few years ago. I always shook my head and wondered at the politicisation that occurred under the Rann government, particularly with former premier Rann and former treasurer Foley and a few of their cohorts in completely politicising the parole situation. I guess it was brought home to me when I visited Mobilong Prison, along with Robert Lawson QC (former MLC), some years ago when I was mixed up in corrections.

Ms Redmond: As an observer.

Mr PENGILLY: As an observer, yes. We were given a bit of a talk by Steve Eger (I am sure that is his name), who is a lifer in Mobilong. He asked permission of the corrections CEO, the prison manager, and whatnot, to speak to us, which he did. He made the point that he was no threat to anybody. He had been there for a considerable period of time for murder. Indeed, he had actually achieved some form of leave where he could get out on weekends, or he could go and visit his mother, and he was looking forward to getting out of prison on permanent parole so that he could finish what was left of his life. Former premier Rann waved his arms in the air and said no-one was ever getting out, so Steve Eger is still there.

The Hon. M.J. Atkinson interjecting:

Mr PENGILLY: Words to that effect. I have absolutely no hesitation with respect to some villains who are in prison for murder, people like von Einem, the Buntings and Wagners, and particularly Michael Barry Fyfe, who has been incarcerated for so long for such a series of violent activities. Indeed, when I was out there with the Public Works Committee a couple of weeks ago we were talking to Michael Barry Fyfe, through the sealed bars, and the members for Torrens and Elder, and whatnot, were somewhat intrigued as we went into G division and he was there with his lorikeet on his shoulder almost saying that he was not guilty of what he had been thrown in gaol for, but that is another story.

I have no problem with those people never getting out; I do not believe they should get out. But I think where prisoners—and a couple have been referred to today—have served a life sentence for murder and they are rehabilitated and they are continuing to be a drain on the taxpayer, they could come out under this legislation. I would say that there seems to be something of an outbreak of common sense across the board in respect of the parliament on this, and I am supportive of what the minister and the government want to do here, as indeed is the opposition; it would make sense.

You only have to visit the prisons at the moment to see what is going on. I think there are 2,400 prisoners. We visited Mount Gambier the other day, with the new wing scheduled to come on there, with 84 beds. There were some single berths and we were all of the same opinion—that they would be double berths in no time short. I think taking these decisions, stopping politicising them, giving the job back to the Parole Board and complying with this bill, if it goes through, which it will, is a common-sense outcome.

I look forward to the bill's speedy passage here. I just want to make those few points, that I am very pleased to depoliticise it. I think it is really important to get that decision out of here. and I hope that what occurred under the former Rann government does not occur again and that we get away from that nonsense and actually use some common sense.

Ms REDMOND (Heysen) (17:46): I do want to put on the record a few comments in relation to this parole reform legislation. In my view, there is one part that I am quite prepared to support, obviously, and that is ending the Executive Council veto, as it might be called. I have long argued and long held the view that it is not appropriate for governments of any persuasion to make the final decision as to who should be in gaol and who should not. It offends the separation of powers.

I am not going to go into the Magna Carta, which I spoke about last night, but it seems to me to be entirely inappropriate for any government to have the ability to decide who will be prisoners because they are indeed then political prisoners. Prisoners should not be there by way of expediency for political purposes. I note that on 31 May in the *Sunday Mail* there was a statement, and I quote that statement:

> South Australia is one of only two states that have retained parole sign off by the Governor, who acts on the advice of the Executive Council, which is made up of the state's cabinet ministers. Parole Board chairwoman, Frances Nelson QC, and justice advocates have long argued that this process meant decisions about parole for life sentence prisoners have been based on politics rather than the merits of the case.

I have no hesitation in supporting that particular move. I have not exactly got my head around all the detail of how the process will work in terms of the system for the Parole Board's operation, but I do believe that the Parole Board is the appropriate place for that decision to be made. Even if it were reviewed by someone in the judiciary, that would be a vast improvement on having it controlled by the executive.

The second thing I wanted to comment on is the 'life means life' aspect. Whilst in theory that sounds nice, I think it is worth taking a moment to contemplate what that might mean. I have not looked at the legislation personally, but I understand that in some states in the USA their definition of a life sentence is in fact a sentence equivalent to the lifetime already lived of the person who has been convicted. If it was an 18 year old, for instance, the life sentence would be 18 years, and if it was a 40 year old then a life sentence would be 40 years.

There are different definitions around the world as to what constitutes a life sentence, but I do think it is appropriate for the community at large to understand that a life sentence will mean that there is at least some sort of supervision. I actually agree with the thrust of what the government is trying to do there, that from now on, rather than someone who has a life sentence being released after a period of years, as I understand the system at the moment, and they may be out of prison and then for a period of years after that the Parole Board will in some way supervise them, but at some stage that will expire, under the proposal, as I understand it, if a lifer (a person who has had a life sentence imposed) is indeed released, they will be prima facie subject to the supervision of the Parole Board for the rest of their life. That is something that the community would understand.

It is actually a logical sequence to something which the previous Liberal government introduced, and that is the truth in sentencing legislation. It is important when we have sentencing that it be readily understood by the community at large. I think a 'life means life' sentencing system means that if you are sentenced, even if you do get out of gaol at some stage, you will actually be supervised for the reset of your life, and how closely that supervision will occur will be a matter for the Parole Board to decide.

The last matter I want to comment on is the provision about which I have considerable hesitation and that is the 'no body, no parole' provision. I can understand the rationale behind wanting to do that but I think that the simple statement of 'no body, no parole' is too simplistic and does not take account of a range of incidents and positions which could occur with any number of cases. For instance, if someone is legitimately innocent but they are convicted anyway—and it has been known to happen—their failure to show that they are remorseful, and their failure to identify where the body is, could well be explainable.

However, there could be any number of other cases that could arise. I believe that, whilst the idea of having a sense of cooperation with the authorities being a part of the parole system is appropriate, we should leave that discretion with the Parole Board as to what they have to say about that in the particular circumstances of each case. To me, the more a parliament tries to fetter and define the discretions that are properly exercisable by the people who are 'in the know', in inverted commas, and who have actually heard the details, met with the prisoner and heard what the people supervising the prisoner have to say and all the other circumstances surrounding a situation, I think it is appropriate for the Parole Board to have that discretion.

It may well be appropriate for them in certain cases to say, 'Well, sorry, you're not showing remorse and you haven't assisted in providing information as to where we might locate the body for the benefit of the family so that they can have some closure, so we're not going to allow you parole.' I would not object to the Parole Board coming to that conclusion, but I do think that there is a risk for our legal system if we fetter the Parole Board instead of allowing it to exercise that discretion by saying, 'This is the rule: no body, no parole,' and there the matter rests.

It just seems to me that there is a genuine risk that there could be grave injustices done, notwithstanding someone has been convicted. For those reasons, I wanted to speak and to raise my concerns about particularly that 'no body, no parole' aspect, but I do welcome the fact that this government has at last, in this tiny area, moved slightly towards being less political and relieving the state of having political prisoners.

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:54): I would like to thank honourable members for their contributions to the debate on this bill. The bill implements the government's 'no body, no parole' election commitment, designed to bring closure to victims' families by preventing release on parole for murderers who do not cooperate with authorities in relevant investigations. This will stop murderers from ever getting parole if they withhold this information which has the potential to further traumatise grieving families and loved ones.

I noted the comments made by the member for Heysen, and I think that her concerns are actually addressed in this bill because it talks about cooperation. It is not a black and white test. It is a test which, if you like, is put by the Commissioner of Police, and he or she, the commissioner of the day, will have all that information before them. They would have actually dealt with the families, they would have dealt with the offender, etc., so I am comfortable with that provision.

Also, I should mention that that is also extended to associates, and there are a number of celebrated cases where people are in our prison system at the moment but they have not provided the details or the names of those people who cooperated with them in the offence of murder, and that can also be a very stressful matter for families to know that there are people who have contributed to an offence committed on a loved one and who are actually on the outside. The bill also covers the associates. I sincerely believe that these changes will bring some relief to victims' families, and I thank the members opposite for their support of these amendments.

The bill also has some other significant reform to parole provisions. This is also in relation to the release of parole for life sentence prisoners. I acknowledge that removing the Governor from making the ultimate decision to release these prisoners to parole is a significant change, but I believe, as many have said today, that it is the right change. There has been overwhelming support from interested parties with whom I have consulted. It has been welcomed by the Presiding Member of the Parole Board, the Commissioner for Victims' Rights and the Law Society, amongst others.

I also note the comments made by the member for Morialta regarding the homicide support group. I have also had discussions with Mrs Nitschke, and I can confirm the comments made by the member for Morialta where, having had the bill explained to her, she was comfortable with what was being proposed.

One thing I would talk about just briefly is some of the media commentary on this bill, which, while it has been well intentioned, I think that people have not fully understood what is proposed. This bill deals with a very small group of people who come before the Executive Council. A number of the cases which have been cited in the media are people who do not come to Executive Council, and this bill—

Mr Gardner: No parole board would ever recommend that they be let out.

The Hon. A. PICCOLO: That is correct. So, the people who have been identified, the cases that have been identified in the media—as bad as those cases are, that is not to diminish in any way those cases—those people actually do not come before Executive Council now. So, this bill does not, if you like, reduce their consideration.

Sitting extended beyond 18.00 on motion of Hon. A. Piccolo.

The Hon. A. PICCOLO: The involvement of the Governor in making these decisions has received a great deal of scrutiny, including from the parliament in the past, and the member for Croydon also mentioned his previous attempts. This was last raised in parliament in 2011 when other changes to parole were progressed and debated.

An amendment was moved in the other place at the time to simply remove the role of the Governor and have decisions for release on parole for life sentence prisoners determined solely by the Parole Board. That amendment received very little support from both the government and opposition members at the time and that is why this bill is very different. It recognises, if you like, the concerns of the community to make sure that there are appropriate checks and balances.

At the moment, the Executive Council provides those checks and balances, and the question is: is that the appropriate body to do so? Clearly, this bill says that there is a better way of doing that. It was not surprising that even those people who are critical of the role of the Governor in Executive Council did not support that proposal at the time.

An alternative review or oversight process was not put forward for the parliament's consideration in 2011, so of course the majority of members did not support it. The government remains of that view, and that is why this bill has the appropriate oversight of a retired judge to provide the last check and balance in the process. I am pleased that members opposite support this view and support the proposed alternative review process, that the review of the decision of the

Parole Board is undertaken by somebody who is exceptionally skilled in judicial processes and decision-making, that a former high-ranking judge will be appointed as the independent parole administrative review commissioner.

This, coupled with the insertion of other provisions for release on parole for these prisoners in the bill, such as compelling the Parole Board to consider electronic monitoring and also changing the period of parole from a maximum of 10 years to life on parole, maintains—and I stress 'maintains'—and strengthens the commitment to community safety and to victims of crime. With those comments, I seek the chamber's support.

Bill read a second time.

Third Reading

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (18:00): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 18:01 the house adjourned until Thursday 18 June 2015 at 10:30.