LEGISLATIVE COUNCIL

Monday 20 October 2003

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.17 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. P. Holloway)—

Reports, 2002-2003—
- Adelaide Festival Centre
- Adelaide Festival Corporation
- Energy Consumers' Council
- South Australian Film Corporation
- The State Opera of South Australia

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

South Australian Forestry Corporation—Report 2002-03.

REAL ESTATE INDUSTRY

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a ministerial statement relating to real estate industry reforms made last Thursday in another place by the Attorney-General.

FIRE DANGER SEASON

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a ministerial statement relating to the regulation of fire danger made last Thursday in another place by the Minister for Emergency Services.

ENERGY CONSUMERS COUNCIL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a ministerial statement relating to the Energy Consumers Council made last Thursday in another place by the Minister for Energy.

QUESTION TIME

AGRICULTURE, RESEARCH CENTRES

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question on agricultural research centres.

Leave granted.

The Hon. CAROLINE SCHAEFER: Over the past few months reviews into the management and operation of a number of agricultural research and education centres have been conducted. For example, reviews are being conducted on Roseworthy Farm, Struan Research Centre, Loxton Research Centre and the Minnipa Research Centre. Only the most gullible would think that this does not show a very worrying trend. Will the minister categorically deny that it is intended to sell off any or all of these facilitites or diminish the services they offer?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): There are no plans to diminish the services operated by SARDI. I have made the point in this place on a number of other occasions that it is appropriate from time to time that government should review all its operations in relation to research. Research priorities, particularly in the agricultural sector but in all sectors, change all the time as society moves on. There will always be a need to shift research priorities according to the issues that arise and according to developments. Any good research institution will be keeping up and making sure it is continually assessing the work it does to ensure that it is at the cutting edge, and that it is appropriate.

The particular review the honourable member has referred to in relation to Roseworthy is being conducted by the University of Adelaide, and I have provided a statement on that. In relation to Minnipa and other agricultural research stations, reviews are conducted internally within the organisation and by the advisory committees set up to oversee those organisations, again to ensure that the research programs adopted at those places are concurrent and in accord with appropriate priorities, given the very rapidly changing world in which we live.

The Hon. CAROLINE SCHAEFER: By way of a supplementary question: will the minister release the findings of these reports and their recommendations when they become available?

The Hon. P. HOLLOWAY: I made a ministerial statement on the Roseworthy report, and it is a matter for the University of Adelaide. The honourable member mentioned other research places. I assume that when she talked about Struan she was talking about the issue being conducted by the Department of Administrative Services, which is the owner—

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: It has only just started. There is nothing to see at this stage. Again, I have answered questions in relation to Struan House in this place. The future of Struan House, of course, as I have pointed out in this council before, is a matter for DAIS.

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: Again, as far as I am aware, that review is being conducted through the advisory committee. But I will ascertain what stage it is at and how, generally, it is expected to be circulated. I would certainly be pleased to provide the shadow minister with a briefing in relation to those matters, and I will find out what stage it is at. I am not sure that the result of those reviews will necessarily lead to formal reporting, as such, but I will get back to the honourable member with that information.

WOMEN'S PRISON

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the Adelaide Women's Prison.

Leave granted.

The Hon. R.D. LAWSON: In September, I received a letter from a prisoner in the Adelaide Women's Prison. The prisoner wrote that she had been waiting (at that time) for 15 months to see a psychologist. She was to be eligible for home detention from the beginning of October this year and had, on a number of occasions, requested to see a psychologist so that an appropriate psychology assessment could be made for consideration by the Prisoner Assessment Committee.

The council will remember that, in the 2002 budget, this government cut psychological services to the Correctional Services Department and, in particular, to the Adelaide Women's Prison. The person who contacted me received a letter from the Department of Correctional Services in September. The letter stated that an application to the Prisoner Assessment Committee was under consideration but that a reoffending risk assessment would be undertaken by a named trainee assessment psychologist, and that the application for home detention would be scheduled for review after that report was available. Subsequently, the Chief Executive of the department wrote to a family member of the prisoner and said:

> The department has had difficulties in recruiting suitable applicants to fill the psychologist position at the Adelaide Women's Prison. A permanent officer has now been appointed.

My questions to the minister are:

1. Does he agree that to require a prisoner eligible for assessment to wait 15 months to see a psychologist is an unacceptable situation?
2. What steps has the government taken to reverse the unfortunate decision in 2002, which cut psychological services to the Adelaide Women's Prison?

The Hon. T.G. ROBERTS (Minister for Correctional Services): The answer to the first part of the honourable member's question is yes. In answer to the second part of his question, we are making some improvements to psychological support services in prisons. From the text of the letter, I understand that the assigned person was a trainee. I think there are some cases where trainees would be involved on their own but, in other cases, trainees would receive some supervision or, depending on the case, work in conjunction with other support services.

I understand that where and when fully trained psychologists become available if the prisoners concerned are not able to make the assessments that are required, then the senior psychological support staffer would assist or take over the case. It is an operational matter and I will refer that to the department for a reply. In relation to the particular request, if I could speak to the Hon. Robert Lawson during question time and get the name, I will follow it up at a personal level and bring back a reply.

OFFICE OF THE NORTH-WEST

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Urban Development and Planning, a question relating to offices for sustainable social, environmental and economic development.

Leave granted.

The Hon. J.S.L. DAWKINS: On 19 November last year, I asked the minister, representing the Minister for Urban Development and Planning, whether the government had any plans to open an office dedicated to the western suburbs and, indeed, the eastern suburbs following the establishment of the offices in the north and south. On 3 September this year, nearly 10 months later, I received a letter from the Minister for Aboriginal Affairs indicating the Minister for Urban Development and Planning's one-line response which stated that the government had no intention of creating an office of the west or the east.

The Minister for Aboriginal Affairs added a postscript in his own hand implying that there would not be an office of the south north-east or the south north-west, either. It has, however, come to my attention that the government is planning to open an office of the north-west. Indeed, it would seem that the ministers leading this planning work are the Minister for Urban Development and Planning and the Treasurer, who both represent electorates in the north-western suburbs. My questions are:

1. When will the office of the north-west be established?
2. Which local government areas will be covered by the office?
3. What level of consultation has taken place with local government bodies and the non-government sector in relation to the establishment of the office?
4. Why will the north-western suburbs get a dedicated office when a similar office has been ruled out for the neighbouring western suburbs?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I should be careful with my postscripts from now on. I understand the honourable member's interest in all matters regional and, in this case, outer metropolitan. I will refer these important questions to the minister in another place and bring back a reply and ensure that I do not sign any postscripts in the future.

LEAFY SEA DRAGONS

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about leafy sea dragons.

Leave granted.

Members interjecting:

The Hon. R.K. SNEATH: The leafy sea dragon is the marine emblem of the state: members should not make fun. It is also a species under threat of extinction. Poaching has been a problem with this species. My question to the minister is: what steps is the government taking to protect the species?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his important question about our state marine emblem. Under section 59 of the Fisheries Act, exemptions exist for the collection of sea dragons as brood stock for aquaculture. These exemptions have been issued on a limited basis for the last five years and there are two exemptions current. All applications are considered on merit and only those working towards the culture of leafy sea dragons who can demonstrate aquaculture success with other species are likely to be issued with an exemption for limited brood stock collection.

A Victorian company has been issued with an exemption to take one egg-bearing male each year since 1996. One of the interesting features of these creatures, of course, is that the male bears the eggs. Fortunately, that behaviour is restricted to just a limited number of species, but this company is attempting to culture leafy sea dragons and is also providing stock to international aquariums. This company has raised adult sea dragons from these eggs with very high survival rates. A South Australian company was issued with an exemption earlier this year to take two males and two females.

The state government has long supported attempts to culture leafy sea dragons in order to minimise the market for illegally harvested specimens because, as the honourable member pointed out in his question, the government is, obviously, concerned with the poaching of these rare creatures. The exemptions that are provided by my department afford an opportunity to allow this species to be displayed in national and international aquariums without

taking specimens from the wild. The government also expects that this measure will assist in the reduction of poaching of this species.

In summary, the government is keen to preserve this important marine species, but we do allow limited taking of brood stock by properly accredited persons to ensure that the demand from national aquaria, and so on, is met so that the level of poaching can be reduced.

ALDINGA SCRUB

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs, representing the Minister for Urban Planning, a question about urban development adjacent to the Aldinga Scrub Conservation Park.

Leave granted.

The Hon. SANDRA KANCK: The Aldinga Scrub Conservation Park is currently being nominated under federal legislation as an endangered species community. The park is considered to be of national importance due to its unique community of 60 or so species, some of which are rare or threatened. It is bounded on the north side by an open paddock of 67 hectares, known as lot 796, which was zoned residential in 1987 by the then Willunga council. Prior to that zoning there was no real attempt to consult with the community about what it believed was the best use for the land.

There is currently an application before Onkaparinga council from the Canberra Development Corporation to subdivide this land into 700 allotments. This has angered the community of Willunga Basin who value both the Aldinga scrub and the potential for lot 796. Many meetings, including two packed public meetings, several deputations, rallies and hundreds of personal letters to council, counsellors and members of this parliament have resulted. Concerned residents have notified council of their view that regulations in the Onkaparinga Development Plan are violated by the proposal, in particular the need for open space and retention of views to the Sellicks Range, but responses have been minimal and guarded.

Many local people believe the site should be used as a buffer zone for the conservation park as it is under threat from a range of intrusions, many of which stem from existing housing already abutting the park and which will only be added to by this proposed subdivision. In spite of such representations, the council has refused to recategorise the site. So far this year, Onkaparinga council has approved the subdivision of land for 2 000 homes at Aldinga Beach, including 600 homes to be built adjacent to lot 796. This is despite the fact that essential services in the area are already inadequate and subdivision of lot 796 can only add to that.

This matter has a sense of urgency to it because Onkaparinga council's Development Assessment Panel will be meeting in a few days to make its final decision on this subdivision application. My questions are:

1. Has the minister consulted with the Minister for Environment about the environmental values of the Aldinga Scrub Conservation Park?

2. Will the minister prepare his own PLAN amendment report to maintain this land as open space so that long-term planning and environmental issues can be seriously addressed?

3. Given the government's recent failure to act on the Searcy Bay proposal, is it now government policy to stand by and allow local government to have the last say on planning issues where high environmental values are involved?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the minister in another place and bring back a reply.

MEN'S HEALTH

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, questions regarding research into men's health.

Leave granted.

The Hon. T.G. CAMERON: Associate Professor Gary Wittert from the University of Adelaide's Department of Medicine stated in Saturday's *Advertiser* that Australian men are less healthy than women and do not enjoy the same quality of life. Associate Professor Wittert heads a team that recently won a contract to undertake a study that will focus on the health of 1 000 men between the ages of 35 and 80 in Adelaide's north-west suburbs. The study will attempt to identify the reproductive, physical, social, psychological and emotional factors that impact on the health and welfare of men as they get older. (Boy, do I know about that!) In the *Advertiser* article, Dr Wittert said all chronic conditions such as obesity, cancer, diabetes and cardiovascular disease occurred more frequently in men and that their life expectancy was five years less than that of women. Dr Wittert said:

> Men are less likely to use health services, especially in relation to preventative services and early intervention, and the quality of their mental health is below that of women's. . . In addition, some diseases that exclusively affect men, such as prostate cancer, are insufficiently understood. . . screening remains controversial and there is little data regarding prevention. More money is put into research for women, such as breast cancer, but prostate cancer, which is just as common, gets less attention. Identifying the reasons for men's poorer physical and mental health is imperative.

This is not the first time the medical profession has reported that research into men's health issues is underfunded. My questions are:

1. During 2002-03 how much money was spent by the state government on men's health research as compared to women's, and how many research projects were funded or supported for each?

2. Will the minister explain why similar amounts of money are not put into prostate cancer research as for breast cancer, considering each is as common as the other?

3. Does the minister agree with Dr Wittert's observation that identifying the reasons for men's poorer physical and mental health is imperative and, if so, what actions is or will the government be taking to address this serious issue?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the Minister for Health in another place and bring back a reply. It may be that men's quality of life being higher than women is the cause of problems associated with their later lives.

SOUTHERN SUBURBS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Urban Development and Planning, a question about southern suburbs infrastructure.

Leave granted.

The Hon. T.J. STEPHENS: Planning SA has commissioned a report being prepared by Ian McQueen and Maureen Bartel on the southern suburbs infrastructure crisis. The report was to look into the whole of government approach being taken by government and to ascertain what planning was being undertaken across government for southern suburbs growth. This report was due to be submitted in mid to late September. Given the previous Liberal government's strong push for numerous capital works in the southern suburbs, we are quite anxious to see that this infrastructure growth continues. My questions are:

1. Why has the report not yet be completed?
2. Is it the intention of the government that recommendations from this report will be acted upon in the 2004-05 budget?
3. Why, given that the Minister for the Southern Suburbs is, according to his ministerial statement, responsible for the coordination of a whole of government approach to issues in the southern suburbs, is he not undertaking the report within his department?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to the minister in another place and bring back a reply.

FAMILY AND YOUTH SERVICES

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question regarding foster care and FAYS.

Leave granted.

The Hon. J.M.A. LENSINK: While the issue of child protection and the problems within FAYS have received significant exposure lately, there are also other significant providers within the child welfare and protection system operated by non-government sector agencies. The contract for the provision of alternative care services closes on 30 October. I have been contacted by people with significant expertise in this field who have expressed alarm at the uncertainty driven by the approach of the Department of Human Services to the tender process. They claim that they have not been adequately consulted on the provision of alternative care in spite of being recognised experts in the field. Furthermore, they are concerned that the contract has not been designed to provide adequate funding. In addition, they state that an organisation known as Life Without Barriers has recently been granted a contract to provide alternative care services to children with disabilities without going through a tender process. My questions are:

1. Will the minister confirm that Life Without Barriers is receiving funding for the provision of foster care services? If so, what were the circumstances of it receiving funding?
2. Is the minister aware of the low morale levels of people working in the non-government child protection field which has led to the haemorrhaging of several leaders and, therefore, a loss of knowledge and experience?
3. Can the minister state what number of carers will be supported by the new contract, and will it be adequate to meet the demand?
4. How have levels of funding for the new contract been altered from the existing contract in terms of carer support, training and other factors?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the minister in another place and bring back a reply.

GAWLER RIVER JUNCTION PARK

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Gawler River Junction Park.

Leave granted.

The Hon. G.E. GAGO: I refer to an article in *The Gawler Bunyip* dated 15 October 2003 entitled 'Fun to Flow at River Park Launch'. The Gawler mayor, Tony Piccolo, says in the article that the event will be an opportunity for the community to celebrate a major step towards a river linear park as well as a focus for reconciliation activities in Gawler. The article then goes on to further discuss the launch, which I believe was held yesterday. My question is: will the minister inform the council how reconciliation and environmental preservation can work for the benefit of the community?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her question and note the delicate state of her voice. I hope it lasts until we rise today. Reconciliation and environmental preservation are two good aspects of community cooperation that bring about a natural form of reconciliation where people sit down, around a table, and work out ways in which communities, and the environment in this case, can be enhanced for the betterment of all people within that precinct. Where local government embraces reconciliation—and there are a number of councils throughout South Australia now that are starting to grasp the benefits that come from cooperation with local Aboriginal communities—we see immediate benefits.

At the park launch that I attended yesterday in Gawler, and I think the Hon. John Dawkins, who was there, would agree, the spirit of cooperation and reconciliation, and the contributions made by the whole community, including the schools (the children played a large part in presenting many of the entertainment features for that afternoon), were tremendous. So, the work is going on at local government and community levels through the environmental protection bodies that exist within the Gawler area. There were a number of government departments represented who, across agencies, had cooperated with the program over the previous 12 months; just the spirit of that community was enhanced by the project itself.

It was one of those weekend events you do not mind attending outside your ministerial responsibilities (which take up a lot of time) because of the pleasure noticeable on everyone's face at that event. I must add that, when I got to my feet to make my presentation, it was the only time it rained for the whole day. It came down in buckets for about three minutes, and everyone ran for the tents. I was left on the rostrum, addressing the empty chairs—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: Yes, Tom was with me, and he was doing his bit to scare people off. When I turned around to address those people who were there, everyone was in the comfort of the tent, and I was the only one standing out in the rain. Everyone enjoyed the rain as well.

Members interjecting:

The Hon. T.G. ROBERTS: I thought I might have a captive audience where they were, so I continued.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: They had already been tipped off. My minders had written 'five minutes only' on the speech notes, but they also know that I do not read my speech notes.

An honourable member interjecting:

The Hon. T.G. ROBERTS: Now, that's a bit harsh. The funding regimes that communities have to wrestle with at commonwealth, state and local government levels sometimes make it very difficult for community organisations to get projects such as this up and running. However, when you have cross agency and local government cooperation, which was clearly in existence through this particular project, you see that, within 12 months, you can achieve a lot in drawing a community together not only for reconciliation but also, as I have said, to draw together those existing schools and organisations that keep the community alive and are the glue to keeping the community moving forward with other projects. If the funds and support comes through, you can see that that community will continue to grow.

This is the first stage of a multi-stage project. I am sure that—and as many of the people present did say to me after the rain stopped and after I started to talk them in a more casual way—they were looking forward to the next stages of the project, because the first stage made the major difference. It is a lovely area where the North Para, the South Para and the Gawler River connect. It had been a neglected area, and a transport corridor that runs through there will need some further funding from Transport SA. It is certainly a safety question in relation to the children who use the rail bridge when they should be walking down another path or corridor, or taking their bikes. However, children will take the shortest route from point A to point B. I do remember my childhood a little bit, but do not ask me what happened yesterday.

With the cooperation that exists for this project, I am sure that, in future, local government will get the support it requires to continue the next stages of this environmental reconciliation project. Certainly, the whole of Gawler will benefit by bringing, in a lot of cases, old Gawler together with new Gawler and, hopefully, the spirit will be continued for the completion of this project.

GENETICALLY MODIFIED FOOD

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries a question relating to genetically engineered crops.

Leave granted.

The Hon. IAN GILFILLAN: On Friday, the minister announced the government's draft GM crop management bill, in which he indicated it will be reviewed in relation to national competition policy by a panel to be chaired by Mr John Carey. In an excellent production by the Apple and Pear Growers Association of SA Inc., put out bi-monthly (I refer to No.165 of August/September 2003), is regularly a substantial article entitled 'GMOs: Guiding Meaningful Opinions', the author of which is Agrifood Awareness.

Members of Agrifood Awareness are principally as listed, namely, Avcare, the Grains Research and Development Corporation and the National Farmers Federation. The latter two, the GRDC and the National Farmers Federation, most members would be familiar with. Avcare is one that people may not be quite so familiar with, and it is interesting to browse through the pages of this article and pick the happy spin put on the news about the GMO industry.

For example, there is a heading 'GM cotton variety to reduce pesticide use by 75 per cent.' I would have thought that anyone in Australia who had taken the vaguest interest in GM crops would have that bit of information before them. On market research, Ireland BBC *Newsline* recently polled its viewers in Northern Ireland on the recent announcement by USA researchers about the development of a blight resistant potato. When asked whether they would prefer the GM potatoes rather than the conventional varieties, which rely on frequent spraying with fungicides, 47 per cent of respondents said they would prefer the GM variety. One must point out that one assumes that 53 per cent said they would not, but that is not the heading.

In the USA, the latest ABC news poll of 1 024 adults has found that, according to the punchline, 'In general, nine in 10 adults think food eaten in the USA is safe.' These cheerful platitudes are steered by Avcare largely and the composition of Avcare is interesting. I will not go through the full list, but there are obviously major agricultural chemical companies, one of which is Dow Agro Sciences Australia Limited. There are three that honourable members will know as being prime promoters of GE crops: DuPont Australia Limited, Monsanto and Bayer Crop Science. They are directors of and contributors to Avcare.

Does the minister believe that the public at large, in particular the Apple and Pear Growers Association, can have full confidence that the article 'GMOs: Guiding Meaningful Opinions' is not in any way biased, bearing in mind the substantial contributors, and can he give a guarantee that any advisory body advising him and the people in South Australia on the introduction of GM crops will studiously avoid the taint of having vested interests giving advice to the government?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): It is a rather difficult task the honourable member has set me in asking me to comment on the objectivity of an article that I have not read, based on who may have in some way supported the article. The debate on GMOs is an important debate this community has to have and there is a huge range of opinion on GM crops right across the spectrum, from those vehemently opposed to those who are uncritical supporters. A huge debate is going on; it is one we need to have. Anyone who wishes to take a position on this issue needs to read as widely as possible, from as many sources as possible, and be as objective as possible.

The Hon. Ian Gilfillan: Have you read the article?

The Hon. P. HOLLOWAY: I have not read that article from the *Apple and Pear Journal*, so I will look at it later. There is an enormous amount of information in the community in relation to GM crops, and all I can say is that the community needs to obtain a very broad amount of information in relation to that debate. It is an incredibly complex debate and, naturally, people try to simplify it. But there are so many cases that are different. In the past few days we have had reports from the UK, where the Royal Society has issued a report in relation to the impact on insects of GM versus non-GM crops, and other biodiversity issues.

I think one could say that that is an objective report, because the Royal Society has gone to a great deal of trouble to ensure that no-one on its panels has any particular involvement in relation to the industry. I think that probably reflects the debate that is taking place at the moment, because there is the potential for conflict of interest among many scientists working in that area. I think that what the Royal Society has

done in relation to that report is a model for other scientific institutions that reflect on this matter.

I will have a look at the article to which the honourable member referred, but I do not know that I can really add anything more to the debate by passing judgment on it. I think it is something that the public of this state needs to consider. We have had a select committee of the House of Assembly that has contributed greatly to this debate. We hope that a draft consultation bill will be released fairly soon (I hope to take that bill through cabinet in the next few weeks and release it for consultation). The honourable member referred to the press release that we put out on Friday in relation to the National Competition Council consultation on that bill, which is a necessary part of it. We hope that the bill can be released shortly, and we would certainly welcome widespread and informed debate on that bill. Of course, we hope that that will lead to an informed debate when the matter comes before parliament early in the new year.

MATERNAL ALIENATION PROJECT

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about the Maternal Alienation Project.

Leave granted.

The Hon. A.L. EVANS: Last year, I asked a number of questions about the Maternal Alienation Project. In a response tabled in the council on 20 February 2003, the minister advised that the Department of Human Services was supporting a six-month follow-up project based on the research carried out in 1999. In addition, the minister provided details about the various criteria that the department had identified to assess the project's outcomes and benefits. Those criteria included:

- greater knowledge of maternal alienation evident in service design and delivery, particularly in human services agencies;
- increased skills of professionals to respond more effectively to issues of maternal alienation; and
- documented evaluated training modules.

I understand that the follow-up project has ended. My questions are:

1. Will the minister advise whether concepts arising from the Maternal Alienation Project have been incorporated into policies, training modules and/or practices within the Department of Human Services?

2. Will the minister advise of the level of funding that was allocated to the project?

3. Will the minister advise whether the Maternal Alienation Project is to receive any ongoing financial support from the government to support any further analysis of the concept in terms of research development?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the Minister for Health in another place and bring back a reply.

GOVERNMENT OFFICES

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question about government office space.

Leave granted.

The Hon. D.W. RIDGWAY: In November last year, I asked the Premier a question on notice about whether he could reveal all government departments and agencies that have undergone a change of name since 6 March 2002, and the cost to the taxpayer of each change, taking into account such things as the changes to web sites, stationery, letterhead, signage and communication of changes to interest groups. The response that I received was somewhat vague, but there were several interesting points. The first one was:

> In the immediate aftermath of the 1997 general election some two dozen administrative units were abolished and eight new departments were formed and given new names.

And there is a bunch of names. It goes on to say that actual shifting of structures, movement of staff and other resources, and the actual shifting of accommodation have been kept to a minimum. My questions are: can the Premier reveal how many square metres of new office space have been leased in the last 12 months, and the cost of that space; and how many square metres of government space is leased and not occupied?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I suspect that that question should probably be directed to the Minister for Administrative Services, who would have responsibility for that. But to help provide the answer, the honourable member talked about changes to the minimum space, I think it was, and also areas that were subject to lease for the first time. Is the honourable member looking at net changes?

The Hon. D.W. Ridgway: Any new office space.

The Hon. P. HOLLOWAY: Because, obviously, from time to time government departments will vacate some premises and move to others. I suppose, if one wants a full picture of this, one might look at what space is vacated as well as that which is newly occupied. Anyway, I will seek that information.

The Hon. R.I. Lucas: You still can't tell us the staff who work for you, let alone answer this question.

The Hon. P. HOLLOWAY: We have provided an enormous amount of information to the opposition—unprecedented amounts—including information on the budgets that was never available under the previous government. We are very proud of the huge amount of information that we have provided compared to what has been provided by all previous governments in this state. But I will take the question on notice and bring back a response.

The Hon. A.J. REDFORD: I have a supplementary question. Does the minister agree that, in response to a question seeking the cost to the taxpayer of a change, the answer that the cost has been kept to a minimum is patronising, to say the least?

The PRESIDENT: I do not know whether that is a supplementary question, but the minister can make up his own mind.

The Hon. P. HOLLOWAY: No.

The Hon. A.J. REDFORD: As a further supplementary question: can we expect in future when we ask questions about how much things cost that an answer that they have been kept to a minimum satisfies this government's definition of honesty and accountability?

The Hon. P. HOLLOWAY: I think it depends on the context. I am sure that answers will be provided by this government if there are clearly measurable amounts. But when these rather vague questions are asked—

The Hon. A.J. Redford: It is not vague. How much did it cost?

The Hon. P. HOLLOWAY: Exactly! How long is a piece of string? It depends on how one accounts for these things. I am sure that those costs that are obvious and easily measured will be provided to the honourable member. As the Premier or whoever provided the answer said, yes, the costs in relation to any changes and new departments were kept to a minimum by this government. They were very small, indeed.

The Hon. A.J. REDFORD: I have a further supplementary question. What is so hard about answering the question: 'What is the cost to the taxpayer?'

The Hon. P. HOLLOWAY: As I just said, when there are amounts that are easily measurable, the honourable member will be provided with the information. That sort of information, the cost of government services, is provided through answers to questions every day. But in relation to questions of the nature that the honourable member asked, as I said, it is a bit like asking how long is a piece of string, because there were very few costs involved in the establishment of new departments by this government.

There were very few, indeed. It was simply restricted to the provision of such things as letterheads and so on. How would one get an accurate measurement—go out and count each piece of paper that was left in the department with the old letterhead? Given that the cost has been kept to a minimum and minimal costs are involved, it would have cost far more to answer the honourable member's question, I suspect, than the actual cost involved in the changing of a few letterheads.

DRY ZONE

The Hon. R.I. LUCAS (Leader of the Opposition): Does the Minister for Aboriginal Affairs and Reconciliation agree with the statements made last week by the Chairman of the Social Inclusion Board (Monsignor David Cappo) that the city's dry zone policy was racially discriminatory and that it had been targeted specifically at the Aboriginal population?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): The dry zone declaration and the application of it is the responsibility of another minister. The government is not handling the matter as an issue that would be discriminatory or seen to be discriminatory: it is a policy—

The Hon. R.I. Lucas: You do not agree with Monsignor Cappo?

The Hon. T.G. ROBERTS: I am not sure what the context of the—

The Hon. R.I. Lucas: It was clear. He said that it was racially discriminatory.

The Hon. T.G. ROBERTS: I have not seen the context of the questioning or the—

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: Well, to make a reply to a question like that I would have to see the context of the full interview. If the policy at a particular level—whether it is at a local or state government level—is discriminatory and based on race, certainly, I would not be approving of that. The problems associated with dry zones within most communities are targeted at alcohol and the abuse of that. There are occasions where special considerations have to be made for indigenous populations if they make up the majority of those people affected by a dry zone. My own personal view is that, in many cases, dry zones work.

They bring home the question of alcohol use/abuse and education around some of the terrors the abuse of alcohol holds for broad communities. However, in other cases, if they are targeted at one specific class or race of person, you must look at other ways and use a multitude of programs to come to terms with the issues associated with dry zones. Each dry zone has its own peculiar, specific problem. Other situations involve broad-based problems that need a suite of problem-solving issues. The issues associated within the inner metropolitan area are not just targeted at Aboriginal people, although a large percentage of Aboriginal people have been affected by it. Shifting the problem from Victoria Square to other parts of the city is not the solution. Other considerations need to be made.

The Hon. R.I. LUCAS: As a supplementary question, is the minister indicating that when cabinet approved the trial zone policy it was not targeted specifically at the Aboriginal population, and therefore he does not believe it to be racially discriminatory?

The Hon. T.G. ROBERTS: My understanding of it is—and I am not the lead minister dealing with it—

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: Wel, if it was a specific problem targeted at Aboriginal people I would be the lead minister. Cabinet has seen fit to bring in local government, planning and a range of other departments—

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: We are not handling it in a way that is targeting Aboriginal people specifically. We are trying to deal with the problems where Aboriginal people are caught in the homeless cycle and in the areas of drug and alcohol abuse—

The Hon. R.I. Lucas: Are you saying that it is not racially discriminatory?

The Hon. T.G. ROBERTS: It is not targeted specifically at Aboriginal people.

The Hon. R.I. LUCAS: As a supplementary question, is the minister saying that this policy is not racially discriminatory?

The Hon. T.G. ROBERTS: The issue is not one of discrimination: it is one of building prevention programs for all those people affected by alcohol and drug abuse.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: My view is that it is not racially discriminatory. We have to look at it in terms of assisting all those people who are caught in that trap. I know the previous government had to wrestle with the same issue and where Aboriginal people are caught in cycles of poverty, homelessness and alcohol and drug abuse we have to draw up policies to deal with that.

The Hon. J.F. STEFANI: As a further supplementary question: will the minister indicate to the council when the report is likely to be released publicly and particularly to parliament?

The Hon. T.G. ROBERTS: I am not the minister taking the lead on this issue. I will refer that question to the minister in another place and bring back a reply.

GAMBLING, SELF-EXCLUSION

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling, a question in relation to self-exclusion orders.

Leave granted.

The Hon. NICK XENOPHON: In today's *Advertiser*, an article by Maria Moscaritolo headed 'Banned—but pokies addict just walks in' describes how a Mr John Clements, who banned himself from metropolitan pokies venues because of a gambling problem, had no problem walking into five venues where he had been banned and spending some time there without being challenged. The article goes on to describe how Mr Clements had only four rejections in some 50 visits. I indicate that Mr Clements complained to me recently about the effectiveness of barring orders and the barring system, and I accompanied him to the Office of the Liquor and Gambling Commissioner last week, where he made a formal statement. The Minister for Gambling is reported in the *Advertiser* article to be considering an ID-linked smart card for poker machines, which swipe card could stop problem gamblers from playing. My questions to the minister are:

1. Given the manifest lack of effectiveness of the current self-exclusion arrangements, what framework of consultation and timetable for change will the minister commit himself to, in light of the reports that he is considering an ID-linked smart card for poker machines in order to deal with this problem?

2. Does the minister consider the two-tiered level of penalties for venues for allowing banned gamblers on premises with a maximum penalty of $10 000 under one act and $35 000 under another, with differing thresholds for an offence, to be undesirable and in need of reform?

3. Will the minister review the proportionate nature of penalties for barred gamblers and venues?

4. What resources exist to ensure enforcement of the current self-exclusion orders?

5. Does the minister concede that his recently announced policy of family protection orders would fail to be effective unless this aspect of the legislation were reformed in terms of its effectiveness?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the Minister for Gambling in another place and bring back a reply.

WATER, PERMANENT CONSERVATION

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to permanent water conservation measures made earlier today by my colleague the Minister for Urban Development and Planning.

WATER, EASTERN MOUNT LOFTY RANGES

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to Eastern Mount Lofty Ranges water resource management made earlier today by my colleague the Minister for Environment and Conservation.

URANIUM, OLYMPIC DAM SPILL

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to an Olympic dam uranium spill made earlier today by my colleague the Minister for Environment and Conservation.

MEDICAL CASE QUESTIONS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to medical case questions made earlier today by my colleague the Minister for Health.

KANCK, Hon. SANDRA, REMARKS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to remarks made by Hon. Sandra Kanck made earlier today by my colleague the Minister for Health.

FAMILY AND YOUTH SERVICES

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to Family and Youth Services made on 16 October by my colleague the Minister for Social Justice.

CHILD PROTECTION

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to Child Protection Services made on 20 October by my colleague the Minister for Social Justice.

GAMBLING, SELF EXCLUSION

The Hon. J.F. STEFANI: I have a supplementary question. Does the minister consider that, as part of the reform agenda to exclude problem gamblers, he may consider circulating to every gaming venue in South Australia the identities of people who have been banned from gambling?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take that question and refer it to the minister in another place and bring back a reply.

EMERGENCY SERVICES LEVY

The Hon. IAN GILFILLAN: I have questions for the Leader of the Government, representing the Premier and the Treasurer. Is he aware of how much confusion there is in the budgetary explanation of revenue in respect of the emergency services levy? Is he aware that it is virtually impossible to compare it from year to year, because the terms of reference are jumbled up making it almost impossible for the ordinary citizen to translate what is happening with ESL revenue? How much revenue has been raised through the emergency services levy in each year from 1998 to 2003? How much of that revenue was raised from fixed property? How much was raised through mobile property? What is the yearly total of government remissions and concessions for each of these

categories? How much of each of these categories consisted of payments made for government property?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will pass those questions on to the Treasurer. I note that a bill will soon be introduced in this parliament that will clarify the emergency services levy and some of the legal points in relation to the collection of the tax. It may give us the opportunity to provide that information.

REPLIES TO QUESTIONS

SCHOOLS, RESEARCH ETHICS

In reply to **Hon. A.L. EVANS** (26 June).

The Hon. P. HOLLOWAY: The Minister for Education and Children's Services has provided the following information:

Any research undertaken within the Department of Education and Children's Services needs to be approved by the ethics committee of the participating institution, in this case, La Trobe University's Ethics Committee. Consent and confidentiality are key elements of the DECS guidelines for external researchers. The DECS principles for research ethics state that "the benefits expected to result from a research investigation must outweigh any risks which maybe associated with it.

The Sexual Health and Relationship Education pilot program has put these principles into practice, and active parental consent is required for both participation of students in the program, as well as the research elements of the program. The principles have been reflected in the implementation of this research project and been overseen by the relevant officers within the Department of Education and Children's Services and SHINE.

The right for parents to choose whether their child participates in sex education is covered by regulation (Education Regulation 110). While the regulation is silent on what happens in the case of a child who has been exempted, the practice is to have an alternative program consistent with the broad outcomes of the learning area. Schools ensure that students meet the outcomes of the SACSA framework. This is locally determined and arrangements applied to the SHARE pilot program are the same as other programs where parents choose to exclude their child.

EQUAL OPPORTUNITY

In reply to **Hon. KATE REYNOLDS** (15 September).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

1. It is the policy of this government to legislate to remove unjustified statutory discrimination against same-sex couples. The Attorney-General published a discussion paper in February, 2003, outlining the areas where reform appeared to be needed and invited the public to comment. Over 2000 replies were received.

The government is now framing the most appropriate legislative approach. It will not be deflected from its general policy of reform but it will need to consider all the relevant concerns.

2. There is no formal report with recommendations. The government made its policy clear before the election, and, having consulted the public through the discussion paper, the government is now working on amending the legislation.

BAXTER DETENTION CENTRE

In reply to **Hon. KATE REYNOLDS** (15 September).

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

1. No police officers were involved in the removal of persons from the Baxter Immigration Detention Centre. Three detainees were housed in the Port Augusta Police Station for a short period on Saturday morning 23 August 2003 under the supervision and management of staff of Australian Correctional Management (ACM) and the Department of Immigration, Multicultural and Indigenous Affairs (DIMIA).

2. Department of Immigration, Multicultural and Indigenous Affairs and Australasian Correctional Management personnel removed the persons from the Baxter Immigration Detention Centre and maintained custody and control of them at all times.

3. SAPOL is not aware of any other South Australian Government employee's involvement in this removal. SAPOL cannot provide comment on other removals (if any).

4. No costs were incurred by SAPOL and no reimbursement is required or being sought.

5. Requests for police assistance from Department of Immigration, Multicultural and Indigenous Affairs are considered on a case by case basis by the relevant Assistant Commissioner. SAPOL can make no comment on requests involving other agencies.

DAIRY INDUSTRY

In reply to **Hon. CAROLINE SCHAEFER** (22 September).

The Hon. P. HOLLOWAY: The number of dairy farms, excluding sheep and goat dairies, that have ceased as licensed dairies since the Labor Government came into power is 90. This number was provided by the Dairy Authority of South Australian and is based on farm reductions in the 2 years from 30 June 2001 (582 farms) to 30 June 2003 (492 farms).

The table below summarises 10 years of data from the Dairy Authority of SA and Dairy Australia for:

- Number of licensed dairy farms (data includes around 5 to 10 goat or sheep dairies in the years prior to 2000-01)
- Number of milking cows during year (excluding heifers)
- Annual milk production.

Year	Number farms	No. milking cows	Milk production (million litres)
1993-94	876	93 023	456
1994-95	825	93 319	485
1995-96	791	94 570	512
1996-97	786	96 197	536
1997-98	749	99 761	580
1998-99	714	105 489	646
1999-2000	667	112 603	713
2000-01*	582	110 126	699
2001-02*	539	114 932	715
2002-03*	492	115 237	733

*Cow dairies only.

POLICE MINISTER

In reply to **Hon. R.I. LUCAS** (17 September).

The Hon. P. HOLLOWAY: The Premier has provided the following information:

1. The answer to the question is no. The police portfolio was reshuffled when Minister Conlon received the new portfolio of Infrastructure. Furthermore, since then Minister Conlon has been Acting Police Minister for a period of time.

2. N/A.

SAME SEX COUPLES

In reply to **Hon. A.L. EVANS** (23 September).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

There were 2 216 submissions received in response to the release of the government's discussion paper on removing legislative discrimination against same sex couples. Of those, 1 051 were received in opposition to any changes and 1 165 were received in support of proposed amendments to remove discrimination against same sex couples. Some submissions were received containing more than one signature, so each signature endorsing the submission was counted as a separate response.

Thirty-three submissions against any proposed changes came from churches and religious organizations, and thirty-three submissions were received in favour, from health agencies and trade unions.

Not all submissions commented on the questions posed in the discussion paper. The general tenor of these submissions indicated whether the respondent was in support of or opposed to the proposed changes.

STATUTES AMENDMENT (ANTI-FORTIFICATION) BILL

Adjourned debate on second reading.

(Continued from 14 October. Page 315.)

The Hon. IAN GILFILLAN: The Democrats will oppose the second reading of the bill. It fits into the suite of legislation with which the government is attempting to hoodwink the people of South Australia that it is really doing something serious about crime and the implementation of justice regarding crime in this state. In fact, it is a cheapskate device comparable with window-dressing in a large department store, where a lot of skill is put into the images which are portrayed in the windows of the store so that the suckers will be drawn in.

Far be it from the minds of the Democrats to support the offences that have indisputably been committed by members of bikie gangs; many of them have been charged and prosecuted and, in fact, there should be a vigilant campaign to wipe out that type of activity as much as possible, of which they, amongst many others in the community, have been accused. It is very fancy to pick the so-called outlaw bikie gangs because it has a lovely buzz and the media pick it up and wave it around, and most people can be whipped up into a frenzy to the point that they feel virtually any measure should be implemented to oppose the so-called outlaw bikie gangs. I feel that it is an anomaly because if, in fact, they are 'outlaw' bikie gangs, why does some legislative power that be not move that they be a prescribed body so that they no longer exist and membership of such organisations becomes an offence in itself?

If they are not 'outlaw' organisations—which is just an adjective—I believe it is a very loaded subjective exercise which does not take into account a group such as the Ulysses Club, which is the fastest growing group of bikers. I use the word 'bikers' deliberately, because I think the opprobrium now attached to the word 'biker' has made it very difficult to use that word in an unprejudiced and unbiased way.

In relation to the Ulysses Club, given its membership limitations of junior membership for riders aged in their 40s and full membership for riders aged 50 and over, it does raise a question whether it will be swept up into this current wave of fear and hysteria about motorcycle clubs. I think it is also important to place on the record three particular letters taken from *The Advertiser*, not as a defence of those people who are committing crimes and, at the same time, are members of an outlaw bikie club but just to put some balance in the way in which at least this parliament—even if the media and government cannot look at it objectively—can address the matter.

On the 17th of this month, a letter appeared in *The Advertiser* entitled 'I'm your man', which states:

> I refer to Mike Rann's moves against bike clubs (*The Advertiser* yesterday). Now, I ride a motorbike, associate with a club, the Vietnam Veterans, who do a lot of charity work. I work for a security firm and my house has a high fence. Is Mike Rann after me?
>
> Name and address supplied).

Very wisely, the name and address were not printed, because it is almost certain that the Premier would have been after the writer, because he would have been a very easy target. On the same day, another letter appeared in *The Advertiser*, which stated:

> I am extremely disturbed by the amount of rubbishing Premier Mike Rann has been doing against some of Adelaide's motorcycle gangs, but what about the good things?
>
> I work for a reputable transport company in Wingfield and the son of one of our drivers is dying from an inoperable brain tumour. One of the child's wishes was to ride a Harley-Davidson.
>
> Upon contacting the Gipsy Jokers to see whether one of their guys could help us out, they were more than happy to help. On the day of the Harley ride, not one but 30 motorcycles turned up and took the child's whole family for a ride to Glenelg, bought them all McDonald's and then returned them all safely, free.
>
> To see the smile on that child's face is something I will never forget. And you say bad things about these guys, Mr Rann. Shame on you.
>
> Luke Smith,
> Hillbank.

The third letter, which appeared in *The Advertiser* on the same day, entitled 'Wrong target', stated:

> Why is Mr Rann targeting bikes when men in suits seem to be stealing more than bikies in leather?
>
> John Riedel,
> Warradale.

They are not exonerating those members of whatever gangs are involved in illegal drug activity and intimidation or, in fact, are perpetrating so-called gang warfare. However, to pretend that bringing in this measure—the Statutes Amendment (Anti-Fortification) Bill—will aim the forces of good to crush the forces of evil in respect of bikie gangs is a con of monumental proportions.

What I feel the government must wear is this: both the Commissioner of Police and the South Australian Police Association say that there are inadequate resources to carry out their current responsibilities, and here we are loading them with another responsibility and, supposedly, this bill will make it easier. So, if we bring in bulldozers and knock down all the old sleeper fences, they are then perfectly entitled to put up a chain mesh fence with two wires on top, maybe even razor wire, if they are protecting very valuable property. It is not unusual for businesses which are welcomed into this state to be encouraged to protect their property. Supposedly the police will find it easier to get over a mesh fence with perhaps barbed wire or razor wire on top.

It would probably be a lot cheaper if the government provided the police with state of the art facilities so that they can quickly scale sleeper walls. If they want to have unannounced and rapid access to these locations, the government should provide them with the personnel, give them a bit of training—maybe a bit of pole vaulting, or whatever it is—and pour them over the side and dump the force of the law right into the heartland. No, the government will not do that, because it will cost money. What is more, the government would not be able to make a big trumpeting announcement such as, 'The Premier to crush the evil forces of the biker gangs'.

What is the Premier going to do to 'crush the forces of the biker gangs'? He will have an anti-fortification bill, and it is a fair bet that it will limp through this place, because, unfortunately, the opposition, which can quite often see through this type of deception, is not prepared to wear the wrath of the media and the public by actually kicking out silly legislation. So, except for a few worthy allies who are actually prepared to stand up for these things, we, as the voice of reason, are left as a minority in dealing with these issues.

The Hon. T.G. Roberts interjecting:

The Hon. IAN GILFILLAN: It is impossible to amend it in any sensible way at all, unless the minister would accept an amendment that we give the police extra funding of 25 per

cent and particular training in scaling 2-metre high sleeper walls. That would be very useful. The bill provides:

> Part 74BA
> 16—Fortifications
> In this Part, unless the contrary appears—

which is a bit hard to work out—

> fortification means any security measure that involves a structure or device forming part of, or attached to, premises that—
> (a) is intended or designed to prevent or impede police access to the premises; or
> (b) has the effect of preventing or impeding police access to the premises and is excessive for the particular type of premises.

I wonder how many prosecutions will actually stick on paragraph (a). Who will own up to the fact that they have actually built a device which is intended—and maybe designed—'to prevent or impede police access to the premises'? It is quite fatuous. And how can one prove it? Will there be a signed form to say, when the builder agreed to the contract to build the wall, 'This wall has been built with the express purpose of preventing or at least impeding police access to the premises or has the effect of preventing or impeding police'?

The Hon. J.F. Stefani: The council will have a problem, won't it?

The Hon. IAN GILFILLAN: I think that anyone who tries to implement this legislation will have an even bigger problem. I have a brush fence surrounding the house I stay in at Norwood. On Kangaroo Island, I have no fence, because there I do not care whether the police come surging in and out. They are welcome any time they like to come. Further, I do not have any problem with the police coming onto my premises in Fisher Street, Norwood. However, because I am on Bay of Biscay soil, my front gate tends to warp from time to time, and it becomes extraordinarily hard to open. That will have the effect of preventing or at least impeding police access to my premises, and I will be caught. If I happen to belong to an organisation the government does not like, such as this—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! I do not think that the honourable member needs any assistance.

The Hon. IAN GILFILLAN: I don't actually, Mr Acting President, but I seem to be getting it gratuitously, anyway. So, it just shows how vulnerable ordinary, decent South Australians will be if this ridiculous bill gets through. What I find is the height of hypocrisy is that, if it gets through, it will be paraded as, yet again, another wonderful gesture by this strong-armed government, and then what will happen? When Associate Professor Veno was here in South Australia last week he was interviewed on the ABC. An article in *The Advertiser* states:

> Monash University Associate Professor Arthur Veno, author of *The Brotherhoods* and a criminologist who has studied bikie gangs for 17 years, also expects the new SA laws to be ineffectual.

So, I feel I am in reasonably good company. The article goes on:

> 'They've tried it in a number of countries and the results have been less than helpful,' Mr Veno says.
> 'The most common response is to create a number of smaller little clubs that go out into suburbia.

It is like secondary cancer. Even if you did hit the primary, you are driving it out into all parts of the body. So you will not have it nicely concentrated behind this beautiful barricade—which is probably a very good use of old sleepers. There they are: the police can raid any time they like, once they get the skill of going over the walls. I am sure I could get enough people to go down and train a wall-climbing squad of the police.

The Hon. J.F. Stefani: Pole vaulting.

The Hon. IAN GILFILLAN: I did say pole vaulting, but you cannot be sure what you are going to land on on the other side. There could be spikes on the other side, so pole vaulting is a little tricky unless you really know what you are landing on. That will be the end result of this legislation. Those people who are determined to commit the offences will not be deterred one iota by this silly piece of legislation.

Another area of concern is that they may be involved in security firms. I do not know what the statistics are; it may well be that that is the case. Surely not all members of biker gangs will be a risk if engaged in security firms. Surely we have the capacity for legislation to make sure that people who go into bona fide surveillance or security firms are vetted: check their police records, get a police opinion, put them on probation. If we cannot as a society evolve laws that will be implemented by a competent police force, there is something seriously wrong with either the determination of the government, the adequacy of the police force or the design and construction of the legislation. All three of those are easily solved by a government that really does want to do something about crime instead of parading itself around as some sort of hero who will clean up all the indecent, improper and unacceptable activities in Adelaide and South Australia.

Members will get the impression that I am less than impressed and the Democrats will oppose the second reading, not necessarily because the legislation is this great mongrel cause or that the bikie offenders in certain areas should be defended or protected—that is not the motive. Our motive for opposing it is that we refuse to be implicated in a con of the people of South Australia that seeks to convince them that legislation of this sort makes them any safer in their streets or homes or in the nightclubs of South Australia.

The Hon. NICK XENOPHON: I indicate my support for this bill, but share the scepticism the Hon. Robert Lawson has outlined in his contribution on this matter. Clearly the community is concerned about the activities of outlaw motorcycle gangs. Some of the fortifications and clubrooms we have seen and the extent of fortification around them is offensive to many in the community, even from a planning viewpoint. The government ought to be commended for taking on board the concerns of the Local Government Association when it released its introductory draft. It is important to put it in perspective.

I will be very much interested in the committee stage of this bill to establish the extent to which the police have had difficulty in obtaining access to premises; their concerns; the manner in which the legislation will be enforced and the protocols for its enforcement; and whether there has been any analysis at a policy level for the ramifications of this legislation. The Hon. Ian Gilfillan refers to the activity being driven out of the larger clubrooms to smaller clubrooms and asks whether that would make it easier from a police viewpoint to enforce the law. After all, one of the primary concerns referred to by both the government and the Hon. Robert Lawson is the concern that some of these gangs are the source of much amphetamine production and distribution in the community, which is a serious issue.

I support the legislation, notwithstanding that I have some reservations in relation to its effectiveness and there is

concern that it may be a piece of window-dressing. Committee in this chamber will be very valuable in establishing how the legislation will work and the extent of the existing problem and to flesh out some of the government's overall plans as to whether it is part of a package. We have heard recent pronouncements from the Premier in relation to licensed premises, security firms and the infiltration or influence of outlaw motorcycle gangs within those premises, and I can see the legislation being part of an overall package to put the squeeze on these gangs and their activities.

In that context it is welcome, but I also share the scepticism of others in this chamber as to how effective it will be and whether it will lead to positive long-term results in reducing particularly the source of amphetamine production and distribution in the community, particularly amongst young people. There is a real concern about the influence of these gangs and their fortifications, as the very look of these premises is offensive to many in the community. It is worth while supporting the legislation, but there are many questions that legitimately should be asked in committee as to how far the legislation will go, the circumstances in which it will be enforced and whether anomalies will arise in the committee stage of deliberation of this bill to ensure that the Hon. Ian Gilfillan is not the subject of a raid because his gate, due to Bay of Biscay soil, does not open appropriately. These matters ought to be considered in committee. I support the bill, but the opposition's concerns about its efficacy and about whether it is largely a piece of window-dressing are legitimate, and they will be explored in committee.

The Hon. A.J. REDFORD: This bill was introduced by the government ostensibly to prevent criminal organisations such as outlaw motorcycle gangs fortifying their clubrooms and other premises to prevent police access and, further, to give the police power to require the removal or modification of such fortifications. It is an extensive bill and warrants the careful consideration of all members of the Legislative Council. The opposition, through the Hon. Robert Lawson, indicated its support for the bill in his contribution last Tuesday.

According to the government, fortifications have posed a serious problem for law enforcement. The bill, according to the government, is not intended to prevent or frustrate law-abiding members of the public in taking reasonable steps to secure their homes, community or business premises. In other words, the bill seeks to balance the rights of people to secure their homes with the rights of law enforcers to secure the apprehension and conviction of offenders. As is usual, that balancing act is not an easy one. I know that in the other place, members promised a rigorous committee stage. It lasted approximately four pages of *Hansard*—rigorous perhaps for some.

I now turn to the bill. My first concern in relation to this bill is the definition of 'fortification' itself. My concern is that the definition would catch ordinary law-abiding citizens that the government is referring to when it says that it does not wish to hinder their ordinary law-abiding activities. In particular, the definition of fortification says:

> Fortification means any security measure that involves a structure or device forming part of, or attached to, premises that—
>
> (a) is intended or designed to prevent or impede police access to the premises, or
>
> (b) has the effect of preventing or impeding police access to the premises and is excessive for the particular type of premises and fortified has a corresponding meaning.

The definition itself leads to a number of questions. First, why do we need paragraph (b), that is, a structure that has the effect of preventing or impeding police access to the premises. After all, there are some doormats, in my experience of door-knocking, that can have the effect of preventing or impeding access to some people's premises. Obviously that is covered by the term 'excessive for the particular type of premises'.

An honourable member interjecting:

The Hon. A.J. REDFORD: Yes—and I will come to that. A swimming pool fence can have the effect of preventing police access. However, the only restriction is whether or not, in the mind of some decision maker, the fence or device is excessive. There is no guidance in the legislation as to what is excessive and what it might mean in these circumstances. For example, a hedge might be said to impede police. When might a hedge be deemed to be excessive?

The Attorney-General made a disturbing statement, to say the least, when he dealt with this issue. In part, he said, 'Both local government and the police commissioner will use commonsense', which is a sentiment that we all hope would be applied. However, he went on and said that they will 'have regard to the identity of the applicant'. That, coming from the mouth of the Attorney, is deeply disturbing, and it discloses a fundamental misunderstanding of the democratic rights and principles that we have enjoyed, and sometimes fought for, in this country. It cuts into the rule of law like a knife that the application of the law will be predetermined by the people to whom it is directed. I suppose, though, there is some protection to the law-abiding citizen in clause 74BB and, in particular, I refer members to clause 74BB1(b)(ii), which provides:

> (ii) there are reasonable grounds to believe the premises are being, have been, or are likely to be, used—
>
> (A) for or in connection with the commission of a serious criminal offence;
>
> (B) to conceal evidence of a serious criminal offence; or
>
> (C) to keep the proceeds of a serious criminal offence,
>
> the court may issue a fortification removal order. . .

However, because of the broadness of the definition of 'serious criminal offence' in this bill—which includes all indictable offences or any offence prescribed by regulation—this warrants some more attention on the part of this place during the committee stage.

An indictable offence is an offence where imprisonment is prescribed of more than two years, and can include offences such as theft of more than $2 500, dishonestly dealing with documents, assaults, resisting arrest, secret commissions and, indeed, one that has caught the attention of the media of late, the abuse of public office. So, the circumstances can be extremely broad. For example, illegal gambling of certain types would be included. It goes much further than the bikies to which the government often refers. Indeed, associated offences, such as conspiracy to commit these crimes and aiding and abetting, would also be included.

These are extremely broad measures. I would like to know why it was necessary to have so many types of offences included, with such a broad definition of fortification and serious criminal conduct. For example, why is clause 74BA (b) required at all (including the words 'has the effect of preventing or impeding police access to the premises and is excessive for the particular type of premises')? If paragraph (b) was deleted, what practical impact would that have on the policing of offences on behalf of the community by the South Australian police force?

In what circumstances does the government envisage it is desirable or necessary for it to be armed with these powers under paragraph (b) in this legislation? Can the government give me a specific example where paragraph (b) is required—that is, a case that could not be made out as a device that is intended or designed to prevent or impede police access to premises? In relation to the nature of offences, what other offences does the government envisage it will prescribe by regulation?

In summary, in relation to that point, my concern is why we need such an extensive definition of 'fortification' coupled with such a broad range of offences. It would seem to me that, in making such a bold legislative step (and this is how this should be described), we ought to move cautiously, and perhaps deal with only a broad range of criminal offences or, alternatively, a broad range of fortifications.

The second issue that I wish to raise is the question of natural or existing features falling into the category of 'fortification' because of an event that occurs subsequent to the construction of a structure. There may well be circumstances where that might occur. If there is to be such an order, the owners might choose to move out or sell the property. I will give an example. What if this so-called criminal bikie gang should buy a property with natural fortification features, such as a hedge, or the gate that was referred to by the Hon. Nick Xenophon earlier in this debate? Should that fortification (if I can use that term) be ordered to be removed? Could the circumstances be such that the owners might choose to leave the premises, and would they be given an opportunity to do that? How does the government anticipate that the courts would deal with that sort of scenario?

A third issue is the treatment of confidential information vis-a-vis an appeal. In this case, what the parliament is authorising the courts and the police to do is to give them the authority to make some quite serious orders that affect the rights of ordinary people, that is, the removal of structures around their private property. Clause 74BB(5) provides that the Commissioner may identify information that is confidential. In other words, an order can be made based on information to which the respondent, or the owner of the property, will have absolutely no access. This is a substantial intrusion into the concept of natural justice—and that concept is that every person is entitled to know what evidence they are confronted with in terms of dealing with such an application.

The Hon. J.F. Stefani: It's called discovery, isn't it?

The Hon. A.J. REDFORD: It is just a general principle of natural justice or fair play. I have absolutely no doubt that that will raise some difficult issues for the courts. What is a court to do on appeal? How is such an appeal to be dealt with? Will the confidential information be disclosed to the Supreme Court? Is it likely that a Supreme Court (or, indeed, any other court) would ever make such a serious order against a person when there has been quite a clear contravention of natural justice? I just wonder whether we might not be setting up the courts for a fall when we say that they can have regard to information, they can keep it confidential and then subsequently make an order—and I will come back to the broadness in the discretion that the courts might have in making orders in relation to this legislation.

The fourth issue that I wish to raise is the grounds upon which an objection can be lodged. Proposed section 74BE does not state the basis upon which a matter would be considered, nor does proposed section 74BG, which sets out the rights of appeal. All this legislation does is give the property owner a right to object and a right to appeal. But it does not say the basis upon which a court will or will not allow an appeal. The only source of comfort that might be granted to such a person is that clause 74BB(1) provides that the court may—and I emphasise the word 'may'—issue a fortification removal order. It does not set out any facts or circumstances that a court may take into account in determining whether or not such an order is to be made. So, subject to any advice from the government, I can only assume that a court has a complete and unfettered discretion as to whether or not such an order is to be made.

If that is the case, and if I know the courts (whether in this state or in any other jurisdiction), it is highly unlikely that an order would ever be made, particularly in circumstances where secret information is given to the court and not disclosed to the person who is the subject of such an order. So, it is highly unlikely, when one looks at this, that an order would ever be made. In that sense, the government may well be creating a false sense of security in relation to this legislation.

The fifth issue I wish to raise is whether or not there have been any other precedents in relation to this legislation. I well know that there are occasions when parliaments have gone into new and fresh arenas, but I am not aware of any similar precedent in this country giving powers to authorities to interfere with what essentially are people's private rights to the extent that this legislation does. It may well be that that has happened and, if it has, I would be grateful if the government could identify those jurisdictions and perhaps give us some examples of the issues that have arisen following the passage of that legislation.

Sixthly, I have some issues to raise along the same lines as those raised by the Hon. Nick Xenophon. It is very easy for authorities to say that they require certain extensive and extended powers to enable them to carry out their responsibilities and duties and to say, 'We need these powers and you can trust us,' but I think that we in this place have a duty to be more precise in the information that we require before passing legislation. I would be interested to know the following:

- In the past five years, on an annual basis, how many raids have been carried out on bikie gangs or, indeed, any other gangs by the South Australian police force?
- How many times in each of the past five years have the police been impeded by these fortifications?
- Have there been occasions when the police have not bothered to take any steps as a consequence of these fortifications. In other words, have they been deterred by the fortifications?

If the answer is that there are occasions when that has occurred, I think the Hon. Ian Gilfillan's tongue-in-cheek suggestion that we provide the police with the resources to break through these fortifications might have some force.

I am also concerned in relation to the juxtaposition of the amendments to the Development Act in so far as the Summary Offences Act is concerned, and I am concerned for the following reasons. If a person goes through a planning process and clears the hurdles set out here that might be determined by the Commissioner of Police, is there a possibility that a subsequent application would be precluded in relation to the tearing down of that fortification? I wonder whether the government has thought through the situation where an ordinary law-abiding citizen may well go through the process of getting development approval and subsequently have orders made that that structure be torn down.

Of a more minor nature, I believe that it is appropriate, when one considers clause 37A(4), that if the commissioner is to prescribe a time within which a request must be complied with—that is, for further information to determine the commissioner's position—that that time ought to be a reasonable time. In other words, the police commissioner could not be unreasonable in seeking information from people who propose to build or make applications to planning authorities. It is not clear, though, whether or not there will be some sort of estoppel, if I can use that term in a non-legal sense, if someone does go past the hurdle of clause 37A in relation to a subsequent clause 74BB fortification removal order.

The final point I want to raise is the matters that were raised in the media late last week. I noted a headline last Wednesday entitled, 'Rann puts bikies out of work', and I well remember that when he was in the Bannon government he used to put the whole community out of work, so he has improved somewhat. He says in his exclusive statements to Greg Kelton, the state political reporter for *The Advertiser*, that he proposes to bring in tough new laws to weed bikie gangs out of legitimate businesses, including security firms. He goes on to say that he is going to target bikie gang involvement in security firms. I have some contacts in various security firms around Adelaide and I rang them and asked, 'Are you guys employing any bikies?' and, to a person, they all said no, they were not.

I thought, 'Perhaps I am coming at it from the wrong angle and they do not know,' so I rang a couple of very senior and well-respected criminal lawyers in Adelaide, because I understand that they made their own inquiries, and I was told that there are one or two people who are members of bikie gangs who may well be security officers. But I also understand that those people, in order to get such licences, have to prove that they are of good character and if they cannot do so they do not get a licence. Indeed, if they are convicted of any indictable offence they can never get a licence. I am told that there are no such people.

Notwithstanding that, the Premier—and we should understand that it is a very high office that the Premier holds—is reported in *The Advertiser* as saying:

> I would also like to find a means of revoking current security firm licences if their holders are found to be associated with outlaw bikie gangs and organised crime.

My question to the government is: are any security firm licences or their holders found to be associated with bikie gangs; and, if so, how long has the government known that to be the case? Second, if that is the case, will the minister or the Premier cause an immediate investigation to be undertaken into the consumer affairs commissioner and, indeed, the police commissioner, to ensure that inappropriate people are not slipping through the legislatively prescribed system to licence such people?

In a subsequent article, in which Mr Rann has promised to put bikies out of work, a rather colourful photograph of the Gypsy Joker's state president, Steve Williams, appears on the front page of *The Advertiser*. I do not know Mr Williams; I have never met him. And, by the look of him, I do not look forward to meeting him. It is an interesting article which makes a number of interesting statements. First, he indicates that the club would sell the compound if ordered to do so by the state government. Mr Williams probably does not understand what this legislation is all about. Apparently, the government is quite happy to have him there but just wants to be able to look over his fence. In any event, the government can perhaps claim some solace from that, and I look forward to the Premier of this state accepting Mr Williams' offer and the Gipsy Jokers' club headquarters at Wingfield being closed down. But he confirmed what the lawyers had told me, that is, that few patched bikie gang members are employed as security guards.

So, I would be interested to know precisely the basis upon which the Premier has made these allegations. He might say that he has got this information from police sources, but the police could hardly be tapped on the shoulder by Mr Rann and thanked vociferously because, in relation to what Mr Rann alleged in the paper, it was reported:

> Police would not comment yesterday on the issues of bikie involvement in security firms.

That is hardly a ringing endorsement of the serious allegations made by the Premier on the front page of *The Advertiser* last week. If, in fact, this is the case, I would urge the police commissioner to come out and support the Premier because, in the absence of any such support I, as an elected member of this parliament—and, I would hope, other members in this parliament—could only treat Mr Rann's suggestions with the contempt they deserve.

It is about time that this country grew up and stopped trying to find evils under every second bed in order to justify the careers of individual politicians. It goes back to when every second person was supposed to be a communist; then there were the tax avoiders; and now we have the Premier's bikie gang issue. If there is something serious to be dealt with, the information ought to be put on the table in a careful and considered way, and it ought to be supported by the police. If the bikies are as evil as the Premier is suggesting (and I have no knowledge one way or the other), it does the Premier's cause no good if he simply is doing this as some political witch-hunt in order to bolster up his testosterone, as he did recently with that other group of heinous people in this community, Adelaide's legal profession. The article states:

> Attorney-General Michael Atkinson said he was prepared to release the name of a security company alleged to be controlled by an outlaw motor cycle gang if asked to by police.

I must say that, if the government is mindful to give exclusives to *The Advertiser* with a view to putting itself on the front page, it is now incumbent upon it to reveal the name of the security company alleged to be controlled by outlaw motorcycle gangs; to do otherwise is to besmirch ordinary security firms and to besmirch the whole industry, and to undermine public confidence in an industry is not something that should be done lightly. I think that the Attorney-General is now caught by the Premier's rhetoric, and he now has to release the name.

It has now reached the point where the police, in the absence of the Premier's coming clean, ought to say which particular security firms, in their mind, are controlled by criminal elements, and that means that we, as legislators, and other prominent members of the community, can get on and find out exactly how it is these people slip through a pretty strict security system to get themselves into that position. In the absence of any of that activity, all I can assume is that the Premier is making this up; that this is all about getting a headline and has nothing to do with any reality, and that is a very serious matter. If he is doing it simply to get himself up in the opinion polls, that can only be described as disgraceful.

The Advertiser's editorial says that the Premier is proposing legislation banning gangs from operating security firms, which in turn supply security guards for nightclub venues. If

what *The Advertiser* is saying is that people who do not have a proper character, who are not fit or who have some previous convictions that would prevent their operating security firms or security guards, then I agree with *The Advertiser* wholeheartedly. However, if it is saying, 'We will pick out particular groups of people and say that they are not fit because of who they associate with', then that is a very serious step. Wars have been fought on the issue of freedom of association.

The fact that I happen to belong to this or that church, to this or that political organisation, or associate myself with a particular religious, social or other group, has always been protected under our democratic system. I would hope that *The Advertiser*, which is a great champion for the cause of freedom of speech, a great champion for the cause of the freedom of the press, would also equally champion the right to associate freely. If there is something there by all means let us address it, but let us not just pick on a group, say that they belong to a particular class of people and then go out in the media, on talk-back radio and everywhere else and seek to vilify them.

The Premier may well get away with this for a year, two years, five years or 10 years but, unless he pulls his head in, he will be judged as a person of questionable beliefs if he thinks that he can go out and slag some group of people and anyone who may well be associated with them because of some particular image. I strongly deprecate it. I would hope that *The Advertiser* editor is not suggesting that particular individuals or groups should be targeted unless or until there is some demonstrated good reason to target them. If that is the case, this is the first time in my life that I have seen a respected publication, such as *The Advertiser*, cross that line.

The Hon. J.F. STEFANI: I was not going to make a contribution to this debate but I feel urged to do so, and I do so on the basis of some of the Premier's grandstanding in the past few years. As the then leader of the opposition, I can recall the Premier visiting the United States. He came back with the announcement—

The Hon. A.J. Redford: He met someone from the United States in New Zealand.

The Hon. J.F. STEFANI: The story was that he had spoken to authorities in the United States and, on his return, he was in communication with the police commissioner about the serious crime element that existed and the connection that had with the so-called outlaw bikie gangs. Quite frankly, I find that that pronouncement, made in a public arena, lacks credibility. It is totally outrageous that the police commissioner and the other law enforcement authorities of this state and Australia rely on the then leader of the opposition going to the United States to discover the connection and then making that pronouncement publicly.

I do not believe that our law enforcement authorities would ever rely on any member of parliament (or any member of the public, for that matter) coming back from an overseas trip and making a public announcement for the benefit of the publicity. I am also quite concerned that, in the proposal before us, the relevant authority (and I take that to be the local council) needs to refer a proposal for a development that may involve the creation of a fortification. Quite frankly, I find that absolutely strange because many clubs and premises are built with very large and substantial brick fences around them.

I can quite clearly state that the Veneto Club at Toogood Avenue, Beverley, has a four to five metre brick fence around it. That fence, I guess, is a fortification and, if such a fence were to be built, that fortification must be referred to the police commissioner. What on earth is the police commissioner doing getting involved in assessing a brick fence? Why does he have to have engineering calculations and other technical details? Why on earth are we involving the Commissioner of Police in giving approval for a substantial brick fence that may be around particular premises, and not necessarily a business but an association?

For that matter, it can be a number of associations; it can even be the union—and I will come to the union in a moment. So, we have this outrageous involvement of the police commissioner making an assessment about a structure that is to be built around a development or premises. We heard about the outlaw bikie gangs, and I strongly concur with the statements made by my colleague the Hon. Ian Gilfillan. If the bikie gangs are in fact outlawed, why on earth are they still operating? Why have we as a community, the police commissioner and law enforcement authorities not been able to close them down? Why on earth are we saying that these associations or groups of people are outlawed when one, two, three, five or a number of members of those associations might have been involved in some crime or wrongdoing—and that is not denied? But is the community as a whole not experiencing that problem?

Are we saying the rest of the community is totally devoid of this sort of element? Is the Premier saying that the bikie gangs exclusively harbour criminals and the rest of the community has no criminals? I challenge the Premier to give me and the parliament some statistical proof that that is the case, because I do not believe that to be true. We read in the paper every day that crime is being committed in every sector of the community. It is not exclusive to the bikie gangs; unfortunately, it is widespread throughout the community.

I want to refer now to the union. I can recall very clearly the unlawful and criminal conduct of members of the union actively pursuing their selective interests—not the interests of their members, because otherwise they would not be conducting themselves in the way they did—and they were absolutely committing crimes, and serious crimes at that. That has been proven and is on the record. Have we shut them down? No. Why? Because some people within those unions were a bad element, but by and large the unions have a responsibility and they act with propriety.

I remind the Premier of that, and I challenge the Premier to come out and prove that the bikie gangs have an increased or excessive number of members who are involved in criminal activities within our community. It is an important issue. Parliament is being asked to pass and enforce laws that in my view are draconian, because they do not prove anything.

As the Hon. Ian Gilfillan has said, if we believe we have such a huge problem in our community, the best thing to do is to equip our law enforcement officers—the police force—with modern technology so they can parachute into the so-called fortified premises and search and destroy with or without warrants—whatever is permitted under the law—and find out whether the gangs have drugs and other things and can weed them out and put them in gaol.

Let us not bog down parliament and the rest of the community with the perception that we will give the police the authority to move in with a bulldozer. Let us use modern technology and fly them in with a helicopter at night. Let us have the paratroopers come down and search and destroy if that is the case. Frankly, this is a huge beat-up, and I am sure

that a lot of the people who are involved in these clubs and associations who happen to love their motor bikes—their Harley Davidsons and everything else—are by and large law-abiding citizens.

As in every other section of the community, some people will be involved in wrongdoing, and that cannot be denied. There may also be temptations; because of various involvements that we have in our community, one section may be subject to greater temptations than others. It is a bit like the gambling temptation. If you go into a hotel and you have an inclination towards poker machines (and I have not), you might be inclined to go in and waste your money on a poker machine. That is the issue. The issue is that people in a broad scale attack have been accused of being criminals, and I do not believe that is the case.

I want to make a final comment. In considering this legislation, some serious thought will have to be given to the liberties and rights of people and also, as the Hon. Angus Redford mentioned, to the justice process which the laws of this country afford people and which stipulate that people are given the opportunity to defend themselves and are presumed innocent until they are proven guilty. Those laws which are effective in our community and which have now been enforced for many years have been pillars of our society, because they provide that mechanism where, if people who are conducting themselves in a proper manner find themselves in the position of having to defend their actions, they are first given the opportunity to be treated as innocent until they are proven guilty and then they are dealt with in terms of the law. Those laws that are already very well enshrined in legislation deal with the criminal element in our community.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

SUMMARY OFFENCES (OFFENSIVE WEAPONS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 15 October. Page 358.)

The Hon. NICK XENOPHON: I indicate my support for the second reading of this bill. I note that the issue of a greater risk of violence in and around licensed premises, particularly at night-time and particularly around pubs, nightclubs and some other types of clubs, is an increasing problem. I further note extensive reports in our own media here in South Australia, and this was also raised as an issue of public policy concern in Sydney recently during the alcohol summit, where there is a very real concern about the link between early morning opening hours for some clubs and licensed premises in some precincts of Sydney and the increase in alcohol related violence.

A number of those incidents involved the use of offensive weapons, and an intoxicated person with an offensive weapon can be a very deadly matter. I support the thrust of this legislation but it indicates deep problems in the existing licensing laws, the policing of those laws in terms of intoxicated persons, the enforcement of those laws and appropriate police resources to deal with such issues. In a sense, this legislation is in response to a symptom of increased levels of violence around licensed premises.

I refer to the government's rationale for the legislation. The core of the issue is whether the amendment to be moved by the Hon. Mr Lawson should be supported and whether it ought to be across the board in terms of this offence, or whether there ought to be a tiered aggravated offence. There are questions I will ask, and I will listen to some of the responses of the minister during the committee stage before I finalise my position. I can see some sense in the opposition's approach, but I will keep an open mind and listen to the government's response to the amendment to be put forward by the Hon. Mr Lawson. If it were an across the board offence, obviously the courts would take into account the circumstances of the offence.

There are also questions which need to be asked about how this legislation will operate in terms of licensed premises. For example, does it apply to premises when they are closed and no longer serving alcohol? I would like to explore this in the committee stage. Is it possible for the government to indicate how current laws are being enforced in terms of the number of prosecutions brought; the convictions; and the range of penalties? This would be useful. To be fair, it is not something I expect the government to provide information about today. I do not intend to hold up the debate while I wait for those answers. I would like to put the government on notice as part of an on-going consideration of this important issue.

These are reasonable questions to put on the public record in order to examine the efficacy of current legislation and how the government says this proposed legislation will be more effective. It is also a legitimate role of the opposition to raise the questions asked by the Hon. Mr Lawson in terms of whether this legislation is, to the letter, a fulfilment of the government's promise during the last election campaign or whether it is a watering down of that promise or whether it is, in some way, a halfway house.

These are matters that I think can be best explored in the committee stage. I indicate my support for the second reading stage and I will be open to the cogency of arguments, of both the government and the opposition, in relation to the amendment to be moved by the Hon. Robert Lawson to which I have referred.

The Hon. P. HOLLOWAY (Minister for Agriculture Food and Fisheries): I thank members for their contribution to this debate. The government deplores violence at any time and in any place. The government believes that the incidence of antisocial behaviour is greater in and around licensed premises at night than it is in general. A number of interstate studies of behaviour in and around licensed premises confirm that this is the case. For example, Briscoe and Donnelly, of the Bureau of Crime Statistics and Research in New South Wales, did a two-year study of inner Sydney, Newcastle and Wollongong, and concluded that assaults on licensed premises were concentrated late at night or early in the morning, especially on weekends. Teece and Williams, of the Australian Institute of Criminology, reported in a trends and issues paper in 2000, the following:

> The incidence of alcohol-related assault is concentrated at certain times and places, predominantly where alcohol is consumed or is available nearby, more often on weekends and most often late at night or early in the morning, and more frequently on Friday to Sunday.

The Liquor and Gambling Commissioner and his staff have confirmed that the findings of this and several other studies to similar effect are consistent with what happens in South Australia. The government's election promise was to act to target the situation of high risk through new legislation. The

bill does this by establishing offences of aggravated offensive weapons and dangerous articles—offences that carry a penalty four times higher than that for the simple offensive weapons offence. The aggravating factors are location and time. The location factor is being in or in the vicinity of licensed premises.

The time factor is night time, defined as being between 9 p.m. and 6 p.m., consistent with the definition of night in other nocturnal offences. The penalty is four times higher than for the simple offence of carrying an offensive weapon. This should send a clear message to members of the public that they need to make sure that they do not have a knife or other weapon with them when they go for a night out.

The Hon. Robert Lawson says that the bill does not relate specifically to knives. The Hon. Ian Gilfillan, on the other hand, acknowledges that this is about knives but thinks that there will be few knives to which the bill will apply. The Hon. Andrew Evans also expressed the opinion that it is difficult to imagine that there are any knives that would not be prohibited weapons, and in a moment I will explain why this bill will apply to the carriage of most knives.

The bill has to be read in the context of the act and the existing section that it will amend. Although the bill does not mention the word knife, it does relate specifically to knives because all knives are offensive weapons by definition, unless they have been declared to be prohibited weapons. The definition of offensive weapon is:

> Offensive weapon includes a rifle, gun, pistol, sword, knife, club, bludgeon, truncheon or other offensive or lethal weapon or instrument but does not include a prohibited weapon.

I will come to the question of prohibited weapons in a moment.

The bill is about the carriage of knives. It is also about the carriage of other things that can be used to cut or stab and the carriage of blunt instruments as well. The fact that the bill applies to more than knives is a point in its favour. If it were confined to knives, then people who want to take a weapon to licensed premises for evil purposes might take something else. One could think of many things that could be substituted for a knife, including screwdrivers, scissors, stilettos, cleavers, machetes and hatchets. Information from the police indicates that things like this are sometimes carried without lawful excuse and are confiscated as offensive weapons.

Further, the wider scope of this bill will avoid arguments that could otherwise arise about whether the thing carried is, in fact, a knife. It is correct, as the Hon. Ian Gilfillan said, that there are a number of knives that have been declared to be prohibited weapons, and the possession of a prohibited weapon carries a maximum penalty of two years' imprisonment or a $10 000 fine, or both. But paragraph 7 of schedule 2 of the Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000 from which the Hon. Ian Gilfillan quoted does not make any kind of knife a prohibited weapon. Most knives are designated for use as tools or implements, not as weapons. We all use knives in this way every day.

The prohibited weapons regulations target only those types of knives that are generally designed for use as weapons. Several are named specifically: for example, daggers and trench knives. Then the regulation adds 'or any other type of knife that is designed or adapted for hand to hand fighting', and I emphasise the words 'adapted for hand to hand fighting'. So, the majority of knives are quite properly treated as offensive weapons.

If this bill is passed, it will apply to most knives including, to give a few examples, pocket knives, Stanley knives, the whole range of kitchen knives, steak knives, and fishing knives. All these knives are deemed by the legislation to be offensive weapons, and anyone who carries one commits an offence unless he or she has a lawful excuse for carrying it at that time and place. This bill would impose a higher penalty if the carriage is at night and in or in the vicinity of licensed premises. As I have said, it will also apply to any other offensive weapon and to anything that is declared by regulation to be a dangerous article.

As the Hon. Carmel Zollo said in her second reading contribution, if a person were queuing up at Heaven—that is the nightclub—with a knitting needle it could be treated as an offensive weapon, especially if it was a steel knitting needle, and under this bill the person would be liable to punishment for the aggravated offence of having an offensive weapon in the vicinity of licensed premises at night.

This leads into what is meant by 'in the vicinity of licensed premises'. The Hon. Robert Lawson pointed out that there is no definition in the bill of the phrase 'in the vicinity of licensed premises'. This is so, and it is the result of careful consideration. It is not an unusual phrase. It will be given its ordinary English meaning, as it is in a number of other statutes including in the provisions of the Summary Offences Act, that give police the power to direct groups to disperse and people to move on.

The *Concise Oxford Dictionary* defines vicinity as 'surrounding district, nearness in place to, close relationship to'. So, the factors to be taken into account in deciding whether a person is in the vicinity of licensed premises will be proximity or nearness to the premises and relationship to the premises. For example, a person lurking in a hotel car park, looking for a fight, will be in the vicinity of the hotel because of the relationship between the car park and the hotel. A person in the street outside a licensed nightclub will be in the vicinity of the nightclub because of the proximity.

The government did not consider specifying a distance of 100 metres, but the Premier also spoke of being near licensed premises. The idea of a specified distance was rejected, because it would be apt to produce anomalous results. For instance, a person 100.1 metres from the premises could be charged with the lesser offence only, whereas a person 99.9 metres from the premises could be charged with the aggravated offence. Further, it would have been difficult to legislate for the exact way in which distance is to be measured, when the circumstances in each case will be different. The need to measure would cause some practical difficulties and inconvenience. It would be a particular problem for accused persons, who will rarely be in a position to measure the distance at the time and who are likely to have difficulty measuring accurately after the event. It is convenient to use the same concepts for this offence as the power the police have to require people who are hanging around licensed premises to move on.

Public consultation, through a discussion paper published and distributed widely in June 2002, made it clear that a law that did not allow for any defence at all to a prohibition on carrying knives in or near licensed premises would catch many people unfairly. There are some people who, on occasions, have good reason to have a knife or other thing that is an offensive weapon or a dangerous article in licensed premises, and even more reasons for them to have them near licensed premises. As the submissions and information received from a wide range of people and organisations, both

public and private, have pointed out, the proposed legislation would render people liable for conviction and punishment for the lawful and sometimes necessary carriage of a knife, unless there were a defence. The bill takes into account the fact that some people need to carry a knife or other thing that might be regarded as an offensive weapon in or near licensed premises by allowing them to explain the reasons why they have it. Of course, the police and the court are not obliged to accept as a lawful excuse whatever story they might be told.

The reported cases demonstrate that the courts do take into account all the circumstances when deciding, first, whether the person's story is to be believed and, secondly, whether, if it is believed, it amounts to a lawful excuse. Also, it is necessary that the defence for the new aggravated offences be the same as the defence for the lesser offence so that the courts cannot convict of the lesser offence if the aggravated offence is not proven but the lesser offence is. The bill will not change in any way the prohibited weapons laws and the exemptions to them that came into force near the end of 2000.

The government's election policy, and hence the bill, is focused on the fact that there is a higher risk of violence in and around licensed premises at night than at other times or places. The Hon. Robert Lawson says that the same high penalty should apply to carrying an offensive weapon at any time or place. What the Hon. Robert Lawson proposes would defeat the purpose of this bill. There is no purpose whatsoever in having an aggravated offence if the penalties are the same as for the simple offence. His proposal would make the aggravated offence redundant. The approach proposed by the Hon. Robert Lawson ignores the difference in levels of seriousness of the offence. For example, the view that carrying a loaded firearm in a public place without lawful excuse is more serious than carrying other things that are offensive weapons would be obliterated. The government believes there is a difference between a backpacker with a Swiss Army knife and a professional hit man with a silencer or submachine gun.

The Hon. Robert Lawson's approach would also cut across the current three-tiered structure of section 15 of the Summary Offences Act. It would make section 15 look rather odd, and the result is likely to be confusing. The three-tiered system was developed by the previous government as part of a national scheme. The Hon. Robert Lawson's proposal would be inconsistent with the tiered structure of the national scheme that the previous government helped create. The Hon. Robert Lawson said that this bill is not about increasing police powers, and that is correct. This government does not think that additional police powers are needed at this time to facilitate the policing of the weapons laws.

Of course, police powers are constantly monitored and, if the need for additional powers becomes evident, the matter would be reconsidered. The power that the police are most likely to use in policing the new offence is the power to stop, search and detain any person who is reasonably suspected of having on or about his or her person an object the possession of which would constitute an offence, including an offensive weapon, dangerous article or prohibited weapon. This power may be exercised without warrant. The power is given by section 68 of the Summary Offences Act.

I am advised that the Victorian bill to which the Hon. Robert Lawson referred is to give Victorian police the power to search without warrant if they have reasonable grounds for suspecting that a person is in possession of a weapon. It would appear that, unlike South Australian police, they did not previously have power to search without a warrant.

The council might be interested to know that an analysis of police powers undertaken by the Attorney-General's Department led to the conclusion that the South Australian police already have more expansive powers than the police in any other Australian state. I commend the bill to the council.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. R.D. LAWSON: Before proceeding to the amendment, I have a number of questions for the minister on the government's proposed clause 4, which will include a new offence, an aggravated offence, of a person who, without lawful excuse, carries an offensive weapon etc. I want to focus on the expression 'without lawful excuse.' Will the minister confirm that the lawful excuses available for this aggravated offence are the same as the lawful excuses available to the existing offences under section 15?

The Hon. P. HOLLOWAY: Yes, I can confirm that.

The Hon. R.D. LAWSON: Was the Premier, therefore, in error when he said, 'There will be no excuses from patrons carrying knives into or near licensed premises?'

The Hon. P. HOLLOWAY: Following the election the government issued a discussion paper, and I referred to that in my second reading response. There were a number of responses to that discussion paper. As a consequence of that—and I also indicated this in my second reading response—the government has come up with the bill in its present form which we believe addresses the concerns of the public, namely, the fact that the use of knives and other offensive weapons in the vicinity of licensed premises in evenings, particularly at weekends, is a matter of significant concern to the public. The bill before us addresses that.

The Hon. R.D. LAWSON: Will the minister confirm that it was the printed policy of the Australian Labor Party in the 2002 election to the following effect: 'Our legislation will stipulate that no excuses will be accepted from patrons carrying their knives into or near licensed premises at night'?

The Hon. P. HOLLOWAY: I do not have a copy of the policy with me, but it certainly sounds like it. In putting this bill forward, which I hope all members of parliament will accept, we are giving effect to the concerns of the public, that the carrying of knives and other offensive weapons in the vicinity of licensed premises is offensive. We are addressing that and ultimately the public of this state will judge the government on its performance in relation to law and order. The public will judge us on the benefit and effectiveness of the laws, so I hope the opposition will support us in attempting to do that.

The Hon. R.D. LAWSON: The minister mentioned in his summing up that the carrying of offensive weapons in licensed premises was an increasing problem. I have seen the latest statistics published by the Office of Crime Statistics for the year ended 30 December 2002 and, whilst suggesting that unlawful possession of weapons is a rising category of offence, no statistics are provided in relation to the carrying of weapons in or near licensed premises. Will the minister provide the statistical basis upon which this legislation was advanced?

The Hon. P. HOLLOWAY: I thought I mentioned that at the start of my response today when I referred to a number of interstate studies of behaviour in and around licensed premises. I mentioned Briscoe and Donnelly of the Bureau of Crime Statistics and I mentioned Teece and Williams at the

Australian Institute of Criminology, and I also said that the Liquor and Gambling Commissioner and his staff have confirmed that the findings of this and several studies are consistent with what happens in South Australia.

It may help answer the matter raised by Mr Xenophon as well, but I am advised that, unfortunately, in South Australia statistics are not kept in enough detail to enable us to provide the level of information members would like. We have relied on those studies interstate and it would be anecdotal evidence, and it would be surprising if that interstate experience was not mirrored here.

The Hon. R.D. LAWSON: Will the minister provide a more detailed reference to the Teece and Williams Australian Institute of Criminology paper, as I have not been able to find it? Will he confirm that it relates to the subject of knives in licensed premises?

The Hon. P. HOLLOWAY: It was a trends and issues paper, which I think is sent to all members of parliament regularly. I used to get them. This article was in the year 2000. It refers to violence generally.

The Hon. IAN GILFILLAN: The Law Society in its response to this legislation in a letter to the Attorney said, in its second sentence:

> The Criminal Law Committee has considered the bill. The society has decided not to make any comment in relation to it.

That was a very prudent decision, and I do not intend to read between the lines. People can refer to my second reading contribution. Does the term 'licensed premises' in this bill cover the Adelaide Bowling Club?

The Hon. P. HOLLOWAY: If the Adelaide Bowling Club has a liquor licence under the Liquor Licensing Act—and I do not know whether or not it has—then, when the legislation is enacted, the act will apply.

The Hon. R.D. LAWSON: Given that the minister has admitted that the Office of Crime Statistics does not keep statistics about the incidence of offensive weapons in or near licensed premises, how can the government say that in South Australia the issue of offensive weapons is an increasing problem?

The Hon. P. HOLLOWAY: I do not know that I said in my response that it was an increasing problem: I certainly said it was a problem. I also referred to police statistics. As I understand it, the Office of Crime Statistics derives its statistics from the police and the courts, so presumably if the police do not have it—and that is my advice—then neither would the other body. I just make that clear.

The Hon. R.D. LAWSON: Can the minister indicate why it is a greater danger to the public for someone to be in licensed premises with an offensive weapon such as a broken bottle than in a petrol station console operator's booth?

The Hon. P. HOLLOWAY: I think the real issue is that, when we are talking about licensed premises, we are talking about places where people are likely to have at least some level of alcohol consumption, some level of intoxication. It is that combination (and I have mentioned this before) which, statistics show us, leads to this particular problem, that is, when assaults occur they are concentrated late at night or early in the morning and especially on weekends and in and around licensed premises. That is where there is a particular problem.

The Hon. R.D. LAWSON: Has any consideration been given to issuing police with mobile metal detectors or other devices which might assist in the policing of this new law?

The Hon. P. HOLLOWAY: We do not know that. I assume that is a matter for the police commissioner. Obviously, we know that knives are certainly dangerous on aircraft—it appears that even plastic ones are considered dangerous these days. We have metal detectors at airports. As far as the police are concerned, I think that is an operational matter for the police commissioner, but I have no information that I can advise the member of in relation to that issue.

The Hon. IAN GILFILLAN: The last sentence in the bill is 'night means the interval between 9 p.m. in the evening and 6 a.m. in the morning of the following day'. I ask the minister, for the easier apprehension of people who are carrying offensive weapons in these circumstances, has the government considered introducing some alarm system to let the enforcing agents know that at five minutes to 9 p.m. they need to be on the alert and at 6.05 a.m. they can relax because the time of heightened tension and extreme danger has passed?

The Hon. P. HOLLOWAY: The honourable member can well try to make fun of it but, again, I can only repeat that statistics (certainly, those from interstate) show that it is during the night time hours—

The Hon. Ian Gilfillan interjecting:

The Hon. P. HOLLOWAY: I did say from interstate. The statistics show that that is the time. Members of the opposition and others might be naive enough to pretend and to delude themselves that there is not a problem around licensed premises, particularly at weekends and at night, but I am sure that the public of South Australia are not, and I am sure that they accept the reason for the act's providing an aggravated offence at those times.

The Hon. IAN GILFILLAN: If an alleged offender argued that he or she was not aware that daylight saving had been introduced, would the government consider that to be a valid defence?

The Hon. P. HOLLOWAY: Again, the honourable member obviously is trying to make fun of the—

The Hon. Ian Gilfillan: It's not hard, I can tell you that.

The Hon. P. HOLLOWAY: It is not funny when people are abused on licensed premises by people using offensive weapons. This bill creates an aggravated offence. It heightens the awareness of the police, the courts and the community in relation to what is a real problem. The honourable member will have his opportunity to vote against that if he wishes. But I would suggest that members of the public of this state are well aware of the additional risk and problem at those times in those places.

The Hon. R.D. LAWSON: The minister indicated that he was not aware, because it was an operational matter, of additional resources that the police might have for the detection of these offences. Has the government provided any additional funding to the police department to enable such devices to be obtained?

The Hon. P. HOLLOWAY: Not to my knowledge. In relation to police powers, I specifically made the point that I believe that the police have more extensive powers than is the case in any other state and that it was not a question of powers: it was simply a matter of creating this new aggravated offence as both a deterrent and, I suppose, as a message to the courts to ensure that those who would create these problems on licensed premises at night are appropriately dealt with.

The Hon. R.D. LAWSON: Does the minister agree that, under the Criminal Law (Sentencing) Act, any tribunal before which a person charged with having an offensive weapon

would appear would be required to take into account the particular circumstances of the offence and impose a tougher penalty if the circumstances were that an offensive weapon was used?

The Hon. P. HOLLOWAY: Can the honourable member refer to the section of the act? We will check it to be absolutely clear. I suspect the honourable member is right.

The Hon. R.D. LAWSON: The Criminal Law (Sentencing) Act contains a provision which sets out the criteria which all courts must apply when determining sentence. My question is: does the minister agree that the powers given in that act are sufficient to enable the court to fashion a penalty to meet the particular crime?

The Hon. P. HOLLOWAY: I am not really sure that that is to the point. There is a maximum. I think I know where the honourable member is leading in relation to his amendment, and we will deal with that later. But, really, what we are talking about here is that the purpose of the bill is to create an aggravated offence to deal with this problem of people carrying offensive weapons—in particular, knives—on licensed premises in the early hours of the morning or at night, particularly on weekends.

The Hon. R.D. LAWSON: When the minister cited to this place the paper by Teece and Williams entitled 'Alcohol-related assault: time and place,' was he aware of the conclusion of the paper? It states:

> Many young people socialise in pubs and clubs where, not surprisingly, alcohol is consumed. The level of alcohol-related disorder, including violence, which sometimes accompanies these activities, has declined in the last five years.

The Hon. P. HOLLOWAY: I have not read the report, but that report was based on statistics before 2000 when it was presented. As I indicated to the honourable member, I did not use the word 'increasing' in my conclusion, but I do not think anyone would deny there is a problem at licensed premises. Those interstate studies certainly showed that the problems we have with assaults on licensed premises were concentrated late at night or early in the morning, especially on weekends. I think the issue, from which we should not get away, is that the problem with offensive weapons appears to be related to licensed premises, and the times at which that problem occurs are late at night or in the early hours of the morning, particularly at weekends. Essentially, that is the problem that this bill seeks to address.

The Hon. R.D. LAWSON: I move:

Page 2, line 12 to page 3, line 14—
Delete subclauses (1) and (2) and insert:
(1) Section 15(1), penalty—delete '$2 500 or imprisonment for six months' and substitute:
$10 000 or imprisonment for two years
(1) Section 15(1b), penalty—'$7 500 or imprisonment for 18 months' and substitute:
$10 000 or imprisonment for two years

My amendment will enable the government to honour its promise of giving to the community a tougher penalty for carrying offensive weapons. The amendment seeks to ensure that the same tough penalties apply at 8.55 p.m. at night in or near licensed premises as they do at 8.30 in the morning, and that the same stringent regime applies to the carrying or possession of offensive weapons 24 hours a day in every part of the state of South Australia. No evidence has been produced—and it is clear from the questioning of the minister that the government does not have evidence to show—that a particular regime ought to apply only to this limited geographical area and place. In support of holding the government honest, I mention that this is the government that said there would be no excuses at all in its policy or in statements made when the legislation was introduced, yet this legislation only increases the penalty for an existing offence; it does not change the excuse regime. If this government were true to its word on law and order, it would support our amendment.

The Hon. P. HOLLOWAY: The government opposes this amendment. The amendment would remove the whole substantive provision of this bill, that is, it would delete the whole proposed new aggravated offence. The amendment would make the penalty for the simple offence of carrying an offensive weapon and the penalty for the simple offence of possessing a dangerous article the same. It would also make the penalty for the simple offensive weapons and dangerous articles offence the same as the penalty for the more serious prohibited weapons offence, and the same as for the offence of carrying a loaded firearm in a public place without lawful excuse. The amendment would make the penalty for each of these offences the maximum penalty for offences under the Summary Offences Act. The amendment ignores the difference in the level of seriousness of the offences. I think most people would think that, generally, carrying an offensive weapon without lawful excuse is not as serious as carrying a loaded firearm in a public place without lawful excuse.

Also, the amendment moved by the Hon. Robert Lawson ignores, and would cut across, the structure of section 15 of the Summary Offences Act. At present, we have basically a three-tiered structure under which penalties are graduated according to the seriousness of the offence. This structure came about over a period of years as a result of the work of the Australasian Police Ministers' Council and comparison with the legislation of other states and territories. For many years, there was just an offence of carrying an offensive weapon without lawful excuse. Then, in 1978, section 15 was amended to add the offence of manufacturing, dealing in, possessing or using a dangerous article, thus creating a two-tiered structure. The penalty for this offence was, and still is, higher than for the offence of carrying an offensive weapon.

During 1988 and 1989, there were discussions through the Australasian Police Ministers' Council about prohibiting possession of certain weapons and making the non-firearms weapons laws throughout Australia uniform or consistent. It was decided that all the governments would introduce bills to structure their legislation similarly. The old offence of carrying an offensive weapon (however called) without lawful excuse was to be retained. In some jurisdictions, this is limited to carrying in a public place, but in South Australia it applies to carrying anywhere. The onus of proving lawful excuse is on the accused person. There could be an intermediate category, such as our dangerous articles offences.

Then there was to be a more serious offence of manufacturing, dealing in, possessing or using a prohibited weapon unless one held a permit or was exempt in the circumstances. A list of prohibited weapons was agreed and, broadly, they are things that are unlikely to have any use other than as a weapon and that are readily concealed on or about the person or that appear to be harmless objects but conceal a weapon. The circumstances in which a person should be regarded as exempt or given a permit were broadly agreed. Although I understand that there was not an agreement about what the penalties should be, I am told that it was understood that they should be graduated so that the penalty for the prohibited weapons offence would be more severe than the penalty for the offensive weapons offence.

When considering the penalties, it is important to remember that an intent to use the weapon or thing to harm another

person is not an element of any of these offences. The offences are merely having the thing in circumstances in which the parliament has said a person should not have it. If an intention to use the thing to kill or cause harm to another person can be proved, then the person could be charged with a more serious indictable offence under section 31 of the Criminal Law Consolidation Act, and those offences carry maximum penalties of 10 years or five years imprisonment, according to the degree of harm intended.

In December 1988, this parliament passed amendments to the Summary Offences Act to achieve this basic structure of summary offences. It came into force when the necessary regulations were made in 2000 following detailed consideration by a working party established by the Australasian Police Ministers' Council and extensive consultation by the previous South Australian government. I understand that other state and territory parliaments, except Tasmania, have passed similar legislation. So, the dilemma we have is that the amendment the Hon. Robert Lawson has moved would have the effect of destroying this structure. If passed, this amendment would defeat the whole purpose of the bill, namely, the enactment of an aggravated offence targeting, specifically, carriage of weapons in or in the vicinity of licensed premises at night. For that reason, the government opposes the amendment.

The Hon. IAN GILFILLAN: I listened intently to the minister's justification for the government's being uncomfortable with this amendment. However, the Democrats support it. We believe that it is consistent with the avowed intention of the government to make South Australia a safer place and, if the logic does stand up, the amendment stands up as well. The Democrats support the amendment.

The Hon. R.D. LAWSON: Another ground for supporting the amendment is that, if this particular aggravated offence is put in place, in the statistics in the future we will be able to see precisely how many offences are committed in or in the vicinity of licensed premises at night. There will be a discrete offence, which will carry a heavy penalty.

The Hon. P. HOLLOWAY: How could that possibly be, if it is knocked out? I do not think the Hon. Robert Lawson understands his own amendment. By his measure, he seeks to have one flat penalty. If the aggravated offence is removed, if there is no distinction between offences in licensed premises at night, how can there be any statistics? I do not follow the point that the Hon. Robert Lawson is making.

The committee divided on the amendment:

AYES (9)

Kanck, S. M.	Lawson, R. D. (teller)
Lensink, J. M. A.	Lucas, R. I.
Redford, A. J.	Ridgway, D. W.
Stefani, J. F.	Stephens, T. J.
Xenophon, N.	

NOES (4)

Holloway, P. (teller)	Roberts, T. G.
Sneath, R. K.	Zollo, C.

PAIR(S)

Dawkins, J. S. L.	Gago, G. E.
Schaefer, C. V.	Gazzola, J.
Reynolds, K.	Evans, A. L.

Majority of 5 for the ayes.

Amendment thus carried; clause as amended passed.

Title passed.

Bill reported with amendments; committee's report adopted.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That this bill be now read a third time.

I think that it is unfortunate that the amendments moved by the opposition have effectively gutted the intention of the bill, which was to create an aggravated offence to recognise that, at night, in the vicinity of licensed premises, we do have an issue in the community that needs to be addressed. It is unfortunate that now, as a result of the amendments that have been passed, there will be no distinction between carrying offensive weapons anywhere at any time—

The Hon. R.D. Lawson interjecting:

The Hon. P. HOLLOWAY: Well, the penalties are increased, but there is now no direction to the courts, there is now no focus on the particular problem we have. You can see what has gone on for the Hon. Robert Lawson. He has been desperately looking for something—a little peg to hang onto—in relation to law and order, so he says, 'We will go for tougher penalties. Even though they don't mean much and don't focus on the real issue, we'll go for them and just harass the government's legislation to make it less effective by making these amendments.' At the same time he cannot be accused of being soft on crime.

I am saying that the opposition is being dumb on crime. It is just stupid because, in not recognising a particular issue that should be addressed in an appropriate way, it is wrecking the tiered structure that has been developed through the police minister's council in every other state over some years. The Democrats have not adopted a very intelligent approach to crime, but we could expect it from them. However, it is particularly regrettable that the shadow attorney-general has participated in this. The bill will now go back to the Attorney-General and, obviously, it will be his call.

Bill read a third time and passed.

PASSENGER TRANSPORT (DISSOLUTION OF THE PASSENGER TRANSPORT BOARD) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill represents a further step in the re-casting of transport policy-making and implementation within the South Australian Government.

The PTB was established for several purposes, the most important being the letting and administration of contracts for supply of metropolitan Adelaide bus services.

Notwithstanding this Government's opposition to privatisation, the Government freely acknowledges that the administration of the process was carried out to the highest standards of professionalism and probity. I therefore place on record the Government's appreciation of the Board, the staff and the previous Minister, the Honourable Diana Laidlaw, for their efforts in this respect and more generally in respect of the many facets of providing public transport.

There are two principal reasons for now seeking to abolish the Board.

The first is that public transport needs to be properly considered when capital investment decisions are being made. We must face up to the fact that Adelaide has by far the most run-down public transport infrastructure of all the mainland capitals. There are various reasons for this but it has not helped to have responsibility

for preparing and advancing investment projects fragmented between Transport SA, the PTB and TransAdelaide.

As a demonstration of its commitment to integrating transport, the Government has released its draft Transport Plan for South Australia, the first such plan since 1968. The Government is committed to working through the issues associated with this plan.

The second reason for seeking the abolition of the Board is responsiveness. One of the costs of separating administrative functions from the Minister is that people with grievances can feel removed from the democratic process. In Opposition, feedback such as this was relatively common in relation to the PTB. It does not necessarily reflect poorly on the PTB but the feedback was a perception resulting from the use of a statutory authority to distance the Minister from these matters.

That is not to say it is appropriate for the Minister to be held directly accountable for all functions. A series of delegations will be put in place within the Department to provide for transparent and, where necessary, arms length decision-making.

The most obvious requirement for this is disciplinary matters. The Bill provides that the Passenger Transport Standards Committee will be established under the legislation to exercise disciplinary powers under the Act. It is not appropriate to vest such quasi-judicial powers in a Minister and, for this reason, the Committee will be established to continue the existing scheme for disciplinary matters.

Finally, I emphasise that the staffing of the Passenger Transport Board will be largely preserved in the transition to an Office of Public Transport within the Department of Transport and Urban Planning. The existing skill base in areas such as the contracting process, accreditation, compliance and marketing across modes will all be retained.

Explanation of Clauses

Clause 1: Short title
This clause is formal.

Clause 2: Commencement
The measure will be brought into operation by proclamation.

Clause 3: Amendment provisions
This clause is formal.

Clause 4: Amendment of s. 4—Interpretation
The definition of the "Board" will no longer be required. A new definition relating to the Passenger Transport Standards Committee is to be included.

Clause 5: Repeal of Part 2
The Part relating to the constitution and proceedings of the Passenger Transport Board is to be repealed.

Clause 6: Substitution of heading to Part
Clause 7: Substitution of heading to Part 3 Division 1
These are consequential amendments.

Clause 8: Amendment of section 20—Functions of Minister under Act
The functions of the Board are to be adopted by the Minister.

Clause 9: Repeal of section 21
This is a consequential amendment.

Clause 10: Amendment of section 22—Powers of Minister
The powers of the Board are to be conferred on the Minister.

Clause 11: Amendment of section 23—Acquisition of land
Clause 12: Amendment of section 24—Power to carry out works
References to the Board are to be replaced with references to the Minister.

Clause 13: Substitution of Part 3 Division 3
The department of the Minister will prepare an annual report relating to the operation of the Act. The report will continue to include specific reports on matters referred to in section 19(2)*(c)* of the Act. The Minister will be able to establish committees in connection with the performance or exercise of the Minister's functions or powers under the Act. The Minister will be able to delegate functions or powers.

Clause 14: Amendment of section 27—Accreditation of operators
Clause 15: Amendment of section 29—Accreditation of centralised booking services
Clause 16: Amendment of section 30—Procedure
Clause 17: Amendment of section 31—Conditions
Clause 18: Amendment of section 32—Duration and categories of accreditation
Clause 19: Amendment of section 33—Periodical fees and returns
Clause 20: Amendment of section 34—Renewals
Clause 21: Amendment of section 35—Related matters
References to the Board are to be replaced with references to the Minister.

Clause 22: Insertion of section 35A
The Act sets out a comprehensive scheme for the exercise of disciplinary functions. It has been decided to continue the practice under which disciplinary matters are referred to a specialist body. Accordingly, the Passenger Transport Standards Committee is to be recognised in the legislation. The Minister will appoint suitable persons to be members of the Standards Committee. A quorum of the committee will be three members of the committee.

Clause 23: Amendment of section 36—Disciplinary powers
These amendments will vest the current disciplinary powers of the Board in the Standards Committee.

Clause 24: Amendment of section 37—Related matters
Clause 25: Amendment of section 38—Appeals
These are consequential amendments.

Clause 26: Amendment of section 39—Service contracts
Special measures are to be put in place with respect to the tendering process to ensure appropriate assessment and probity.

Clause 27: Amendment of section 40—Nature of contracts
Clause 28: Amendment of section 42—Assignment of rights under a contract
Clause 29: Amendment of section 43—Variation, suspension or cancellation of service contracts
Clause 30: Amendment of section 44—Fees
Clause 31: Amendment of section 45—Requirement for a licence
Clause 32: Amendment of section 46—Applications for licences or renewals
Clause 33: Amendment of section 47—Issue and term of licences
Clause 34: Amendment of section 48—Ability of Minister to determine fees
Clause 35: Amendment of section 49—Transfer of licences
Clause 36: Amendment of section 50—Suspension or revocation of licences
Clause 37: Amendment of section 51—Appeals
Clause 38: Amendment of section 52—False advertising
Clause 39: Amendment of section 54—Inspections
Clause 40: Amendment of section 56—General offences
Clause 41: Amendment of section 57—Offenders to state name and address
References to the Board are to be replaced with references to the Minister.

Clause 42: Amendment of section 59—General provisions relating to offences
Clause 43: Repeal of section 60
These are consequential amendments.

Clause 44: Amendment of section 61—Evidentiary provision
References to the Board are to be replaced with references to the Minister.

Clause 45: Amendment of section 62—Fund
These are consequential amendments.

Clause 46: Amendment of section 63—Registration of prescribed passenger vehicles
References to the Board are to be replaced with references to the Minister.

Clause 47: Amendment of section 64—Regulations
These are consequential amendments.

Clause 48: Repeal of section 65
Section 65 is redundant.

Clause 49: Amendment of Schedule 1
Clause 50: Amendment of Schedule 3
References to the Board are to be replaced with references to the Minister.

Clause 51: Amendment of Schedule 4
A number of the provisions in Schedule 4 of the Act are now spent and can be removed.

Schedule—Related amendments and transitional provisions
It is necessary to make related amendments to the *Road Traffic Act 1961* and the *Superannuation Act 1988*. In addition, clause 5 sets out transitional provisions associated with the operation of the measure. All assets and liabilities of the Passenger Transport Board are to be vested in the Minister by force of this provision, unless vested in the Crown, another Minister, or another agency or instrumentality of the Crown by proclamation made by the Governor. All determinations or other acts of the Passenger Transport Board will continue as if made or undertaken by the Minister. Disciplinary proceedings under Division 5 of Part 4 of the Act will continue before the Passenger Transport Standards Committee.

The Hon. R.D. LAWSON secured the adjournment of the debate.

DRIED FRUITS REPEAL BILL

The House of Assembly agreed to the bill without any amendment.

COOPER BASIN (RATIFICATION) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

LOTTERY AND GAMING (LOTTERY INSPECTORS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The *Lottery and Gaming Act 1936* provides the underlying principle that lotteries and gaming are unlawful unless otherwise authorised or exempt by legislation.

The Act and the *Lottery And Gaming Regulations 1993* provide for exemptions and for the licensing of community organisation fundraiser lotteries and trade promotion lotteries. The Act and Regulations provide detailed lottery rules and requirements.

Charities for SA, a representative association of charitable and not-for-profit lottery fundraisers, has made representations to the Government to assist in the creation of a more profitable industry and, in particular, through changes to instant (break-open) ticket regulations in the first instance.

Charities for SA has advised that, since the introduction of gaming machines, community fundraiser lotteries sales of instant lottery tickets have fallen from $2.2 million to $0.2 million per annum.

Charities for SA raised a number of issues with respect to the current provisions of the Act and the Regulations. In particular, they argued that the fundraising opportunities with respect to instant break-open tickets have been diminished by the restrictions of the cap on the maximum pool prize of $1 000 and the prescriptive process to introduce new lottery ticket games.

Instant lottery tickets are used by a significant number of charitable organisations to raise money for their respective causes. These charities provide a valuable range of services to the community.

The Government has agreed to vary the Regulations to remove restrictive and cost prohibitive ticket approval processes and to raise the maximum prize pool to the level applicable in other States ($5 000).

With respect to the approval of new tickets, the current Regulations require the supplier to submit the Production Manual, technical specification manuals, 2 boxes of instant lottery tickets and Plate Lay Downs of the tickets for approval. These prescriptive provisions were introduced in the early 1990's to assist in reforming unscrupulous practices within the break-open ticket industry. These regulations have been successful in cleaning up the industry but are costly to the industry and are now considered prohibitive for charities. They have a significant impact on the on-going ability of charitable organisations to raise this form of revenue.

The Government maintains that a strong regulatory approach is required in relation to all forms of gambling to ensure probity and consumer protection objectives are met. In order to protect the public against manufacturing abuses in instant lottery tickets, it is necessary that regulators have adequate powers to investigate complaints. Therefore, prior to amending the Regulations to reduce the administrative burden associated with the current arrangements for the approval of tickets, the Government is introducing strong investigative powers for the regulation of lottery products.

This Bill introduces those powers.

The adoption of strong investigative powers is consistent with other forms of gambling. Without adequate investigation powers, the regulator is unable to independently establish the veracity of complaints or to initiate appropriate action against licensees should their conduct demand regulatory action.

Recourse available to address misconduct by persons involved in lottery activities, including the manufacturers of instant lottery tickets, may include suspension or cancellation of a licence and prosecution for breaches of the provisions of the Act and the Regulations.

I commend the Bill to the House.

Explanation of clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

These clauses are formal.

Part 2—Amendment of Lottery and Gaming Act 1936

Clause 4: Amendment of section 4—Interpretation

As a result of the proposal to insert a new Part 4 into the Act, the definition of instant lottery ticket (currently situated in section 15 of the Act where it is a definition only for the purposes of Part 3 of the Act) has to be relocated into section 4 which contains the definitions used for the purposes of the whole of the Act. The definition of instant lottery ticket is the same as the definition currently set out in section 15. A definition of lottery inspector (for the purposes of proposed Part 4) is also to be inserted in section 4.

Clause 5: Amendment of section 15—Interpretation

This amendment is consequential on the amendment proposed by clause 4 and deletes the definition of instant lottery ticket from the section.

Clause 6: Insertion of Part 4

Part 4—Lottery inspectors

21.Appointment of lottery inspectors

The Minister may appoint such Public Service employees as lottery inspectors as may be necessary for the purposes of the *Lottery and Gaming Act.*

22.Powers of lottery inspectors

Lottery inspectors are given the usual powers of entry and inspection for the purposes of being able to carry out the job of ensuring that instant lotteries are conducted lawfully.

The Hon. R.D. LAWSON secured the adjournment of the debate.

STATUTE LAW REVISION BILL

The House of Assembly agreed to the bill without any amendment.

ADJOURNMENT

At 5.23 p.m. the council adjourned until Tuesday 21 October at 2.15 p.m.