LEGISLATIVE COUNCIL

Tuesday 29 April 2008

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:18 and read prayers.

STATUTES AMENDMENT (EVIDENCE AND PROCEDURE) BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (PUBLIC ORDER OFFENCES) BILL

His Excellency the Governor assented to the bill.

STATUTE LAW REVISION BILL

His Excellency the Governor assented to the bill.

CRIMINAL LAW CONSOLIDATION (RAPE AND SEXUAL OFFENCES) AMENDMENT BILL

His Excellency the Governor assented to the bill.

LEGAL PROFESSION BILL

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:20): I seek leave to move a motion without notice concerning the conference on the bill.

Leave granted.

The Hon. P. HOLLOWAY: I move:

That standing orders be so far suspended as to enable the sitting of the council to be continued during the conference with the House of Assembly on the bill.

Motion carried.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the following written answer to a question on notice be distributed and printed in *Hansard*: No. 207.

ENCOUNTER MARINE PARK

207 The Hon. M. PARNELL (6 March 2008). What is the timeline for the Encounter Marine Protected Area to be ratified?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health): I am advised that:

The Encounter Marine Park process has served as a 'pilot', which helped define how all South Australian marine parks should be created, and informed the development of the required legislation, which was passed by parliament in November 2007.

Any further development of the Encounter Marine Park must follow the process set out in the new legislation. No step can be skipped and public comment is required along the way.

The timeline for the Encounter Marine Park is:

Step 1—August 2008 (anticipated): An outer boundary will be released for public comment.

Step 2—Early 2009: Public information will be invited, to help prepare a draft management plan with zoning arrangements.

Step 3—Late 2009: Broad public consultation on the draft management plan will be held.

Step 4—2010: Management plan will be finalised.

Only once these four steps have been completed the Encounter Marine Park will become operational.

PAPERS

The following papers were laid on the table:

By the Minister for Police (Hon. P. Holloway)—

Regulations under the following Acts:
Fees Regulation Act 1927—Proof of Age Card
Southern State Superannuation Act 1994—Charge Percentage
Superannuation Act 1988—Salary Components
Rules of Court—
Magistrates Court—Magistrates Court Act 1991—
Clamping, Impounding and Forfeiture of Vehicles
Consent Judgment
Supreme Court—Supreme Court Act 1935—
Corporations Rules—Remuneration of Administrator

By the Minister for Urban Development and Planning (Hon. P. Holloway)—

Architects Board of South Australia—Report, 2007
Proposal to construct an Ambulance Station and Associated Works—Regency Road, Prospect—Report to Parliament
Regulations under the following Act—
Development Act 1993—Swimming Pool Safety

By the Minister for Emergency Services (Hon. C. Zollo)—

Training and Skills Commission—Report, 2007
Regulations under the following Acts—
Fire and Emergency Services Act 2005—Prescribed Offences
Genetically Modified Crops Management Act 2004—Prohibition
Lottery and Gaming Act 1936—General
Recommendation 9 of the Economic and Finance committee's 64th Report on Consumer Credit and Investment Schemes—Ministerial Response

By the Minister for Correctional Services (Hon. C. Zollo)—

Actions taken following the Coronial Inquiry into the death in custody of Arthur Charles Smith—Report
Actions taken following the Coronial Inquiry into the death in custody of Robert Allen Johnson—Report

By the Minister for Environment and Conservation (Hon. G.E. Gago)—

Reports, 2006-07—
Central Northern Adelaide Health Service
Institute of Medical and Veterinary Science
Regulations under the following Act—
Health Care Act 2008—Health Performance Council

By the Minister for Mental Health and Substance Abuse (Hon. G.E. Gago)—

Regulations under the following Act—
Tobacco Products Regulation Act 1997—Confectionery Flavoured Cigarettes

INTEREST RATES

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:23): I lay on the table a copy of a ministerial statement relating to the Reserve Bank of Australia's decision on interest rates made earlier today in another place by the Premier.

POLICE HANDGUNS

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:24): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: There is no doubt that policing requires not only a legal system that reflects the values and needs of the community but also an effective and well-resourced police force with access to state-of-the-art equipment. The Rann government welcomes last week's announcement by Deputy Police Commissioner Gary Burns that South Australia Police will commence a trial of a new Smith & Wesson semiautomatic hand gun in selected policing areas from June this year. A key element to any successful trial and conversion to semiautomatic weapons would be the selection of an appropriate semiautomatic that would not compromise safety for the public and SAPOL personnel.

After extensive evaluation of a number of weapons, SAPOL has decided that the Smith & Wesson Military & Police (M&P) 40-calibre semiautomatic handgun is the most suitable for its officers, given its enhanced safety features, and 350 of these handguns will be trialled by the Northern Traffic Enforcement Section, the Far North Local Service Area and the Sturt Local Service Area. These areas have been chosen as they provide a range of conditions. For example, Far North and Traffic has exposure to harsh weather conditions, dust and dirt, whereas Sturt is a large metropolitan policing area.

Dependent on delivery, officers involved in the trial will commence a three-day conversion training course in late June. SAPOL's armourers will also be trained in service and maintenance. SAPOL will trial two models: full-size and a compact model for plainclothes members. Both models have been manufactured specifically for police use and, importantly, offer enhanced operational safety features. Pending the successful outcome of the trial, SAPOL expects to convert the entire operational workforce to the new models over the next two to three years.

Glocks currently being used by STAR Group officers still have a couple of years of life left; after this, the STAR Group will evaluate this weapon with any others that are on the market at the time. However, SAPOL's first priority on completion of the trial will be to convert the local service areas.

When designing the M&P series of handguns, Smith & Wesson carefully considered the needs of military and law enforcement from every conceivable angle. The M&P series is based on input from more than a dozen law enforcement agencies and military professionals. Designed to meet and surpass their needs of safety, performance and durability, the new pistol incorporates a number of unique features.

The most notable features of the M&P 40-calibre handgun are the three interchangeable grip straps that easily accommodate various hand sizes; a steel reinforced polymer frame; and an unparallel ergonomic design. The handgun also offers other distinctive features, such as a reinforced frame and stainless steel barrel and slide for durability; a passive trigger safety designed to prevent the pistol from firing if dropped; and a unique trigger mechanism, which eliminates the need to press the trigger in order to disassemble the firearm.

The full-size pistol has a capacity of 15 rounds in the magazine and one round in the chamber. Its features provide a superior level of performance and safety, both of which are critical in the day-to-day duties of our police officers.

Engineered exclusively with the police officer in mind, the M&P combines the latest in technological advancements with the continuing innovation of Smith & Wesson firearms. A review of the Smith & Wesson M&P 40-calibre by Paul Scarlata in a popular US law-enforcement publication, *POLICE Magazine*, states the following in respect of SAPOL's choice of handgun:

> Well designed and constructed for tough duty, the new M&P continues the legacy of fine Smith & Wesson police pistols.
>
> Over the next few weeks, I took the M&P to the range several more times, eventually running in excess of 400 rounds through it without a single failure to feed, fire, extract or eject.
>
> If your agency is in the market for a pistol that exhibits all of the characteristics required of a police service weapon, I'd advise you to check out Smith & Wesson's new M&P. I feel confident in predicting that you will be suitably impressed.

A number of US police departments have already changed over to the M&P series of handguns. These include: Atlanta Police Department, Charlotte Police Department, Syracuse Police Department, Iowa State Patrol, New Hampshire State, New Mexico State Police, Colorado State Patrol, Columbus Police Department, and the list continues to grow. The following quote from a sergeant, located at the Columbus Division of Police, best sums up SAPOL's choice:

> Trying to find a pistol to match the range of hand sizes of the 1,800 officers at the Columbus Police Department, along with ensuring accuracy, durability and the stopping power needed for police work, was a daunting

effort. After an extensive evaluation of the various makes of pistols available, the M&P40 proved to be superior in all aspects.

It is a shame that the opposition does not support SAPOL's choice. It seems that the Liberal opposition thinks that it knows more about front-line policing than the Commissioner and his officers. Unlike the opposition, this government has full confidence in the Commissioner of Police. The choice of handgun is clearly an operational matter and should be made by experienced police officers, not politicians.

The opposition should know that the Commissioner of Police is best placed to determine what type of equipment is used by our officers and where police resources are placed. These matters have traditionally and appropriately been the domain of senior police, who are the only ones in a position to best make such decisions.

MAKK AND McLEAY NURSING HOME

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:30): I seek leave to make a ministerial statement regarding the management of Makk and McLeay Nursing Home.

Leave granted.

The Hon. G.E. GAGO: On 1 April 2008 I advised the chamber of my intention to seek a not-for-profit, non-government organisation approved aged care provider to assist in the management of the Makk and McLeay Nursing Home in partnership with Central Northern Adelaide Health Service. I am pleased to inform the chamber that after consideration of tenders one of Australia's most experienced nursing home operators has been assisting in the management of the state-run Makk and McLeay Nursing Home. As of Monday 14 April, ACH, which has been managing nursing homes and residential facilities for the aged in South Australia for over 50 years, joined in partnership with the government to assist in the day-to-day management of Makk and McLeay.

This is a positive step forward for residents at Makk and McLeay and will help ensure that the process of improving ongoing services to residents continues. Organisations such as ACH bring with them extensive expertise in aged care best practice. This expertise provides an excellent opportunity for staff to improve their knowledge and skills for the ongoing management of the complex needs of residents at the home and also will be helpful in the continual improvement processes currently underway.

I am also pleased to advise that the Aged Care Standards and Accreditation Agency (ACSAA) has provided accreditation to Makk and McLeay Nursing Home until October 2008 in recognition of the ongoing movements being made to meet accreditation standards. The nursing home is working hard to ensure a smooth transition to the new management partnership, while continuing to provide optimum care for these residents with very complex needs.

QUESTION TIME

ROYAL ADELAIDE HOSPITAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:36): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning, as Leader of the Government in this place, a question about the Royal Adelaide Hospital redevelopment.

Leave granted.

The Hon. D.W. RIDGWAY: The opposition has been advised by sources within the minister's own department that Woodheads, an international architectural and design firm, has been engaged by the government to undertake structural planning for the Royal Adelaide Hospital site, which will include retention of all existing buildings and the possibility of constructing more buildings on the site.

My question is: can the minister guarantee South Australians that, if his government's plans for the Marjorie Jackson-Nelson hospital go ahead, it will restore the current Royal Adelaide Hospital site to parklands?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:37): I think the future of the existing Royal Adelaide site has been made clear by my colleague, the Minister for Health. There

are obviously some buildings on that site which, as I understand it, are heritage buildings, but there are obviously a lot of buildings that are not. I will refer those questions to the Minister for Health, who has charge of this matter, and bring back a response.

ROYAL ADELAIDE HOSPITAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:37): I have a supplementary question, Mr President—

The PRESIDENT: The Hon. Mr Ridgway has a supplementary question.

The Hon. D.W. RIDGWAY: —arising out of the non-answer by the minister.

The PRESIDENT: Well, that is impossible.

The Hon. D.W. RIDGWAY: What will the buildings that the minister now claims will be retained on that site and not returned to parklands be used for?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:37): All I said is there are some buildings on that site that I understand are heritage buildings. I think the new hospital site (the Marjorie Jackson-Nelson health precinct) is due to be finished in 2014 or 2015, or something of that order.

The Hon. D.W. Ridgway: You should know. It is your government's decision.

The Hon. P. HOLLOWAY: Well, it is in the hands of my colleague, the Minister for Health. Obviously, there will be plenty of time to consider the future of those buildings.

ROYAL ADELAIDE HOSPITAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:38): I have a supplementary question. Can the minister confirm that Woodheads have been engaged to do that structural planning for the buildings on the RAH site?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:38): That is a matter for the Minister for Health. I will refer the question to him and bring back a reply.

ROYAL ADELAIDE HOSPITAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:38): I have a further supplementary question. Is the minister saying that an important decision made by the government has now been reversed and that, as a member of cabinet, he does not know about it?

The PRESIDENT: That question is totally out of order.

NEWPORT QUAYS

The Hon. J.M.A. LENSINK (14:39): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the Newport Quays development.

Leave granted.

The Hon. J.M.A. LENSINK: A group of state MPs recently—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway will show his colleagues some courtesy.

The Hon. J.M.A. LENSINK: On the subject of the Newport Quays development, a group of MPs recently went to Port Adelaide and viewed some of the sites there, including Searle's Boatyard, an area which is subject to flooding to approximately floor level every five years with the occasional king tide.

The boatyard itself stores any of its hazardous chemicals in a flood-proof, sealed area and it has 12 hours' notice of impending floods, and this enables any other materials, such as paints and varnishes, to be relocated to higher ground. I understand that the boatyard has an EPA licence and is compliant with that licence.

We have been advised that, when the Land Management Corporation demolishes the boatsheds, its intention is to use that site to hold contaminated soils that have been shifted from

preceding developments. I understand that that site is quite swampy and therefore highly subject to contaminants seeping down into the watertable and possibly groundwater. My questions are:

1. What is the EPA's assessment of the risk management issues of using a site that is subject to flooding as a place to store contaminated soils?

2. Has the EPA made any assessment of the impact of the expected increase in leaks and spills from the motor boats associated with the 660 berths planned for the new development?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:41): This issue is largely in the hands of the Land Management Corporation and the appropriate infrastructure minister, and they will be going through the appropriation processes in considering any redevelopment or changes to that site.

I am not aware that any decisions have been finalised as yet, and it is still a matter for planning. As we know, inherent within planning processes is a series of safeguards to ensure that a wide range of potential concerns is considered and assessed along the way, and this will also occur with this proposal at the appropriate time. If there are environmental impacts that need to be considered, that will be carried out as per the legislative requirements.

NEWPORT QUAYS

The Hon. J.M.A. LENSINK (14:42): I have a supplementary question arising from the answer. Will the minister advise whether the EPA has been involved in any way in this development and that issue?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:43): The EPA would have been involved wherever its involvement was appropriate. I am not absolutely sure exactly what part of the development process this particular project has reached. I am not the minister responsible for that, but I can absolutely assure the honourable member that our planning is always carried out under the rigorous standards and controls of the legislation that underpins it, and that includes those matters pertaining to the EPA.

PORT LINCOLN PRISON

The Hon. S.G. WADE (14:43): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the Port Lincoln Prison.

Leave granted.

The Hon. S.G. WADE: It is now more than a year since investigations began into how almost 150 photographs of a concert at the Port Lincoln Prison, held on 29 December 2006, were taken and published in the media. The opposition understands that no-one has been charged with distributing the photographs.

The publication caused a furore at the time, primarily because of the hurt caused to victims. From day one, the act of distribution of the photographs has been a key issue. Michael O'Connell, Victims of Crime Commissioner, said on radio on the day the photographs were first published:

> I have no objections to prisoners taking part in some light-hearted entertainment. I'd be most disturbed if offenders were simply confined to their rooms and didn't do anything meaningful or anything that resembled ordinary day-to-day activities. My concern is that publishing photographs with the speculation about whom some of those offenders are could therefore cause some distress to victims.

Clearly, distribution of the photographs was an act that brought the department into disrepute. The photographs were in the hands of the department head office six days before they were published, yet we are still none the wiser about who put the photographs in the public domain.

The photographs reportedly came to light as a result of an investigation of allegations against a prison officer in relation to other events, namely, a Zonta Christmas party held on 12 December 2006 and the clean-up the next day.

It took 10 months to resolve the case against the manager in relation to the concert, when the department said that it would be resolved by the end of that month. The prison officer's case in relation to the Zonta party and related events took until earlier this year to resolve, when the department said in May last year that investigations were advanced. My questions to the minister are: has the distribution of the photographs been investigated and, if so, have the investigations

been concluded? If so, what was the outcome and have, or will, charges be laid against any person?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:45): In relation to the distribution of the photographs, I suggest that the honourable member ask the media for its source. I think it is worthwhile placing on record the process for dealing with allegations of misconduct, because I think there has been a lot of misinformation in the media.

Allegations about staff conduct that could breach either the Public Service legislation or the department's Employee Code of Conduct are referred to the department's Manager of the Intelligence and Investigations Unit for investigation. During an investigation, an employee can be suspended with or without pay pending an inquiry. Any allegations that relate to what could best be described as criminal activities are referred to SAPOL for investigation.

Allegations are fully investigated and a report is made to the Chief Executive. Depending on the outcome, a range of options are available, including a formal inquiry. The report will generally contain background information; an outline of the investigation, including summaries of interviews; statements obtained; and the investigator's comments with respect to evidence of any breaches of the legislation. If, in considering the report and all available evidence, the Chief Executive suspects the employee may be liable for disciplinary action, an opinion from the crown is sought. This is called natural justice.

Where the Crown Solicitor agrees, a notice of inquiry outlining the charge and the particulars of that charge is forwarded to the employees concerned. Once the Chief Executive determines to hold an inquiry, the Chief Executive can consider suspension under section 59 with or without pay, or the transfer of employee/employees to alternative position/positions. The Chief Executive will seek timely written comment from the employee/employees concerned as to the effect of any action being contemplated by the Chief Executive and will take any comment into account in making a decision to suspend or transfer; for example, financial hardship.

Once the notice of inquiry is received by the employee or employees, it is likely that the employee or employees will seek advice and/or representation from either the legal fund or the Public Service Association. Such inquiries are generally conducted by the Chief Executive but may, in some instances, be conducted by an appropriate delegate; for example, the Director of Strategic Services, who generally acts in the absence of the Chief Executive.

I must stress that the Public Sector Management Act excludes ministerial involvement in the conducting of investigations or in any penalties that may result. The decision to suspend staff is the responsibility of the Chief Executive and, as always, every case is considered on its merits. However, as a guide, the practice is generally to suspend an officer without pay where, regardless of seniority, the officer is charged with a criminal offence allegedly committed whilst on duty. So, where alleged disciplinary breaches are not of a criminal nature, it is likely that the decision will be to suspend the officer—again, regardless of seniority—with pay.

As I just outlined, the process is fair and, of course, natural justice has to be provided to the people against whom allegations have been made. I repeat, in relation to the photographs: I suggest that the honourable member perhaps contact the media to find out where the photographs came from. Clearly, they did not come from the department.

PORT LINCOLN PRISON

The Hon. S.G. WADE (14:49): Does the minister's answer suggest that there has been no investigation into how the photographs came to be taken and came to leave the prison?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:49): I have already responded to that question. Clearly, I have said that the photographs did not come from the department.

POLICE STATIONS, NEW

The Hon. B.V. FINNIGAN (14:49): I seek leave to make a brief explanation before asking the Minister for Police a question about the government's election commitment for three new police stations.

Leave granted.

The Hon. B.V. FINNIGAN: We are all aware that upholding the law and maintaining public order is part of the essential public services on which South Australians rely. Preventing crime continues to be a high priority for this government, and the most effective way to do this is with a highly visible police force. Will the minister provide details of two new police stations that have just opened in the eastern and northern suburbs of Adelaide?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:50): I thank the honourable member for his question and for his ongoing concern about law-and-order matters. Since coming to office, the Rann government has taken a strong position on crime for which we make no apology. The government's—

Members interjecting:

The Hon. P. HOLLOWAY: We do not make an apology; no. I think the lot over there should make apologies, Mr President, but this government does not make any. The government's overriding goal has been to make our state a safer place where people do not just feel safer but objectively are safer. We are doing this by providing police with the tools they need to do their job.

The government has increased resources for law and order in every budget since coming to office. I will repeat that: in six Rann government budgets, resources for law and order have increased. In stark contrast, the Liberals presided over a significant reduction in the number of uniformed officers in the state and closed police stations. In the 2006-07 budget—

The Hon. R.I. Lucas: That's untrue.

The Hon. P. HOLLOWAY: It certainly was true in the early days. If you look over the eight years it is a very sad and sorry story. What was it? In the mid-90s it dropped to just 3,400 police officers. In the 2006-07 budget, we allocated $1.27 million in new funding for the setting up and operation of new shopfront police stations to be located in the areas of Hallett Cove, Campbelltown and Munno Para.

The establishment of these new police stations reinforces the government's commitment to building safer communities right across South Australia and to ensuring police have the resources they need to carry out their important work. I am pleased to announce that two of those three stations are now open for business. The Newton Police Station, located near the Newton Shopping Centre at Shop 7, 94 Gorge Road, Newton, and the Blakeview Police Station, located opposite the Munno Para Shopping Centre, at Shop 4, 4 Main North Road, Blakeview opened their doors to the public yesterday morning.

The opening of these two new stations will significantly boost the police presence in those suburbs and the surrounding areas. I can also advise the chamber that a suitable location has been found for the Hallett Cove Police Station. This station will be located at the Hallett Cove Shopping Centre. Sketched designs for this station are being prepared and are currently being assessed. Following the finalisation of sketch plans, documentation and tender, the works will be initiated. An assessment of the likely procurement and construction time frames indicates an estimated opening date of late July 2008.

In 2006, the new Golden Grove police complex opened for business. The opening of the Golden Grove Police Station was the first time that area had its own dedicated police patrol base since 1997 when the Liberals closed the St Agnes patrol base. Patrols based at Para Hills Police Station were relocated to the new Golden Grove Police Station, and the Para Hills station, which was well past its use by date, was closed. The Para Hills station will be replaced with a brand new station known as the Pooraka Police Station. The station will serve the suburbs of Para Hills, Pooraka, Ingle Farm and surrounding areas. The Pooraka Police Station is currently being fitted out and will be located at the Montague Farm Shopping Centre. An assessment of the construction time frame indicates an estimated opening date of late July 2008.

There is no doubt that high visibility police enforcement is the most effective way to prevent crime. This means more police on the beat and better resources for our police. The opening of these new stations is part of an extensive building program which has delivered tangible benefits to the state, including new court houses in Port Pirie and Port Augusta; new police stations at Victor Harbor, Gawler, Aldinga, Mount Barker and Golden Grove; and new combined police and court complexes in Berri and Port Lincoln—all in the six years of this government. Soon, we will see the commencement of an upgrade to the Christies Beach Police Station and the Fort Largs Police Academy, which has not been touched for 50 years or more. The government has long recognised—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, where do you think Victor Harbor, Berri and Port Lincoln are? The government has long recognised that to do their job well our police need the best possible facilities. This is in clear contrast to the Liberal Party, which had a track record of closing police stations. The Liberals will never understand what it takes to appropriately resource South Australia Police.

We are not stopping with our commitment to providing our men and women police officers with the best possible facilities. The town of Roxby Downs is set to expand rapidly due to the mining boom currently being experienced in South Australia. The Rann government has allocated $8 million to expand the police facility in the town to accommodate an additional 23 officers, with a further $4.4 million allocated to meet employee housing, transport and location costs. We are also investing $9.5 million to replace the police station at Murray Bridge. This government's investment in police resources has reaped great rewards.

South Australia Police statistics show that in 2002-03 there were a total of 200,640 offences against person and property reported. In 2006-07, there were only 164,167 offences. That equates to 36,000 fewer offences since we came to government. So, it is very clear that more police on the beat, a better resourced police force and tougher laws equals a safer South Australia.

Members interjecting:

The PRESIDENT: Order! I have a question: perhaps the President could be issued with a new Smith & Wesson to keep some order in here!

POLICE STATIONS, NEW

The Hon. SANDRA KANCK (14:56): Of the three new police stations that have just been opened, what will be the opening hours of each of them?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:56): These are day stations. They are not patrol bases. These are shopfront police stations.

POLICE STATIONS, NEW

The Hon. A. BRESSINGTON (14:56): Can the minister give the number of police that will actually be manning the Munno Para police station?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:56): As I said, these are shopfront police offices. I will get the specific—

An honourable member interjecting:

The Hon. P. HOLLOWAY: What I can say is that there has been a massive increase in police numbers under this government: we now have over 4,200 officers. There are additional police. I will get the information for the honourable member which states how many police officers there are in the whole area compared to six years ago. I am happy to do that.

POLICE STATIONS, NEW

The Hon. SANDRA KANCK (14:57): Would the minister please explain what a shopfront office is and what its operational purpose is?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:57): It is a place where people can go to report matters to the police. We have the patrol bases where police operate 24 hours a day, seven days a week, but the shopfronts provide more convenient access to local communities to report matters to the police, such as any crime they might have experienced, renew various licences and other services that police officers provide. They provide the basic services to people. Patrol bases, of course, are where the police patrols operate from.

POLICE STATIONS, NEW

The Hon. T.J. STEPHENS (14:58): Are these shopfronts like the other shopfronts that you have where there is one police officer and when somebody comes in to report a problem they say, 'I can't leave the shopfront'?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:58): What we know is that the Liberals closed not only shopfronts but also patrol bases. The Liberal opposition—

An honourable member interjecting:

The Hon. P. HOLLOWAY: I will answer it all right. How is the gall of the Liberals, when police numbers fell to 3,400 under them? How many police were available on the beat when members opposite were in government? In 1996-97 there were a little over 3,400 police officers. No wonder they are getting upset. That is the Liberal's record. There are now more than 4,200 police.

In the first four years of our government we increased the numbers of police by between 200 and 300. We have set a goal of 400. We are well on the way to achieving that. We are halfway there. There are far more police in this state than there ever were under the previous Liberal government. So, is it any wonder that members opposite should ask these sorts of questions? I mean, really, they should be hanging their heads in shame for what they did. Do members know what they did in the APY lands? We got 2,000 people—

An honourable member interjecting:

The Hon. P. HOLLOWAY: We will get a report soon about sexual abuse in that area. Do members know that they removed every police officer from the APY lands? What a disgrace that was! The Liberal Party of South Australia has a lot of apologising to do for what it did. I have just indicated the vast number of police stations. We have built six or seven new police stations since we have been in government. We have had to buy new boats. The boat we bought recently was the first time the police actually had a purpose-built boat. All they got under the previous government was a second-hand boat. We have bought the police a new plane.

Of course, as I indicated in my statement earlier, we are providing the police with the most modern weapons available. The police in this state have never been better resourced. They have never had better numbers; and, through the police shopfronts, their service to the public will be extended—vastly beyond what they ever received under the previous Liberal government.

POLICE STATIONS, NEW

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:00): As a supplementary question, given that the minister says that the police have never been better resourced, will he explain why the police have still not been issued with their own raincoats?

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:01): Under the Liberals the police will get raincoats, but they won't get police stations, they won't get planes and they won't get boats!

The PRESIDENT: Order! The Hon. Mr Stephens, I think, is looking at umbrellas!

POLICE STATIONS, NEW

The Hon. T.J. STEPHENS (15:01): As a supplementary question, given that the minister is talking about resourcing police, is it true that officers who relieve in the APY lands are not provided with bush uniforms and must buy their own, even if they are going for a one-week stint?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:02): I said that the Liberals solved the problems in the APY lands by not having any police at all. We have put police back on the APY lands, and that is why some of the disgraceful behaviour that has been going on there has been resolved. I am happy to stand on the record of this government on police any day and compare it with that of members opposite.

POLICE STATIONS, NEW

The Hon. R.I. LUCAS (15:02): As a supplementary question, given the—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —minister's oft-made claim that these decisions are operational decisions for the Police Commissioner, was it the Commissioner's decision to locate these police stations in or near marginal Labor seats, or was that a decision taken by the Rann Labor government?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:02): Before the last election this government promised that it would put police stations in a number of seats; and I think at the time the Hallett Cove seat was held by a Liberal—Mr Matthew, wasn't it? In fact, the one up at Newton, I think, was probably in the electorate of Dorothy Kotz. At the time these promises were made these were not government seats, rather, they were—

Members interjecting:

The Hon. P. HOLLOWAY: Well, two of the three weren't. They were put there because of need. As I indicated earlier in my answer, the Liberal Party back in 1997 removed all police from that major growing area of Golden Grove. This government made a promise that it would put the police stations in those areas with the most need. We provided the money to the Police Commissioner. The actual location has been a matter for the police in conjunction with the Department for Transport, Energy and Infrastructure in terms of the availability of suitable police stations. That is up to the Police Commissioner.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, if I directed the Police Commissioner the honourable member should know that, under the Police Act, I would have had to table that direction. The honourable member will not find a tabled direction.

BETTER DEVELOPMENT PLANS

The Hon. SANDRA KANCK (15:04): I seek leave to provide an explanation before asking the Minister for Urban Development and Planning a question about so-called better development plans.

Members interjecting:

The PRESIDENT: Order!

The Hon. B.V. Finnigan interjecting:

The PRESIDENT: Order! The Hon. Mr Finnigan has asked his question—he has caused this long debate.

Leave granted.

The Hon. SANDRA KANCK: The latest edition of *The Adelaide Review* reports that state cabinet will shortly consider radical changes to the planning and development system in order to streamline development. Apparently, this will consist of putting more developments into the category 1 class, which means that councils will not need or, for that matter, even be able to notify residents of developments as part of the approval process.

I have also been contacted by a constituent who informs me that the current development plan amendment for Kangaroo Island has seen a weakening of the environmental protections in the plan. I am informed that, when the council attempted to have provisions reinserted into the plan, it was informed by Planning SA that this was not possible because it was not consistent with the better development plan modules. My questions are:

1. Is the government intending to bring more developments into the category 1 class; if so, what steps will it take to protect the heritage and character of our suburbs and towns?

2. Has the government consulted with the LGA and councils about their plans; if not, when will it do so?

3. Are the better development plans designed as a guide for councils, or will councils be forced to adhere to the BDP modules?

4. Can the minister confirm whether Kangaroo Island Council is being forced to rigidly follow BDP modules in its current DPA?

5. How many councils are currently going through development plan amendments, and are those councils required to rigidly follow BDP modules?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:07): I have answered questions about the better development plan program on a number of occasions. The idea of the project is to achieve a range of improvements to development plans and related processes that will build on the strengths of the current system to:

- ensure better linkages to and greater authority for the planning strategy;
- make the updating of state and regional planning policy easier;
- assist faster development plan amendment processes;
- produce easier to use clear and consistent development plans, because one of the problems we have at the moment is the range of style differences between the development plans of various councils. So, as people move around the state, it is obviously easier for all users to have some consistency in development plans across the state;
- reduce the resources required to amend development plans for both councils and the state; and
- improve public consultation.

This will be aided by the availability of a wide range of standardised provisions that can be used by councils for both council-wide and zone provisions in conjunction with local additions. These standardised provisions, in the form of a planning policy library, will reflect the outcomes sought by the planning strategy.

Since the release of the first version of the better development plans policy library in June 2006, councils have shown overwhelming support for this approach. Planning SA is already working with over 45 of the 68 councils, assisting them to further improve their development plans.

Fifteen councils covering all the regions of the state have already submitted statements of intent and are authorised to undertake a development plan amendment process to improve their current development plans, using the library of planning policy developed through this project.

These councils will have the first development plans produced using the better development plan library of planning policy and be formatted in a consistent style. The first better development plan (PAR as it then was; now a development plan amendment) for the Goyder council was approved in April 2007. PARs for nine council development plans have been either completed or are currently undergoing the public consultation stage.

I have initiated a plan amendment to amalgamate the policies for four of the out-of-council area development plans that cover land managed by the government, and these have been given interim operation. Members will recall that some issues were raised regarding the coastal regions west of Ceduna and places such as Andamooka. The remaining two areas that cover coastal waters and the Flinders plan will be reviewed in future.

To date the councils involved are also using the opportunities presented by the project to undertake a general review of their development plans. This review process enables them to improve their development plan by addressing any existing anomalies, while being inclusive of other relevant state policy. The result will be current planning policy delivering the policies of the planning strategy to assist in achieving the targets of the South Australian Strategic Plan. A second version of the planning policy library was released in February 2007, which is mainly fine tuning policy expression and incorporating editorial improvements. Version 3 of the library was released in early November 2007.

The other matter raised by the honourable member was to do with an article that appeared in the *Adelaide Independent*. The honourable member who asked the question will recall that I said that the planning review will be released shortly. I do not intend to comment on that until the report is released, other than to say that it will be an extremely comprehensive report that will address a range of matters, including issues such as heritage and character. Certainly, as part of any process of change to the planning system I assure the honourable member that there have been discussions with the LGA, and that will continue in detail once the planning review is realised.

BETTER DEVELOPMENT PLANS

The Hon. SANDRA KANCK (15:12): By way of supplementary question, will the minister advise whether councils are obligated to follow the better development plans? If they decide not to, are they placed under any pressure?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:12): Obviously, the government wants some consistency in planning. The planning process is that councils will issue a statement of intent if they wish to amend current development plans, and they are required under the legislation to review those plans periodically—every five years. So, they come to the department. All development plan amendments are subject to a public consultation process, as is happening. It is clearly government policy that there should be some consistency in development plans across the state, and that is why we have introduced this project to ensure we get that consistency. As I indicated—

The Hon. Sandra Kanck interjecting:

The Hon. P. HOLLOWAY: The Minister for Urban Development and Planning ultimately has to approve development plans on the advice of Planning SA and, if there are issues, on occasions the Development Policy Advisory Committee (DPAC) will report to me as minister in relation to issues that may arise under the consideration of a development plan, and I take that into consideration. If they are development plans that affect heritage, we have LHAC (Local Heritage Advisory Committee) and other bodies that provide advice in relation to particular parts of development plans, but ultimately it is up to the minister to approve or reject development plans.

I indicated in my answer that there is provision for local amendments. Obviously, with any development plan one could have in this state one will find that there are local variations unique to a particular area, so there is the option always in any development plan amendment process to allow for those unique local situations. It is obviously in the best interests of the state that we have the greatest level of consistency possible in relation to the expressions and zones used and so on. Why would one want different types of zones covering the same activities in different council areas? It can only be confusing to residents, developers and everyone else if there are those inconsistencies. That is one of the main benefits of the better development plan process. There is always the provision for local additions where there are unique factors.

BETTER DEVELOPMENT PLANS

The Hon. M. PARNELL (15:15): By way of supplementary question, as well as improving consistency between the council plans, is it also the government's objective to use the planning policy library and the better development plan modules to reduce the number of categories 2 and 3 applications and thereby increase the number of category 1 applications that do not have to go through public consultation?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:15): The answer to that would really be, I guess, a subjective judgment that someone would make on the development processes, but the main purpose is to make it consistent. I have the power under the act to insist on the better development plan format, and we certainly encourage councils to comply with that, but I have not had cause to use those particular powers to date.

In relation to the categorisation of development, that comes back to the original question asked by the Hon. Sandra Kanck. As I said, I do not intend to comment on what is in the planning review until it is released, other than to say that obviously a simplification of the process is one of the main objectives. But, to try to reduce that to a particular categorisation would be to grossly oversimplify the objectives of that review, and I suggest that honourable members wait until that is released. They will not have to wait too much longer.

COASTAL PROTECTION ZONE

The Hon. C.V. SCHAEFER (15:16): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the coastal protection zone in the Far West of South Australia.

Leave granted.

The Hon. C.V. SCHAEFER: I have correspondence from a constituent in that area and he has asked the minister to reverse a decision which has annexed 1,370 hectares of freehold title property for a coastal protection zone in spite of the fact that the closest point of that property is 2.5 kilometres from the coast and the furthest point is 8 kilometres from the coast. The owner of the property goes on to say:

> I understand that the boundaries were drawn by looking at a map. I have grave doubts about its accuracy, as the map shows a large body of water on the said land. This water body simply does not exist.

So, we have an area the size of a reasonable sized farm annexed off for coastal protection when it is nowhere near the coast and the map that was used to annexe it is, indeed, inaccurate. The writer goes on to say that on 8 August last year his company applied to create a residential subdivision on some of that land. He states that the decision to annexe this property for coastal protection was taken after the application for subdivision and at no time were the owners of the property contacted, either by the DAC or the coastal protection authority.

As I have said, the property owners have appealed to the minister to reverse that decision. My questions are:

1. Is the minister aware of this case, and other similar cases in the area?

2. Were the boundaries of the new zone decided by inspecting a map rather than by any personal inspection?

3. Is it normal practice for his department to rezone a property without having direct contact with the owners or informing them in writing at any stage of the changes?

4. Does the minister consider that it is a mere coincidence that this rezoning appears to have taken place very quickly after the property owner applied to create a residential subdivision?

5. Will the minister, if he does not reverse this decision, consider compensation for the property owner?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:19): I am aware of the particular case. I did read the letter and, certainly, on the surface, it raises some issues. I indicated in answer to the previous question that that particular development plan amendment that I moved—the Land Not Within a Council Area Consolidation and Better Development Plan Conversion Development Plan Amendment, which is its full title—was introduced on interim operation on 14 August 2007.

Obviously, the reason for introducing it on an interim basis was to prevent any decisions being made that would jeopardise the purpose of that development plan, which was basically to ensure that any development along the coastal regions of the state are compatible with the government's objectives in those areas.

What we did not want to have happen is the situation that we have seen on parts of Eyre Peninsula. The Hon. Mark Parnell raised the issue of one particular development on a number of occasions. However, there have been others on the coastline, where it has been argued that they have jeopardised the amenity of that particular coastline.

It was introduced on an interim basis, and what that means is that, within that 12-month period, it can be reassessed and people who are affected by it have the opportunity to make submissions in relation to it. After that 12-month period, it would lapse or the government would confirm it. So, there is the opportunity within the 12-month period for examination of any anomalies that may have occurred; that is why I have introduced it on an interim basis. It is always possible, when you do things on an interim basis, to do them quickly, to prevent any development happening that may be incompatible with what might be in the state's best interests in relation to development along the coastline. It is always possible that there will be anomalies.

I have already made sure that that matter is looked into. I would not like to prejudge the outcome but, certainly, we will be having a look at that. Yes; because it is an interim operation it was done fairly hurriedly, but it was done for the best reason, that is, to ensure that there was no development along that coast which could ultimately jeopardise the integrity of some of our delicate coastal areas. That is not to say that we will not change some of those plans or that we would not allow some development along there, but what the interim operation does is enable us to do a proper assessment over a 12-month period so that we can check the maps and ensure that there are no anomalies.

In relation to the honourable member's question, it is being examined, and I hope I will have a response back to the constituent fairly soon. Again, I stress the fact that it is just on interim operation and, before it is confirmed after the 12-month period, which expires on 14 August this year, all those issues will be considered.

COASTAL PROTECTION ZONE

The Hon. C.V. SCHAEFER (15:23): Can I just confirm, minister, that what you are saying is that you deliberately brought in this interim zone on 14 August as a result of this property owner's application for subdivision on the 8th?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:23): No; it certainly has nothing to do with that. I had no knowledge of any particular application; really, it was triggered more by what had happened further down Eyre Peninsula.

The Hon. Mark Parnell would be well aware of the cases he has raised in relation to around Searcy Bay, I think it is. Some other issues were raised so, while I was looking at implementing the Eyre Peninsula coastal development strategy, where we had worked with all the local governments in the area to deal with development along that very important coastline on Eyre Peninsula, it was important that I also deal with the coastal land that was not within those council areas. So, it was really my experiences on Eyre Peninsula that enabled me to deal with this matter.

At the same time, there were also some pressing issues at Andamooka which did not come under a council area. So, the pressing need was as much to deal with the rapid development issues caused by the Olympic Dam expansion appearing in Andamooka as it had to do with the coastal areas. Of course, all of those areas outside coastal areas are all part of that one development plan, so that was really my motivation for introducing it on an interim basis. While I was dealing with the Andamooka issues, I used the opportunity to also deal with the coastal issues to make them consistent with our policy on Eyre Peninsula.

ANZAC EVE YOUTH VIGIL

The Hon. R.P. WORTLEY (15:25): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about emergency services participation in the ANZAC Eve Youth Vigil.

Leave granted.

The Hon. R.P. WORTLEY: The emergency services cadets joined with other young people in the ANZAC Eve Youth Vigil ceremony last week. Our young people are increasingly realising the importance of the ANZAC—

Members interjecting:

The Hon. R.P. WORTLEY: Mr President, it is almost 50 minutes before we have come to our second question because of the disgraceful behaviour of those opposite. I think it is important that you give us a little protection.

Members interjecting:

The Hon. R.P. WORTLEY: It has taken 50 minutes, you clowns. You are an absolute disgrace, the whole lot of you!

An honourable member interjecting:

The Hon. R.P. WORTLEY: Simpleton? Last session you told everyone over here to get out of the gutter. It just shows the elitism of members opposite—their born to rule mentality. You are an absolute disgrace!

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: The ANZAC vigil is an important issue, Mr President, and all they can do is mock it.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wortley.

An honourable member: He sat down.

The PRESIDENT: Order! The Hon. Mr Wortley.

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order, the Hon. Mr Stephens!

The Hon. R.P. WORTLEY: This language goes beyond sensible interjection. The insults within the chamber, calling a person 'stupid' and 'an idiot'—

The PRESIDENT: Order! If the honourable Mr Wortley does not get to his question, I will sit him down.

The Hon. R.P. WORTLEY: Our young people are increasingly realising the importance of the ANZAC sacrifice and tradition. Will the minister provide some details about this year's participation?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:26): As we know, Friday 25 April again marked the day we pay tribute to those who made the ultimate sacrifice for their country. Taking the time to recognise and reflect on that sacrifice is a very important tradition, and we are fortunate that young South Australians realise the importance of this tradition. It is a tradition that belongs to all Australians, despite age or cultural heritage.

As I advised members last year, the ANZAC Eve Youth Vigil brings together the youth of our community in a spirit of remembrance. On Thursday evening, 24 April, from 6pm until 6am on ANZAC Day, young people between the ages of 13 and 18 conduct a formal 'holding ground ceremony'.

Young people representing a variety of service and community groups take part, with a change of guard every 30 minutes. During the evening, his Excellency the Governor, Rear Admiral Kevin Scarce, joined the youth vigil participants. Prior to dawn, the youth guard handed over to the Defence Force Catafalque Party and the traditional dawn service followed.

The youth vigil has been held since 2000, inspired by young people at that time, and I am proud that this year 10 Country Fire Service and 11 State Emergency Service cadets took part. They were, from the CFS: Michael Andersson and Ryan Todd from the Sedan Brigade; Adam Byrne, Jake Holmes, Braden Selby, Nathan Ayres and Sam Ayres from Meningie; and Ellen-Louise Hills, Dwayne Martin and Jack-Henry Hills from the Tailem Bend Brigade. From the SES: Nick Jensen, Danica Mazzeo, John Taliana, Juntee Zwar-Potts, Alex Button, Imogen Guthrie, Kim Marshall and Stuart Ball from the Eastern Unit. From the Edinburgh Unit: Rashelle Krikke, Bronwyn Knott and Jason Williams.

A number of these cadets have participated in the vigil on previous occasions. I would also like to acknowledge young members from Surf Lifesaving South Australia who participated in the vigil: Thomas and Caitlin Gray from the Southport Club and Nick Rodger from Grange. Other satellite vigils were held by CFS cadets at the Morphett Vale ANZAC Memorial, the Kangarilla RSL and the Blackwood RSL and, indeed, vigils may well have occurred at other locations around the state organised at a local level.

I ask members to thank and acknowledge these young people who took the time to remember and reflect on those who served and, in particular, those who died to protect our nation and our way of life. I also thank the cadet leaders who accompanied the cadets and kept a very careful eye on their welfare.

VIDEO GAMES

The Hon. D.G.E. HOOD (15:30): I seek leave to make a brief explanation before directing a question to the Minister for Police.

Leave granted.

The Hon. D.G.E. HOOD: Today marks the official worldwide release on Xbox 360 and Sony PlayStation 3 of the next instalment of Rockstar Games' popular console game, Grand Theft Auto IV. In the game, players, most of whom are teenagers or young adults, play a character who mainly steals vehicles, commits very violent crimes and engages in high-speed, extremely dangerous pursuits, running over pedestrians and crashing into other vehicles to avoid police capture. Indeed, almost every conceivable major crime has at some stage been depicted in these games. My questions to the police minister are:

1. Is he concerned that such games encourage antisocial violent and illegal activities and, if so, what can he do about it?

2. Has the South Australian police force conducted any research into a link between such games and those convicted of violent and dangerous crimes involving the illegal use of motor vehicles?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:31): In relation to the last matter, that sort of research is more a matter for the Attorney-General's Department. There has been a long-running debate in the community about what impact these various computer games and other forms of media—not just childhood games—have on people's behaviour.

Certainly, from the articles that I have read about it, even though there are these fantasy elements, provided that it is clear that it is fantasy, most researchers seem to suggest that it is not overly harmful to the vast majority of people, but that is something for the experts. It is an important question, but it is one that we as legislators ultimately have to determine ourselves as to what extent you interfere in people's behaviour and enjoyment of things such as games.

Obviously, we have classifications in relation to adult games and so on. There are limits that we apply to computer games—certainly age limits—but it is a complex question. The classification of those games is really a matter for the Attorney. I will refer the honourable member's questions to him and bring back a considered response.

PUBLIC SECTOR REFORM

The Hon. R.I. LUCAS (15:32): I seek leave to make a brief explanation before asking the minister, representing the Premier, a question about public sector reform.

Leave granted.

The Hon. R.I. LUCAS: In 2004 in a major statement, which was reported on the front page of *The Advertiser* of 5 April, the Chief Executive Officer of the Department of the Premier and Cabinet, Warren McCann, said that there would be a 'major shakeup of the state public sector that was being planned to improve its efficiency and reduce the level of bureaucracy in projects'. Mr McCann went on to state:

> ...the days of 66 bureaucrats involved in a project which could be handled by three or four were 'over'.
>
> Mr McCann...pledged to reform the public sector to make [it] more efficient as it implements the state economic plan.
>
> 'It is fair to say there were those in the public sector who felt they had seen it all before and that, if they just ignored it, it would go away this time too,' he said.
>
> He said that typically three or four public servants would be working on a medium-sized capital project but there were up to 66 people involved in giving approvals or supervising work in some capacity.

The Premier went on to support Mr McCann by saying:

> 'I need a small unit to crack the whip to make the public sector perform,' Mr Rann said. 'The Public Service Association should thank their lucky stars I vetoed a recommendation from the Economic Development Board to end permanency in the public sector'.
>
> ...'Deep-seated reform is inevitable,' he said. 'The Public Sector Reform Unit will, for the first time, give us the firepower to go after it and go after it we will.

The public sector reform unit was established in 2004 with about 10 people at a cost of about $1 million a year. After about two years, it was replaced by the government reform commission headed by former Labor premier Wayne Goss. Its actual cost per year is unknown, and it worked for about 18 months to two years. Then, at the start of this year in 2008, it morphed into the Public Sector Performance Commission, I understand, which will cost about $3 million per year. The government has just announced that that staff, originally of about 10, has increased to about 20 full-time equivalents, with the chief executive being paid upwards of $250,000 per year in terms of public sector performance outlook.

In the 2006 budget, in and about the time of the Government Reform Commission, which was the second body in the four-year period that we are talking about, the Treasurer and the Premier announced full-time equivalent Public Service reductions of 1,571 public servants, which came on top of a reduction of some 200 to 300 just prior to the 2006 budget—so, a total reduction of about 2,000 full-time equivalent public servants. Some commentators have noted the irony of that, given the statements the Premier and the Treasurer made about Public Service numbers at the time of the last state election. My two questions to the Premier are as follows:

1. Given Mr McCann's statement of 2004 that I quoted, can the government and Mr McCann report that the days of 66 bureaucrats handling a project which could be handled by three to four are now over; that is, that in that particular case those projects are now being handled by three or four persons and not 66 bureaucrats, as Mr McCann was alleging?

2. Can the Premier and/or the Treasurer report progress against the announced target in the 2006 budget of a 1,571 full-time equivalent job reduction within the public sector in South Australia; that is, how many of those 1,571 full-time equivalent jobs have been reduced in the period since the 2006 budget?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:37): I will refer that question to the Premier, or the minister assisting the Premier in Public Service matters, and bring back a response.

ANSWERS TO QUESTIONS

AUDITOR-GENERAL'S REPORT

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (20 November 2007).

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning): In 2006-07, SAPOL entered in to a consultancy with Harrison Market Research Pty Ltd to develop SAPOL's new recruitment marketing strategy. As a result of Recruit 400, SAPOL will need to attract around 250 recruits (including attrition) per year for the next four years.

WORKERS REHABILITATION AND COMPENSATION (SCHEME REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 April 2008. Page 2423.)

The Hon. R.D. LAWSON (15:37): This ill-starred legislation is the result of the ineptitude of the Labor government, and in particular the ineptitude and incompetence of its minister, the Hon. Michael Wright. It is also the result of the timidity and lack of conviction and strength of Labor members, who have sat silently in their comfortable seats during the passage of this bill. It was only the member for Enfield and the Treasurer who spoke in another place during the debate on this matter.

It is amazing that many of those Labor members, not only in another place but here, have been scurrying around the corridors, telling journalists and anyone else who would listen that they do not support the bill. The irony of it is that these members (most of them) owe their seats to the very workers who will be affected by this bill.

The government should be condemned for its inaction on WorkCover. Ever since the government came to office in 2002, the situation at WorkCover has been known to it and it has been steadily deteriorating. I will come to the financial situation of WorkCover a little later.

This is not some issue that suddenly snuck up upon the government. It is an issue that the government and the minister himself recognised and for months, indeed years, sought to brush it aside by falsely laying the blame for the situation at WorkCover upon the previous government, yet the government did nothing.

The government allowed the scheme to deteriorate and is now, by its own incompetence, forced to downgrade workers' benefits. The excuse one also hears around the corridors (although not in the parliamentary debate) from government members is that the board is responsible for the situation at WorkCover. This, of course, was exactly the same argument that Labor members used in relation to another ill-starred Labor event, namely, the collapse of the State Bank. There, the Labor premier of the day claimed his government had a hands-off approach to the State Bank, and it cost this state and its citizens dearly and is still costing this state and its citizens dearly.

It is only now that the government realises that, as in the case of the State Bank, the situation at WorkCover has the capacity to bring this state to the brink of financial collapse that the government has decided that it must act. The government has decided that the people who will pay the price for the government's incompetence are not the minister, who should have resigned when he introduced this bill, not the government and not those members opposite who sit on their comfortable seats thanks to the efforts and support of workers out in the community: it is those very workers themselves who will be bearing the brunt of the government's solution.

This bill is not designed to save the WorkCover scheme: it is designed to get the government off a political hook. As I said, the government seeks to clamber out of a political hole of its own making on the backs of injured workers. If the government had acted promptly when it became aware of the deteriorating situation in—let us be generous—2003, it would not have been necessary to take the savage action which is now being taken. The debate and the rhetoric about this matter has been over-laden with hypocrisy. When he made a ministerial statement on 26 February this year (at the same time as the Clayton Walsh report was tabled publicly), the Premier said:

> The primary focus is on improving the rehabilitation and return-to-work rates of workers and making the system more affordable and efficient.

He went on to say:

> The key purpose is to optimise the prospect of a return to work by injured workers.

This legislation says nothing about the rehabilitation and return to work of injured workers. This legislation is all about getting injured workers off the scheme and, as I said, getting the Rann government off a political hook of its own making. The only jobs the government is concerned about are the jobs of Labor members in this parliament and returning them to work at the next election. One does not find in this legislation anything to do with rehabilitation. It is all about getting injured workers off the scheme.

When introducing the bill in another place (indeed, the minister in this place made the same comments when introducing the bill), minister Wright said (and I think it is worth quoting):

> ...the overall objectives of the bill are simple. There are three:
>
> - First, the bill aims to align South Australia's scheme nationally while ensuring the state scheme is fair for injured workers particularly in terms of the critical elements of income maintenance, medical payments and non-economic loss.
> - Second, the bill amends the scheme in a way that is anticipated to restore its financial health and allow it to go on providing benefits at this level.
> - Third, it is expected that the improved financial outlook for the scheme will also be able to be used to the benefit of the cost competitiveness of the state's economy.

These are all noble objectives, but they are not the true objectives of this bill. It is not designed, as the minister said, simply to align South Australia's scheme nationally. It is not based upon some uniform principle. It is a ragbag of measures designed to produce a political outcome.

The minister said that the bill aims to restore the financial health of the scheme (and that is certainly something we support)—a scheme that has been allowed to deteriorate to the point where unfunded liabilities exceed $1 billion. We have not seen the latest figures from WorkCover, which will no doubt reflect the worldwide fall in investment returns in the past half year.

The financial health of the scheme certainly needed to be addressed but, as I said in my opening remarks, the financial health has largely been the result of the manner in which the government has overseen (or, more particularly, not overseen) the scheme.

I mentioned the board and, as I say, plenty of Labor members and people in the wider community tend to blame the board for this situation. However, the fact is that the board was selected and appointed by this government. The Under Treasurer has been an observer at board meetings, and I see from the latest annual report that either he or his deputy attend all board meetings of WorkCover, and that is as a result of a ministerial directive that such an officer be present.

So, the minister has been well aware, and we know that from his own public statements. He has not denied it, although he has sought to shift the blame to the board. As the elected representative of the people of South Australia, the government has an overall political responsibility to ensure that all organisations and organs of government are efficiently and effectively conducted. No person yet has paid any political price at all for the shameful provisions of this bill and, more particularly, for steering this state into the situation where this disaster looms before us.

When the minister talks about the improved financial outlook for the scheme that will be used for the benefit of the cost competitiveness of the state's economy, he overlooks the real purpose for the government's adopting this legislative measure. The real purpose, no doubt, is to ensure that the Treasurer will keep his much vaunted AAA rating for this state. It is not something

that the minister acknowledged, nor is it something that the few government members who have spoken on this matter to date have mentioned.

We notice that the cat was let out the bag in the report of a meeting of the South Australian branch of the Labor Party addressed by the Premier, when he made it perfectly clear to the delegates that what was at stake here was the AAA rating of the state. Incidentally, despite all his claims, this Treasurer did not obtain that financial rating. He rode into office on the strength of the South Australian economy. His predecessor, the Hon. Rob Lucas, had so managed the state's finances that we were in a position to obtain a AAA rating. Despite all of that, the Treasurer has been loudly proclaiming to all who would listen—and to many who were not interested in listening—that he is responsible for the AAA rating. When that rating is put in jeopardy he decides that the way out for us is to cut workers' entitlements and reduce the unfunded liability of WorkCover. So, this government is entirely hypocritical on this issue. It is digging itself out of a political hole on the back of injured workers.

It is interesting also to note from the second reading contributions in this and another place that the focus (in the minister's words) is on what the board has decided to do: 'the board has sought to address the deterioration in the financial circumstances', 'the board has examined the design of the current scheme', and so on. All the time an attempt is being made to rewrite history, to write the government out of responsibility and to lay the blame on others.

It is interesting also to note from the second reading speeches that the government has decided to adopt the language of 'shifting the culture from injury management and return to work towards the culture of compensation'. So the government has embraced the notion that these measures are necessary to shift the culture. It is clear that the government finds offensive what is described as the creation of a lump sum culture. The minister says:

> The net impact of the significant use of redemptions has been the creation of a lump sum culture in which the negotiation and settlement of payouts for claims often replaces the primary focus of return to work outcomes.

Once again in this devious attempt to rewrite history and to explain away this shameful bill the government is seeking to blame workers, because this bill contains nothing at all that will achieve an improvement in the return to work rates. It will achieve exactly what it is designed to achieve, namely, getting injured workers off the scheme.

I mentioned that in another place only the minister, the Treasurer and the member for Enfield spoke. The Treasurer conveniently omitted to mention the fact that this bill was, from his viewpoint, protecting his precious AAA rating, but there is no doubt in the mind of anyone who has had anything to do with this debate at all, and who knows the methodology and motives of this government, that that is what he was seeking to do.

The only Labor backbencher who was prepared to speak in another place on this bill was the member for Enfield. In a rather quixotic contribution he stated that the initial concept of WorkCover was flawed from the beginning and was merely a cost-shifting arrangement whereby the commonwealth government shifted its social security obligations to the state—and he said 'to the states'. I do not think anyone would seriously believe that analysis of the reason for WorkCover.

When you read the original debates in 1888 and 1889 about the introduction of workers compensation legislation in South Australia, you see that the government of Charles Cameron Kingston, which introduced the legislation, was thrown out before it was enacted (it was subsequently enacted in 1900). That government was merely adopting the workers compensation system that had been embraced by legislation in the United Kingdom in 1897. There had been rewrites of the legislation in 1911, 1932 and, more recently, 1986 and during the 1990s. But the point is that this was not a cost-shifting exercise to the state at all: it was designed, and always was designed, to ensure that employers met their responsibilities to their workers who were injured at their workplace doing work for the employer. It is entirely appropriate. This is not a cost-shifting exercise. The scheme has worked reasonably well for 100 years—there are always refinements going on—but it was this government that allowed the scheme to go off the rails and become financially unviable.

We have received, of course, as have all members, a great many representations regarding this legislation and, indeed, the Liberal Party held a special meeting and advertised for submissions, and we are grateful that a number of organisations came forward with their views. We were given the information, data and views of the Printing Industries Association, Business SA, the Australian Lawyers Alliance, the Engineering Employers Association and the Motor Trades Association. There was also a delegation from the Public Service Association and the leader of

Unions SA, Ms Janet Giles. We had a presentation from Dr Kevin Purse, an academic who has studied workers compensation schemes. We also heard from the Master Builders Association, from Mr Robin Shaw of the self-insurers association, and from a rehabilitation provider.

The information really fell into two classes. On the one hand, there were the union representatives, who were vehemently opposed to any change to the legislation. They were, because of their political alliances, inclined to blame the board and not the government (I think, an untenable position). It was, to me, rather disappointing that most of the employer associations came along singing from exactly the same hymn sheet—a hymn sheet that had clearly been devised in meetings before the adoption of this legislation and pretty well conducted by Business SA, which has been strongly urging all members to pass the legislation without delay and without amendment.

As a lawyer myself, I was pleased to hear from the Australian Lawyers Alliance. I think it is fair to say that, in much of the discussion and political debate about workers compensation, there is an antipathy towards the views of lawyers, particularly those lawyers who represent injured workers. It is very easy for people who have little understanding of the way in which the scheme works to blame any of its ills upon lawyers and to exaggerate the legal expenses which are incurred in relation to claims.

I have nothing but respect for the lawyers who work for workers in this area and, indeed, for all lawyers which o represent interests in the current scheme. It is not the lawyers' fault that they fearlessly and entirely properly advise their clients to act in their best economic interests. The idea that one should demonise those professionals who are assisting people is lamentable.

One of the weakest features of this current bill is the desire to establish medical panels for the superficially attractive objective of minimising legal disputes. A true dispute under legislation does not disappear because it involves a medical question; it does not disappear if you create a new tribunal and say, 'We are going to keep lawyers out of there.' The dispute will still exist. The dispute will still have to be resolved, and it will have to be resolved in a fair and professional way. The route chosen by the government is the establishment of medical assessment panels, and that is part of the package that is being advanced.

I should say that none of the organisations that supported this bill (that is, the employer organisations) said that this legislation was perfect—I think the best mark any of them was prepared to give it was some seven out of 10; most said 6½ out of 10—but they were all deeply concerned by elements of the current scheme, not only the unfunded liability, which is threatening the very stability of the scheme if not the finances of the state as well, but also the levy rates, which have been higher in this state than in any other state and which are making our already vulnerable economy subject to pressures and, ultimately, the sufferers in relation to those pressures would be workers.

We find that at 3 per cent an average levy, South Australia's employers are paying more in workers compensation than employers in those other jurisdictions with which we are competing. We know that capital is flying from Australia itself and from all Western countries and going to low-cost jurisdictions, and it is also moving in Australia from high cost to lower cost jurisdictions. We have been warned time and again that South Australia has become uncompetitive by reason of its high average levy rates, and it is worth putting on the record precisely what they are. As I have mentioned, our average of 3 per cent has led to the funding ratio of the WorkCover scheme in this state to be 65 per cent. So, the scheme is going backwards.

In New South Wales, the average levy rate is 1.77 per cent, and that scheme is just in positive territory at 103.5 per cent. Victoria, which has a lower average levy (or premium rate) of 1.46 per cent, has a funding ratio of 134 per cent. Queensland does not have a truly comparable scheme, because the benefits are not as generous as those in other jurisdictions, but its average levy rate is 1.15 per cent and going down. The funding ratio of the scheme is at 178 per cent, which is substantially more healthy than South Australia at 65 per cent.

So we do not by any means dismiss the serious concerns of employers in this state. It is not merely for their profitability: it is for their capacity to provide sustained employment for South Australians. Clearly, the government shares that view, and we do not have any dispute with it. As I said, something has to be done.

The objective of this measure is to arrive at an average levy rate of 2.75 per cent by 1 July 2009. The financial projections that have been provided suggest that, with these amendments, that reduction to improve the competitiveness of our state—we will still be way behind the other states—is found in this measure. Short of this measure, we will not achieve that objective.

The latest annual report of WorkCover makes it clear that the scheme is going backwards, not forward. Last year, the loss in WorkCover's operations were $149 million, which is a significant loss given that its levy revenue was $572 million.

One of the most serious aspects of the South Australian scheme is the fact that injured workers in our state—especially those injured long term—have the worst return to work ratios, and that a significant number of persons who get on to the scheme, and have been on the scheme for as long as two years, will remain on the scheme indefinitely under the current arrangements.

Another feature of our scheme which, from the point of view of an employer, is negative is the fact that, under the South Australian scheme, a worker who is injured and remains on the scheme for more than a year will continue to receive 100 per cent income maintenance. The government now—although not initially—proposes that workers will continue to receive 100 per cent for the first 13 weeks, as they do in New South Wales.

In Victoria, there is reduction to 95 per cent. Between 13 and 26 weeks workers here currently receive 100 per cent. They will continue to receive 90 per cent under the current proposals. In Victoria they receive 75 per cent; in Queensland 85 per cent; and in New South Wales 100 per cent. In South Australia, for the second six months, benefits will be reduced to 80 per cent; presently, they receive 100 per cent. That 80 per cent is not as favourable as New South Wales at 90 per cent, but it is superior to Victoria at 75 per cent. Likewise, after 52 weeks South Australian workers currently receiving 100 per cent will receive 80 per cent. It is better than Queensland at 65 per cent for five years. It is superior to Victoria with 75 per cent, but less than the 90 per cent which is received in New South Wales.

In order to strike a balance, the government, pursuing the general recommendations of the Clayton Walsh proposals, has opted for the figures I have mentioned. Nobody welcomes that fact. It should not have come to this if the government had appropriately managed the scheme, but it has come to this. The issue is: what does the parliament do to address it?

In recent days, WorkCover has been in the market publishing newspaper advertisements designed to respond to claims made by similar types of advertisements placed by the unions. Many of the unions' claims have been exaggerated, in my view, but they are legitimate concerns which they had every right to express. It is, however, surprising to me that the defence of the bill has been published by WorkCover, not the government. The government has not had the guts to say, 'This is our measure; this is what we want to do'. It has actually put it to WorkCover to get out there and publicise this matter in the public arena.

The government has been hiding behind the board—as it always has—trying to blame the board. Now, in defending this bill, it is getting WorkCover to do work which it has not had the courage to do itself. WorkCover's material states facts which are incontrovertible. First, the South Australia's scheme has the worst return-to-work rate in Australia. That is, 'fewer injured workers successfully returned to work on our scheme than any other scheme in the country'. That is an incontrovertible fact. The question is—and it is a reasonable question for debate—are the measures that this government has taken in this bill appropriate to address that issue?

As I mentioned at the outset, the bill contains precious little about improving return-to-work rates. The fact that it will be necessary to appoint a return-to-work and rehabilitation coordinator in workplaces where over 30 persons are employed is a move in the right direction if it reduces disputes and improves communication between workers and their employers, but the fact is that, that issue aside, there is nothing in this bill which will improve the return to work rate; in fact, the government has not even sought to improve that. WorkCover claims in its latest publicity, and it has been consistent with this throughout:

> The scheme's problems are not new. The key driver of the scheme's poor financial situation over the past 10 years has been the massive increase (up to 150 per cent) in the number of people staying on the scheme for the long term; that is, three years or more.

So, there has been an increase, and it has been of the order of 150 per cent, in the number of persons staying on the scheme for the long term. I would ask the minister in his concluding remarks on the second reading to provide the council with the details of the number of persons staying on the scheme for the long term (three years or more) and the cost of those over each of the past 10 years. Once again, WorkCover states:

> Poor return to work outcomes have serious negative implications for injured workers, their families, and society more broadly.

Again, an incontrovertible and true statement of the position. The question is—and it is a reasonable question to ask—is this bill the best way to overcome those poor return to work outcomes? We doubt it.

WorkCover claims that under the so-called reform package contained in this bill: first, seriously injured workers will be better compensated, cared for and supported where needed until retirement age. That is something of a gloss. It is true that workers who are totally incapacitated will continue to receive income maintenance; those who are not catastrophically incapacitated will be off the scheme.

WorkCover next claims that the scheme will be fully funded within six to seven years, eliminating the present $911 million unfunded liability. That remains to be seen. Actuarial evidence which has been presented to us tends to support the claim, but only time will tell. The third point I mention is:

> We would achieve better return to work rates which enable the average levy rate for employers to be reduced from 3 per cent (the highest in the nation) to 2.75 per cent at 1 July 2009.

The claim as to whether we will achieve better return to work rates is entirely problematical. We are given that assurance by WorkCover and this government. We are told by this government that the scheme will be the fairest in Australia; a claim which is hotly contested by union representatives. It is a claim that even Business SA does not make in its literature in relation to this. It claims that the scheme will be fair, but it does not go so far as to say that it will be the fairest in Australia. What this scheme will achieve is not, as is suggested, a better return to work rate, but it will attain its true objective of fewer people on the scheme.

This has been a difficult issue for the Liberal Party because many of the individual elements in this program are elements about which we have serious reservations. Some of us have reservations about some matters and others in the Liberal Party have reservations about other aspects of the scheme. What the scheme has put forward is a package.

The government, in presenting it, states that this scheme will achieve these worthy objectives. We might have doubts about whether it will achieve those objectives, but it is not really a scheme from which one can cherry pick and say, 'We will choose this particular aspect but we will not choose that' because, according to those who have devised the scheme (the WorkCover board, the government, the WorkCover Corporation and its advisers), this scheme is a comprehensive package of measures; we cannot pick and choose.

It is for those reasons that the Liberal Party has chosen to support the passage of the bill. We look forward to the committee stage of this bill because there are many aspects of it which need to be teased out. I see that a number of amendments were introduced in another place and we understand that similar amendments will be moved here. I think that in another place those amendments were not comprehensively debated, nor was information provided which justified the government's position.

We look forward to a committee stage where all points of view will be thoroughly examined and the government will have to justify each and every element of this package which is challenged. We look forward to receiving the information which will be sought in committee, and we support the second reading.

Debate adjourned on motion of Hon. J. Gazzola.

FIREARMS (FIREARMS PROHIBITION ORDERS) AMENDMENT BILL

In committee.

(Continued from 10 April 2008. Page 2407.)

Clause 1 passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. D.G.E. HOOD: The definition of 'fit and proper person' seems to be very vague and, largely, is at the discretion of the Registrar. There is no definition in the bill as to what constitutes a fit and proper person; there is no clarification at all. We are concerned that well-meaning people who own firearms or who choose to own firearms, who obey the law and who have the appropriate licences, etc., potentially could be targeted if they are just not liked for some reason. For some people it could be quite a substantial penalty if they were denied access to a

firearm because, in many cases, they are needed for the particular type of work they do, and I am particularly thinking of people on the land. It is a very vague definition. I would like to hear the minister's comments as to how he sees that working out.

The Hon. P. HOLLOWAY: Section 5(10) of the current Firearms Act 1977 provides:

For the purposes of this act a person who has a mental or physical condition that would make it unsafe for him or her to possess a firearm or ammunition must be taken not to be a fit and proper person to have possession of a firearm or ammunition or to hold or have possession of a licence.

That subsection relates to a person who has a mental or physical condition that would make it unsafe for him or her to have a firearm. I think the implication of that would be that a medical practitioner or some other suitably qualified person would make that determination. That is how that category is dealt with. Section 5(11) provides:

For the purposes of this act a person may be taken not to be a fit and proper person to have possession of a firearm or ammunition or to hold or have possession of a licence if the person—

(a) has not complied with the requirements of this act in relation to the safe handling, carriage or use of firearms; or

(b) has been [found guilty] of an offence against this act...

Of course, that is one of the definitions we are changing. That subsection currently states 'has been convicted of an offence'. We are proposing to amend that to read 'has been found guilty of an offence against this act or corresponding legislation of another state or territory of the commonwealth'. Section 5(11)(c) provides:

Has been [found guilty]—

again, that is an amendment we are moving to this bill—

of an offence involving actual or threatened violence in this state or any other state or territory of the commonwealth or in any other part of the world;

We are amending the act to insert paragraph (ca), which provides:

has been found guilty of an offence prescribed by regulation; or

Section 5(11) provides:

(d) has been [found guilty] of fraud or deception for the purpose of obtaining a licence or permit under this act or under corresponding legislation in another state or territory of the commonwealth; or

(e) is the subject, or has in the past been the subject, of a domestic violence restraining order under the Domestic Violence Act 1994 or any other order of a similar nature made by a court whether in this state or any other state or territory of the commonwealth.

I would have thought that, under those definitions, it is not a matter of just not liking someone. I think that the concept of who is a fit and proper person is a widely used and acknowledged concept right across the legislative field.

The Hon. D.G.E. HOOD: I thank the minister for his response; it does clarify the matter somewhat. However, the minister did raise the issue of being found guilty as opposed to 'convicted'. Of course, our problem with this bill is that, as has happened until the present time, many firearms offences are very minor and committed by people meaning to do the right thing. Members will not hear me advocating for the courts very often but, on this occasion, I will. Quite sensibly in some cases people are found guilty of a particular offence because it is true that it happened but no conviction is recorded—the offence was of such a minor nature and the person was well meaning and the offence was basically an accident. The most common example is where someone does not have a safe bolted to the floor or, if it was bolted, it has been removed to be repaired or something like that, and the inspection has happened at a time when it was not secured as it should be.

That is not an insignificant matter by any means, so it is appropriate that someone is found guilty. However, if under this clause it changes, the problem we have is that well-intentioned people who have committed these offences purely through circumstances—a bit of bad luck, they have simply forgotten or something of that nature—it would no longer matter that a conviction is not recorded against them. It would still be held against them when the time came for them to seek a firearms licence or amendments to that licence. We are concerned about that.

We think that the current system works well, but let me make it clear that, if someone is deliberately infringing and choosing not to obey the law, they should face very severe

consequences. We have no problem with that whatsoever, as firearms should be treated with the respect they deserve. They can be used inappropriately, and we are certainly not advocating that.

However, when people are doing the right thing but inadvertently find themselves in the types of circumstances I have mentioned, they should not be deprived of access to an appropriate firearm, particularly if it is to be used at work or for sport and so on. That is also a significant concern to us.

The Hon. P. HOLLOWAY: As I said, the only changes relate to the issue of whether someone has been convicted or found guilty. I point out to the honourable member that these clauses are discretionary. Clause 10 provides that, for the purposes of this act, a person who has a mental or physical condition that would make it unsafe for him or her to possess a firearm or ammunition must be taken not to be a fit or proper person.

However, in relation to someone in the other example, it is a discretionary provision. It provides that 'for the purpose of this act, a person may be taken not to be a fit and proper person' if the person then fulfils one of those conditions. In any case, there is appeal in the first instance to the Firearms Review Committee. It can be referred back to the Registrar and, of course, ultimately there is appeal to the District Court under the provisions of this bill. So, there are safeguards that could apply if the application of this provision is considered by somebody to be trifling or have some other error. There are provisions that allow for the discretionary power to be reviewed.

The Hon. SANDRA KANCK: While I am not keen to see a proliferation of firearms, nevertheless, in listening to the answer the minister gave in relation to the Hon. Mr Hood's question about 'fit and proper person', I gained the impression that someone who has ever had a firearms offence would be regarded as not being a fit and proper person. Is that the case?

The Hon. P. HOLLOWAY: As I said, if we exclude the mental condition, when medical advice operates under clause 10, obviously the case of someone with an offence is a discretionary matter, and the Registrar will consider the gravity of the situation. In any case, there is the appeal mechanism through the Firearms Review Committee and, ultimately, through the District Court.

The Hon. SANDRA KANCK: Presumably, if we are dealing with someone who has used a firearm in a domestic violence situation, for example, and they have been charged, found guilty and served some time or had some sort of criminal penalty recorded against them, if they apply for a licence to own a gun after that, it would probably be predicated against them that they would be given a licence under this system.

The Hon. P. HOLLOWAY: My advice is that, under the Summary Procedures Act, if somebody has a domestic violence order against them, they must have the firearms licence suspended. The firearms licence is suspended under that act.

The Hon. SANDRA KANCK: I understand that it would be suspended but, if there were a new attempt to obtain a licence, would that prior offence mean that that man is no longer a fit and proper person?

The Hon. P. HOLLOWAY: My advice is that it would depend. If that person had their licence removed under the Summary Procedures Act, and appropriately so, if they wished then to reapply for a licence, obviously it would depend on the offence, the level of perceived risk and the other circumstances at the time. It would have to be a matter of judgment. You could not really do it any other way, other than to make a judgment on the facts. Obviously, if somebody has had a restraining order issued against them under the Domestic Violence Act, quite appropriately it ought to be very closely considered before contemplating giving them back a licence. An assessment would be made of the risk.

Further, the most significant part of the new bill is the introduction of firearms prohibition orders, and you would not necessarily in those cases introduce a firearms prohibition order. The matter in those cases would be considered as it would be under the current legislation. Here firearms prohibition orders are particularly aimed at the more violent criminal element, so the main part of the bill would not necessarily apply in that case, but as the provisions apply to domestic violence in most cases it would be unlikely to be changed by the passage of this bill.

The Hon. D.W. RIDGWAY: I ask for clarification with regard to people not being fit and proper in relation to offences. I mentioned the example of people who have been found guilty of other offences involving firearms where perhaps a primary producer has shot protected animals or birds as a way of protecting crops or livestock.

The Hon. Sandra Kanck: Shame!

The Hon. D.W. RIDGWAY: The Hon. Sandra Kanck highlights the point I am making by saying 'Shame!' because some people in the community, possibly rightly so, would say that a person who shoots protected animals is not a fit and proper person to own a firearm. It is an interpretation of the relevant act as to whether a person is deemed to be fit and proper. I wonder whether somebody convicted of a drink driving offence or speeding offences, particularly if they are caught two or three times, indicates some disrespect for the law and potentially puts them at risk of being subject to being not fit and proper.

The Hon. P. HOLLOWAY: If somebody had a series of drink driving offences it may indicate how that person regards the law and it may become a factor in regard to being a fit and proper person to that extent. As I said to the Hon. Sandra Kanck, in relation to firearms prohibition orders, which is the main focus of this bill, in the case the honourable member gave you are not likely to issue a firearms prohibition order in relation to that person. Whether you would licence them as a fit and proper person would be considered in much the same way as it would be under the current act.

The passage of this bill is not likely to change the attitude of the Registrar towards somebody in that situation. Other procedures follow it. If a person had been found guilty rather than convicted, we may change the way the appeal system works, but in relation to a firearm prohibition order I emphasise that the focus is on violent criminal behaviour and people who may be at risk to others, and there is a need to take immediate action in terms of removing the firearm to prevent the likelihood of murder/suicide, suicide and so on.

Clause passed.

Clause 5.

The Hon. D.W. RIDGWAY: I move:

Page 6, line 27 [clause 5, inserted section 6B(1)]—Delete 'undergo some form of medically invasive procedure' and substitute 'submit to a blood test or some other prescribed procedure'.

This amendment relates to medically invasive procedures. I raised this as a concern in my second reading contribution as a number of people with whom the opposition has consulted were somewhat alarmed with the description of 'including examination or report that will require the person to undergo some form of medically invasive procedure.'

When I spoke to the minister's adviser at a briefing earlier in the year, he indicated that that would be more than likely just a blood test, but the stakeholders are concerned that this is more than a blood test. So the opposition moves an amendment which we would very much like the committee to consider and support, where a person would be requested to submit to a blood test or any other prescribed procedure, which allows the minister by regulation to prescribe whatever other procedure it might be, but in the event that it is an unreasonable procedure it allows the Legislative Council to disallow those regulations and gives a level of protection and comfort for some of the stakeholders who have raised questions with us, whilst allowing the same opportunities to be afforded to the police force to implement these firearms prohibition orders and make sure people are able to submit to a blood test, which I am sure is the primary reason for this clause.

The Hon. P. HOLLOWAY: The background to the wording of it is that it is the same terminology used in the Medical Practitioners Act, which essentially is why it was incorporated here, but if the amendment moved by the Leader of the Opposition gives comfort to the firearms practitioners we are happy to support it. Essentially he is right that it is really to cover blood tests and we used the wording of that act, but if it clarifies it then I am happy to accept the amendment.

The Hon. D.G.E. HOOD: I am pleased to hear that response from the minister. Family First indicates support for the amendment.

The Hon. SANDRA KANCK: I indicate Democrat support for the amendment. Looking at it I probably would have accepted an amendment that changed 'will' to 'may', but to say that people should expect a medically invasive procedure is a little concerning and what we have here with this amendment will clarify that. For the most part one would anticipate that it would be a blood test, but if by regulation it sets out other procedures, then at least someone who is applying to have a firearm will have some idea of what might be expected of them in the process.

Amendment carried; clause as amended passed.

Clause 6.

The Hon. D.G.E. HOOD: My concern with this clause is that it substantially alters the balance of power, if you like, in terms of who has the real decision making power. Currently, the consultative committee has a significant influence on the Registrar and has significant powers to intervene and, if appropriate, curtail the Registrar's powers or act against a decision that the Registrar has made, but this clause will substantially change that situation.

Our view is that the current situation is working well and that there are good reasons to have a committee which has significant power in its own right to challenge the decisions of the Registrar, and that changing the current situation puts a lot of power, frankly, in one person's hands. That is all well and good if that person is benevolent and there are no real issues but, presumably, that will not always be the case. So we raise that concern and seek clarification from the minister as to the intent of this clause and some reassurance that altering this current situation will not be to the detriment of firearms holders in general. As I say, we are quite concerned about this clause.

The Hon. P. HOLLOWAY: If one looks at the statistics and what happened with the Firearms Consultative Committee, in terms of agreement, if one goes through the logistics over the past five years or so, in 2003-04, 84 per cent of the decisions were agreed to; in 2004-05 it was 91 per cent; in 2005-06 it was 89 per cent; in 2006-07 it was 85 per cent; and up to the present it has been 96 per cent. So there has been a high level of agreement with those decisions.

If one looks at the appeals against the decisions of the Firearms Consultative Committee, in 2003-04 there were four appeals, of which none were upheld; in 2004-05 there were eight appeals, of which three were upheld; in 2005-06 there were 25 appeals, of which just two were upheld; in 2006-07 there were 26 appeals, of which just two were upheld; and in the year to date there have been 14 new appeals, of which two have been upheld. In other words, in the past five years there have been just nine decisions of the Registrar that have been overturned.

I think if one looks at those figures one can see that there is an enormous amount of effort that goes on; but, of course, what we are seeking to do here is replace the new procedures so that they will go ultimately to the District Court if someone wishes to challenge them. I think that that record should give people some comfort. As I said, over the past five years just nine appeals have been upheld out of the total number of decisions.

In regard to applications, in 2003-04 there were 27,372 renewal applications received. That number dropped to 23,435 in 2006-07. In regard to applications for a variation of licence, if one looks at the 2006-07 figure, which is the last full year, it was 563. So, given the volume of applications, really the evidence is that the Registrar's decision has been overturned on very few occasions.

The Hon. D.G.E. HOOD: I agree with the minister that not all the time but certainly most of the time the committee and the Registrar are in agreement, and that seems to me to be a system that is working very well. So, the obvious question is: why change? Why do we want to remove the power the committee has with the Registrar if they are in agreement almost all of the time? It seems that it is working very well and, on the rare occasions when there is disagreement, why not have a committee with some actual power to intervene and challenge the decision?

The Hon. P. HOLLOWAY: The whole focus of this legislation is to try to shift away from the enormous amount of effort that now goes into the mundane licence applications, because the vast majority of these are legitimate firearms owners.

What we have tried to do in this bill is start to focus the attention on the criminal element, not just the illegal weapons but also those who should not have firearms but who manage to get them. That is really what we are trying to do: to shift the attention away, rather than have hours involved in just the mundane processing. We have seen from the statistics that in nearly all cases there are very few disputes over those. Rather, the effort should be put into preventive measures to try to prevent firearms getting into the hands of those who should not have them.

The Hon. D.G.E. HOOD: I just have a final comment on that. I agree with the minister. I still do not see how the change in this clause achieves that purpose. If any measures are presented to this place to take firearms out of the hands of criminals, Family First will wholeheartedly support it. I just do not see how this particular clause in the bill achieves that end.

The Hon. P. HOLLOWAY: I am informed that this is really the only state that has a model like this. It has been in place since 1977, and it is the only type that does that. I think the argument really is that an enormous amount of police resources is tied up just in the mundane processing of

applications, which manifestly has very little benefit in terms of making the community safer because, as I said, all the effort has to go into that.

With this new model, through the new clause 27, we are looking at the review and appeal. A firearms review committee allows someone who disputes it to deal with it there. So, rather than having this model where the Firearms Consultative Committee has to agree with virtually every decision of the Registrar, with an enormous amount of processing in that, given that there are so few issues that are ultimately of dispute, is it not better to have a model where we have a review committee accompanied by right of appeal to the District Court? So, in those very few cases where there will be a dispute, that can be the focus of effort rather than this enormous amount of police effort involved in mundane processing through the current structure. I am sure that is why every other state has moved away from it.

Clause passed.

Clauses 7 to 10 passed.

Clause 11.

The Hon. SANDRA KANCK: I move:

Page 7, line 26—

Delete paragraph (b)

Page 8, lines 28 to 29—

Delete subparagraph (ii)

In clause 11 of the bill, we are adding a completely new part to the act, and that will be Part 2A—Firearms prohibition orders. This is not something that we have had before, so we need to look very carefully at this. I am very mindful of the situation in the US with guns and the massacres from time to time when people have run amok. It is really important that we have protections for the community.

This new part 2A consists of what will be three new sections: 10A, 10B and 10C. Section 10A is about interim firearms prohibition orders issued by a police officer; 10B is about firearms prohibition orders issued by the Registrar; and 10C explains the effect of the prohibition orders. There are three pages of the description of the effect of those prohibition orders, and I think we need to look at these as a package to understand it. It is because of the effect of the prohibition order (10C) that I am moving the amendments because, if we are to have these prohibition orders, we have to understand that their impact will be quite draconian.

What my amendment does in relation to 10A(1)(b) is to remove the reference to the person not being a fit and proper person to possess a firearm. This would then leave the police officer with the grounds that possession of the firearm by the person would be likely to result in undue danger to life or property. To me, it seems that, if the police officer makes a determination on that basis, the fit and proper person requirement will not be needed. Similarly for 10B(1)(a)(ii), we are left with the Registrar having to be satisfied that possession of a firearm by the person would be likely to result in undue danger to life or property, which is the same wording as 10A. In 10B we also have (b), that it is in the public interest to prohibit the person from possessing and using a firearm. Again, with 10A(1)(b), it seems to me that the requirement for the fit and proper person is not necessary. It seems that the reason you would say that a person is not fit and proper to have a firearms licence is the prospect of that person creating some sort of harm in the community; in other words, undue danger to life or property. So that is covered.

We need to look at these decisions, either by the police officer or the Registrar, in terms of section 10C, which is the effect of the firearms prohibition order. If members have not read this, I think it is important that they understand the full impact. If, for instance, a determination has been made that a person will be placed under a firearms prohibition order, section 10C(7) provides:

A person against whom a firearms prohibition order is in force must not reside at premises on which there is a firearm, firearm part or ammunition.

There is a penalty of $50,000 or imprisonment for 10 years in the case of a firearm; or, in the case of a firearm part or ammunition, $20,000 or imprisonment for four years. Section 10C(8) provides:

It is a defence to prosecution for an offence against subsection (7) to prove that the person did not know, and could not reasonably be expected to have known, that the firearm, firearm part or ammunition was on the premises.

This, I suppose, ameliorates it slightly. The question that arises for me is what this means for spouses, relatives and farm employees who might be under such an order. Does it mean that they would have to be turned off a farm? If you are a roustabout on a farm and you have such an order against you and the farm owner has a gun on the property, I would read this to mean that the farmer would have to say to that roustabout, 'You can no longer work on this property.' Section 10C(11) provides:

> A person who has a firearm on or about his or her person or under his or her immediate physical control must not be in the company of a person to whom a firearms prohibition order applies.

That has a maximum penalty of $10,000 or imprisonment for two years. That very much seems to be a subsection that will restrict association. Section 10C(12) provides:

> If a person to whom a firearms prohibition order applies resides at premises, a person who brings a firearm, firearm part or ammunition onto the premises or has possession of a firearm, firearm part or ammunition on the premises is guilty of an offence.

That has a maximum penalty of $50,000 or imprisonment for 10 years in the case of a firearm and $20,000 or imprisonment for four years in the case of a firearm part or ammunition. We do have, again, a rider in subsection (13) about the person not being reasonably expected to know.

You can imagine the potential implications of a farmer dropping in on another farm where one of the household is under a firearms prohibition order, or even one person meeting another to go out and shoot some rabbits. It certainly does have a lot of implications. You could see people being charged under this particular provision. It may be that subsection (13) allows them to prove that they were effectively innocent, but it still means that the farmer would have to go through that process of proving their innocence.

Section 10C(14)(a) is long and wordy, but it is worthwhile listening to. It provides:

> If a person to whom a firearms prohibition order applies is on or in premises or a vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) when a firearm, firearm part or ammunition is found on or in the premises, vehicle, vessel or aircraft, the person will be taken to possess the firearm, firearm part or ammunition unless it is proved that the person did not know, and could not reasonably be expected to have known, that the firearm, firearm part or ammunition was on or in the premises, vehicle, vessel or aircraft.

In other words, they have to go through the process after they have been charged to prove that they did not know and could not reasonably have known that that was the case.

I am thinking of an example where a group of indigenous people goes off to shoot kangaroo on the APY lands, and they give a lift to a friend or family member who is already the subject of a firearms prohibition order. There is the potential for that person to be then sent to gaol.

These are the sorts of implications of this section. This bill is entitled the Firearms (Firearms Prohibition Orders) Amendment Bill. This section is absolutely central to this bill and it has enormous implications. Subsection (14) provides:

> For the purposes of this section—
>
> (c) a person will be taken to supply a firearm if—
>
> (iii) the person knowingly provides the premises in which any step in that process is taken, or suffers or permits any step in that process to be taken in premises of which the person is an owner, lessee or occupier or of which the person has care, control or management.

Does that mean, for instance, that a farmer with a family member to whom a prohibition order applies cannot let a kangaroo shooter onto their property in case the person to whom the prohibition order applies gets hold of their gun? It seems that the key will be in any ensuing court case and the prosecution having to prove that it was done knowingly. I personally have no objection to a firearms prohibition order being issued against a potentially dangerous person.

Coming back to the amendment, using the criteria 'fit and proper person' seems to me to be much too broad to assess a person when these sorts of harsh penalties are the result. On the other hand, it seems to me that it would be justified if the assessment was made on the basis that the person having the weapon could result in danger to life and property.

The Hon. P. HOLLOWAY: The government obviously opposes the amendment to remove the not fit or proper person test because the ability to make a determination of a person's fitness to possess a firearm really is the basis of firearms regulatory schemes right across this country. The term 'not a fit and proper person' used in interim firearms prohibition orders and in the Registrar's firearms prohibition orders provides the Commissioner, in his capacity as the Registrar of Firearms,

or his delegate, with the discretion to determine whether people are a risk to public safety or are not likely to comply with the regulatory requirements of the legislation. In making a determination—

The Hon. Sandra Kanck: Did you say there is a list?

The Hon. P. HOLLOWAY: No; I said if people are a risk to public safety or are not likely to comply with the regulatory requirements of the legislation. In making a determination that a person is not a fit and proper person, consideration must be given to the provisions expressly stated in the legislation, or refer to those, and to any facts or criminal intelligence that is available about the person.

In addition, those who are not fit and proper persons must not have access to firearms legally under the fit and proper persons test, and by application of prohibition orders persons who are not firearms licence holders will be prevented from accessing firearms in places such as commercial firearms ranges, shooting clubs and from other people. This power is not currently available, and officials at ranges and clubs, as well as other innocent persons, may provide access to firearms to people who, in reality, are unfit to possess or use them.

The inclusion of the not a fit and proper person provision will ensure persons satisfying the criteria are prevented from possessing firearms by providing them with a firearms prohibition order and notice that, if they access firearms, they will be subject to a criminal sanction. As has been indicated, this provision is specifically aimed at groups such as outlaw motorcycle gangs that have members who have a record of violent criminal activity.

The honourable member referred to some parts of new clause 10C. As she indicated, new clause (13) provides:

> It is a defence to prosecution for an offence against subsection (10), (11) or (12) to prove that the person did not know, and could not reasonably be expected to have known, that a firearms prohibition order applies to the person.

I would argue that that provides a more than adequate defence for the sorts of cases that the Hon. Sandra Kanck mentioned.

We have a problem here with the law. There is a celebrated case where a well known member of an outlaw motorcycle gang, with a long criminal history, was found with a loaded firearm in the drawer next to his bed. When the case came to court, I believe it was his son or some family member who claimed that they knew the source of the gun and, of course, they would not say who it was. It is difficult to get a conviction in such situations because of the difficulty in proving ownership of the gun.

That is probably another issue that we have dealt with in the bill, but it does illustrate the problem that you have of these members of criminal gangs getting hold of firearms and the difficulty that police have in actually convicting them, or prohibiting them from getting firearms, and therefore preventing them from using those firearms to either commit crimes or to use them against other people.

Specifically, the provisions that are referred to by the honourable member are designed for the case where—with members of these criminal gangs—you prevent some other member of their family (wife, spouse, partner or other family member) from having access to firearms, which effectively gives it to the person with this criminal record. So, to make the firearms prohibition orders effective, we need to have a provision in here which can prevent those people getting around the law by saying, 'I didn't know anything about the firearm; it must have been put there by a member of my family'.

This new measure will provide a means of addressing what is currently, I would suggest, a weakness in the law that has been exploited by criminal elements. But, yes, of course we do need protection. It could be, in the case mentioned by the honourable member, that somebody is not aware that someone has brought the firearms on them, and that is why the defence is provided under clause 13 for such situations.

The Hon. D.W. RIDGWAY: I will make a few comments on the Hon. Sandra Kanck's amendment and, I guess by way of introduction, indicate that the opposition will not be supporting her amendments. I think it is obvious from the comments that she has made, and also the Hon. Dennis Hood, that a number of us have been contacted by stakeholders in the community, the law-abiding firearms owners, who all understand the minister's and the government's–I think we all share it—goal to clamp down on illegal firearms use and the undesirable element in that

community. It is not only Family First; I think we all agree with the intentions of this piece of legislation.

I will foreshadow that an amendment that I have a couple of amendments later on, I hope, will give some comfort to those law-abiding firearms owners—LAFOs as they called themselves in one of the meetings I had with them. They agree that they do want the police force firearms branch to come down very hard on the people who are illegal users of firearms.

I hope the amendments in relation to the report being tabled in the parliament, and also the powers of the review committee (which I will address in a later amendment), may give some comfort to those community groups. I think that, if you had the wrong people administering this legislation with a vendetta against law-abiding firearms owners and users, there could be some circumstances whereby people are captured as a result of over-zealous application of this bill. I indicate that we are not supporting the Hon. Sandra Kanck's amendment, but I hope that we can offer some comfort to the LAFOs later in the debate.

Amendments negatived.

The Hon. D.W. RIDGWAY: I move:

Page 12, after line 10—

After inserted section 10C insert:

10D—Report on first 2 years of operation of Part.

(1) The minister must cause a report to be prepared under this section within three months after the second anniversary of the commencement of this Part.

(2) The report must relate to the two years immediately following the commencement of this Part and specify—

(a) the number of firearms prohibition orders issued; and

(b) the number of firearms prohibition orders revoked; and

(c) the number of reviews and appeals under Part 4A relating to firearms prohibition orders and the outcome of each review or appeal that has been completed or finally determined.

(3) The minister must, within 12 sitting days after receiving the report under this section, cause copies of the report to be laid before both houses of parliament.

This amendment is quite self-explanatory. It seeks to insert a new section 10D. By moving this amendment I am trying to get the minister to table a report in this place 12 sitting days after he or she has received the report detailing the number of firearms prohibition orders issued, the number of firearms prohibition orders that have been revoked and the number of reviews and appeals under Part 4A relating to firearms prohibition orders and the outcome of each review or appeal that has been completed or finally determined. Again, this is part of the transparency we are looking for, as well as giving the law-abiding firearms owners some degree of comfort that a report will be tabled in this place. We would like it to cover the two years immediately following the commencement of these provisions so that it gives them some comfort that members in this place will see the activity that has been going on.

The minister quoted some statistics a few minutes ago. He talked about the nine decisions in the past five years that have been overturned. That is the sort of information we would expect to see in this report—just letting us know that it is all working as the minister intended and as the firearms branch intended, or it is not. If something has gone awry, that might give us an opportunity to look at the bill and, perhaps, amend or change it in some way. I encourage all parties to support the amendment.

The Hon. P. HOLLOWAY: We oppose the amendment.

The Hon. D.G.E. HOOD: By and large, Family First does not normally support amendments to create reports, but in this case we think that there is a case to support this move. I think a two-year window is an appropriate length of time. Again, the reason for supporting it is that the overwhelming majority of people who use firearms are responsible, and we want to make sure that they are not adversely affected by this bill in any unintended way.

The Hon. SANDRA KANCK: I indicate Democrat support for the amendment. It will not really address the issues I raised in the previous amendment that was defeated. If, for instance, it had a requirement to talk about the number of charges under this new act and the number that had been dropped, I would be particularly interested, because members would be aware from the

comments I made in support of my amendments that I was talking about people who would be inadvertently caught up under these provisions, albeit with the riders that are there in clause 10C that say that it will be a defence for the person to be able to say they did not know or could not have reasonably known. This report will not in any way provide the parliament with feedback as to how often a person is charged, and needlessly so.

Amendment carried; clause as amended passed.

Clauses 12 to 16 passed.

Clause 17.

The Hon. D.W. RIDGWAY: I move:

Page 13, lines 12 to 20—

Delete the clause and substitute:

17—Amendment of section 15—Application for permit.

(1) Section 15(3)—delete 'subsection (4)' and substitute:

Subsections (4) and (4a)

(2) Section 15—after subsection (4) insert:

(4a) If the applicant for a permit is the owner of a registered firearm of the same class as that to be acquired under the permit, the Registrar must grant the permit as soon as practicable after receiving the application.

This amendment relates to the Registrar waiting 28 days to issue a permit to purchase a firearm. This issue is raised by many people in the farming community, as well as sporting shooters or the people who are actively involved in shooting as a competitive sport. The Registrar must wait 28 days before issuing the appropriate documentation. Of course, you may have the situation where someone is already a registered firearms owner with a licensed firearm and they must still wait 28 days. My understanding is that the original act said that you must wait 28 days. The bill before us provides:

The Registrar may grant a permit before the expiration of the 28 days after the application for the permit was made if the Registrar is satisfied...

I am talking about people who already have a registered firearm and a licence. I will use the example of a farmer who has foxes attacking his lambs. If for some reason his firearm is damaged or unserviceable, he needs to be able to get another one straight away, of the same class and the same specifications. We are not looking to allow them to come outside that class of firearm; and the same applies to a competitive shooter if, for whatever reason, their firearm becomes unserviceable and they need to buy another one for a competition and they are not able to borrow one. My amendment provides:

If the applicant for a permit is the owner of a registered firearm of the same class as that to be acquired under the permit, the Registrar must grant the permit as soon as practicable after receiving the application.

So, it is just making it a little tighter and more prescriptive for the Registrar. If someone has a firearm and, for genuine reasons, needs to purchase and gain access to another as quickly as possible to save their lambs, protect their livestock or for competitive shooting, we think that it gives them the opportunity to do so quickly.

Certainly, members of the farming community have been frustrated for quite some time about the 28-day period. They have been law-abiding South Australian citizens and done everything right for decades, but they are treated almost like criminals. I know that there is some attempt in the amendment bill to rectify that to some degree, but the opposition would like it to go further. I urge all members to support the amendment.

The Hon. P. HOLLOWAY: The background to the clause that we are seeking to amend, both in the bill and in the opposition's amendment, is that it was part of the original national firearms agreement. My advice is that other states have tended to move away from that agreement simply because it was impractical and considered by a number of other jurisdictions as an unnecessary measure. That is why the amendment is in the bill. I argue that it would do exactly the same thing. The bill provides:

(4) The Registrar may grant a permit before the expiration of 28 days—

which was the period required—

after the application for the permit was made if the Registrar is satisfied that—

(a) it is safe to do so;

I think that, if someone has a licence, you can argue whether or not that is necessary, and:

(b) the applicant is the owner of a registered firearm of the same class as that to be acquired under the permit or there are special reasons for doing so.

The difference here is that the opposition is stating that the Registrar must grant the permit as soon as practicable. I argue that the government's amendment has exactly the same effect. I am not particularly fussed, but we think that the original provision in the bill is adequate.

We are both attempting to achieve the same objective, that is, to allow the situations outlined by the honourable member to be addressed. In fact, it was something we were going to address in the original review of the Firearms Act. I understand that this was the No. 1 issue raised in the submissions received, namely, if they have a licence, they are permitted. The purpose of the 28 days really does not have any practical value.

If the opposition's amendment gets up, we can live with that, but I argue that the government's original amendment achieves the same thing. In both cases, the Registrar no longer has to apply the 28 days in cases where the owner applies for a firearm of the same class.

The Hon. T.J. STEPHENS: I urge crossbench members to support the Hon. David Ridgway's amendment. I have been silent to date, but I applaud my leader for the way in which he has approached this legislation.

As a licensed gun owner, and as someone who is in regular contact with law-abiding owners of firearms, I have to say that, on the whole, most of them are aggrieved, because very little crime is committed by firearms owners who are licensed and law-abiding citizens; it is always the bad guys who do not live within the law who create problems.

I urge members to vote for this simple amendment because you are either a law-abiding citizen with a licence or you are not. Can you imagine a champion clay target shotgun owner who damages his weapon on the Friday before a big event but is told that they may have to wait 28 days to replace their weapon? It is just a ridiculous scenario. You are either legal or you are not.

I have spoken to a number of senior police officers about this issue, and they are in full agreement that these are not the people they are trying to capture or aggrieve. If members could support this amendment, I for one would certainly appreciate it.

The Hon. D.G.E. HOOD: I think that the minister is right in that the amendment does not change the legislation in a substantial way. However, Family First is attracted to it because its wording creates a greater sense of urgency for the approval to be granted as quickly as possible. So, for that reason, we will support the amendment.

Amendment carried; clause as amended passed

Clauses 18 to 26 passed.

Progress reported; committee to sit again.

STATUTES AMENDMENT (REAL PROPERTY) BILL

In committee.

Clause 1.

The Hon. S.G. WADE: I have a few questions of a general nature in the context of another display of government arrogance in the way it approached consultation in respect of this bill. Members would recall from the second reading discussion that the government claimed that the industry had been consulted on this bill, yet when opposition members undertook their duty to consult with the industry we found that it was extremely concerned about a new provision that had been sprung on it and it sought time to consult within its respective organisations, but in spite of that the government proceeded to introduce the legislation in the House of Assembly. In that context I refer to comments by both the Attorney-General in another place and by the Leader of the Government in this place and ask questions of the minister in relation to the scheme. One of the main reasons for the government inserting the multiple certification provisions was to facilitate the national electronic conveyancing system. Who is developing the national electronic conveyancing system?

The Hon. G.E. GAGO: All states and territories together have combined through the state governments to develop a national electronic conveyancing system, which should be ready by 2010 and which is supported by both industry and governments.

The Hon. S.G. WADE: In minister Holloway's concluding remarks at the second reading stage he said:

> It is recognised and accepted by industry that these amendments will be required when a national electronic conveyancing system is introduced.

Is the government informing members that the Australian Institute of Conveyancers and the Law Society have both indicated that, whilst they oppose these amendments vigorously, they accept that they will be required when the national electronic conveyancing system is introduced?

The Hon. G.E. GAGO: Yes, both organisations have indicated that they accept this.

The Hon. S.G. WADE: The committee may forgive the opposition if we take the opportunity to consult the industry, as the government has given us assurances in the past about an industry's view that has turned ought to be incorrect. Also, the Attorney-General in another place made comments which I regard—and the Hon. Rob Lawson agreed—as derogatory remarks to the shadow attorney-general, suggesting that the proposal would increase the risk of fraud and could lead to a significant strain on the Land Titles Assurance Fund. Given that the government is now not proceeding with clause 68, or amendments to section 275, is it anticipating a rush of fraudulent claims?

The Hon. G.E. GAGO: The answer to the honourable member's question is: no, because we have never had this type of provision before, and South Australia has the lowest percentage of claims against the Land Titles Assurance Fund.

The Hon. S.G. WADE: I take it, then, that the committee should note not only that the government has falsely asserted that consultation occurred but also that the Attorney-General took the opportunity to falsely assert an increased risk in fraud.

The Hon. G.E. GAGO: This clause would have further decreased the possibility of successful action against the fund. Its absence will, in fact, not result in an increase, I have been advised. Both organisations have accepted (there is no dispute about this at all) that this clause will have to come in when national electronic conveyancing is introduced across Australia in 2010.

The Hon. S.G. WADE: If the organisations are going to accept multiple certification, as it currently appears, what was minister Holloway referring to in his concluding remarks during the second reading stage when he said:

> At this stage the government is prepared to remove clause 68 from the bill to allow the issues raised by the industry to be worked through before the introduction of the amendments to allow for the introduction of electronic conveyancing in South Australia which is expected to be introduced in 2010?

What is the point of the government's so-called working through the amendments if they are not negotiable, as the minister just said?

The Hon. G.E. GAGO: The answer to the honourable member's question is: because there will be many other changes to the way in which we do conveyancing, and this will give the Law Society and conveyancers time to get used to doing things quite differently, which of course will result in improved efficiencies.

Clause passed.

Clauses 2 to 67 passed.

Clause 68.

The Hon. G.E. GAGO: I move:

> Page 22, lines 6 to 27—Delete clause 68

This amendment deletes clause 68 of the bill which amends section 273 of the Real Property Act to require certification of an instrument of a prescribed class by each party to the instrument, or by a solicitor or registered conveyancer acting on behalf of each party. Although the government believes that the proposed amendment to section 273 will help eliminate the risk of fraud, the conveyancing industry has expressed concerns regarding the amendment.

It is recognised and accepted by industry that these amendments will be required when the national electronic conveyancing system is introduced. The government is prepared at this stage to

remove clause 68 from the bill to allow the issues raised by the industry to be worked through before the introduction of the amendments to allow for the introduction of electronic conveyancing in South Australia, expected to be introduced in 2010.

Amendment carried.

Remaining clauses (69 to 87) and title passed.

Bill reported with amendment.

Bill read a third time and passed.

WORKCOVER CORPORATION (GOVERNANCE REVIEW) AMENDMENT BILL

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

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (17:46): 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 Bill I am introducing today amends the WorkCover Corporation Act 1994.

Its overall purpose is to provide a more certain and contemporary framework for the relationship between the Government and WorkCover. The Bill does this by effectively replicating part of the governance arrangements used for those other statutory authorities that are subject to the Public Corporations Act.

The need for this stems, in part, from the amendments the Government is seeking to make to the Workers Rehabilitation and Compensation Act. These amendments represent the most significant reforms to that Act in its twenty-year history.

The community needs to be confident that the Government and WorkCover are working together on delivering these reforms. The mechanisms proposed to provide that confidence are both certain and transparent.

These are the specific mechanisms proposed:

- First, the Bill replicates the power of Ministerial direction used in the Public Corporations Act, providing the Government and WorkCover with greater certainty over the exercise of Ministerial direction.
- Second, the Bill requires preparation of a charter and performance agreement between the Minister and WorkCover. As with the Public Corporations Act, the Minister is obliged to prepare a charter in consultation with WorkCover. The charter is to deal with the nature of WorkCover's operations, its reporting and accounting obligations, internal audit and financial systems and practices of any other relevant matters.

The performance statement also needs to be prepared by the Minister setting performance targets for the Corporation for the coming year.

Both the charter and the performance statement will be made public, allowing the Parliament and the community to track progress of WorkCover against outcomes agreed with the Government.

The Bill also contains provisions that aim to strengthen WorkCover's responsibilities in relation to the rehabilitation and return to work of injured workers.

Finally, the Bill proposes that WorkCover have its accounts audited by the Auditor-General. The purpose of this amendment is to provide added transparency to the new governance framework introduced by this Bill.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that operation of the measure will commence on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of WorkCover Corporation Act 1994

4—Amendment of section 4—Continuation of Corporation

Section 4(4) provides that the Corporation is subject to the general control and direction of the Minister. This subsection is to be removed because of the insertion by clause 6 of new section 14A, which provides, among other things, that the Corporation is subject to control and direction by the Minister.

5—Amendment of section 13—Functions

Section 13 sets out the Corporation's functions, one of which is to promote the rehabilitation of persons who suffer disabilities arising from employment. This clause amends that function by adding a requirement for the Corporation to facilitate the early return to work of such persons.

6—Insertion of section 14A

This clause inserts a new section.

Proposed section 14A provides that the Corporation is subject to control and direction by the Minister. However, the section prevents the Minister from directing the Corporation in relation to the manner in which action should be taken in connection with a particular claim or entitlement of a worker under the Workers Rehabilitation and Compensation Act 1986.

There is a requirement for a ministerial direction to be communicated to the Corporation in writing. A written direction is to be included in the next annual report of the Corporation and published in the Gazette within seven days after it is given.

The requirement to publish the direction does not apply if the Corporation advises the Minister that publication of the direction—

- might detrimentally affect the Corporation's commercial interests; or
- might constitute breach of a duty of confidence; or
- might prejudice an investigation of misconduct or possible misconduct; or
- might detrimentally affect the performance of a statutory function,

and the Minister is satisfied that the direction should not be published for the reason given. In that event, the Minister is required to present a copy of the direction to the Economic and Finance Committee of the Parliament within 14 days after it was given. The Corporation must cause a statement of the fact that the direction was given to be published in its next annual report.

7—Amendment of section 17—Delegations

Section 17 provides that the Corporation may, by instrument in writing, delegate a function or power conferred on or vested in the Corporation. This clause amends section 17 by inserting a new provision providing for the subdelegation of a delegated function or power if the terms of the instrument of delegation allow for subdelegation.

8—Insertion of Part 3A

Proposed Part 3A provides in section 17A for the preparation of a charter for the Corporation by the Minister following consultation with the Corporation. The charter is to deal with the following:

- the nature and scope of any operations to be undertaken, including—
    - the nature and scope of investment activities; and
    - the nature and scope of any operations or transactions outside the State; and
    - the steps to be undertaken or the initiatives to be established to ensure that the Corporation has and maintains systems to provide for the effective rehabilitation of disabled workers and their return to work on a successful basis, including through the administration and enforcement of sections 58B and 58C of the Workers Rehabilitation and Compensation Act 1986;
- all requirements of the Minister as to—
    - the Corporation's obligations to report on its operations; and
    - the form and contents of the Corporation's accounts and financial statements; and
    - any accounting, internal auditing or financial systems or practices to be established or observed by the Corporation; and
    - the acquisition or disposal of capital or assets or the borrowing or lending of money.

The charter may limit the functions or powers of the Corporation, but only insofar as they relate to its commercial operations. The charter cannot extend the Corporation's functions or powers as provided by the Act.

The charter is to be reviewed by the Minister at the end of each financial year and may be amended at any time following consultation with the Corporation.

The Minister is required to cause a copy of the charter, or a copy of the charter in an amended form, to be laid before both Houses of Parliament and provided to the Economic and Finance Committee of the Parliament.

Section 17B requires the Minister to also prepare a performance statement, setting the various performance targets that the Corporation is to pursue in the coming financial year or other period specified in the statement and dealing with other matters as the Minister considers appropriate. The performance statement is to be reviewed when the Minister reviews the charter and may be amended at any time (following consultation with the Corporation).

9—Amendment of section 18—Accounts

This amendment is consequential on the amendment made by clause 10.

10—Substitution of section 19

Under section 19, the accounts of the Corporation are to be audited at least once a year by two or more auditors appointed by the Corporation. This clause substitutes a new section that requires the Auditor-General to audit the Corporation's accounts at least once each year.

Debate adjourned on motion of Hon. S.G. Wade.

SUMMARY OFFENCES (DRUG PARAPHERNALIA) AMENDMENT BILL

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

ROAD TRAFFIC (HEAVY VEHICLE DRIVER FATIGUE) AMENDMENT BILL

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

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

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

ADELAIDE FESTIVAL CENTRE TRUST (FINANCIAL RESTRUCTURE) AMENDMENT BILL

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

CRIMINAL LAW CONSOLIDATION (DOUBLE JEOPARDY) AMENDMENT BILL

In committee.

(Continued from 9 April 2008. Page 2375.)

Clause 1.

The Hon. A. BRESSINGTON: There are many worthwhile considerations in this bill, but just as many cause me equal discomfort. I accept that the double jeopardy rule has served to keep some criminals from serving their due time. Victims of serious crimes should never find themselves in a situation whereby the offender is able to walk free or be shielded from the full impact of the law.

Child murderers and sex offenders immediately come to mind as the predatory and deceitful behaviour of those criminal elements may make it particularly difficult to secure appropriate gaol sentences. The legal variables that can turn a case on its head are endless in highly complex cases such as these, and justice all too often may come to no-one—the alleged victim or the accused. However, there is a flip side to this debate which was best articulated by the Hon. Stephen Wade in his address, which I believe is worth repeating. He said:

> The principle of double jeopardy is that a person cannot be tried a second time for a crime for which he or she has already been convicted or acquitted. In Green v United States, Black J. stated the rationale for the principle as follows:
>
> The underlying idea, one that is deeply ingrained in at least the Anglo-Saxon system of jurisprudence, is that the state with all its resources and powers should not be allowed to make repeated attempts to convict an individual for an alleged offence, thereby subjecting him to embarrassment, expense and ordeal, and compelling him to live in a continuing state of anxiety and insecurity as well as enhancing the possibility that even though innocent he may be found guilty.
>
> Another significant concern is the need to promote excellence and efficiency in our investigatory and prosecutorial services. These services will be encouraged to ensure that their judgment is sound and reliable if they know they will have only one opportunity to accuse the person.

There are endless examples of legal injustices against citizens not just in other states or other countries, as many of us would like to believe, but countless within the state itself. Members may recall the 1982 case of the Perth Mint swindle. It was a case involving the three Mickelberg brothers, who were finally vindicated by the confessions of a corrupt police officer, Sergeant Tony Lewandowski, that he and a Perth CIB detective, Sergeant Don Hancock, framed the Mickelbergs by planting evidence and forcing their confessions.

Theirs is not a fictitious story nor one that originates from a Hollywood plot. Their story was published at considerable personal risk and heavy personal and financial cost to the author of *The Mickelberg Stitch* and *Split Image*, Avon Lovell. Mr Lovell was central to obtaining Lewandowski's signed confession. Media reports suggest that crooked officers at the core of the three Mickelberg injustices now sit in very high offices as ministers, politicians and bureaucrats.

Meanwhile, two of the Mickelberg brothers, Peter and Ray, ended up spending over six years in prison after alleged forensic evidence was planted, including a fingerprint and a fabricated identikit picture. It is interesting that that fingerprint was obtained by making a synthetic finger and transposing the fingerprint of one of these brothers from another—how ever it was collected—onto a piece of evidence. That just goes to show the length that some people will go to continue to pursue people if they want a conviction. Hancock eventually retired from the Criminal Investigation Bureau in 1996 and was the sole suspect in the murder of a Gypsy Joker bikie.

By 2000, Hancock had been killed in a car bomb, finally enabling Lewandowski to clear his conscience and testify to the truth of the Mickelbergs' pleas of innocence. Avon Lovell advised my office that Lewandowski had stated that Brian Mickelberg's acquittal after a 10 month gaol sentence was merely the result of the fact that he and Hancock had not worked up enough false evidence against Brian as they had managed to manufacture against his brothers, Peter and Ray.

This case and other similar examples of corrupt legal processes merely highlight how far unaccountable authorities can and will go to abuse their powers of authority, access to publicly funded resources and high office when it suits a particular legal, political or administrative agenda. We all know of many similar cases in this state brought before this and the other place, and they are included in Dr Robert Mole's books *A State of Injustice* and *Losing Their Grip: the Case of Henry Keogh*. We know of the extreme reluctance by the Attorney-General and the Solicitor-General to remedy what has clearly proven to be a gross injustice to many possibly innocent people at the centre of the stories contained in these books, the truth about which by now, with the passage of time, the destruction of vital corroborative evidence and multiple layers of dishonest submissions by the Crown and so-called expert witnesses, we may never truly know.

When considering extending the ambit of the criminal law in relation to double jeopardy, it is important that we should be assured that any new powers granted to prosecutors will be fairly and properly applied. The best way to determine whether that will be so is to look at their conduct to date. One might take as an example the duty of disclosure. The current Deputy Director of Public Prosecutions, Mr Martin Hinton QC, the Solicitor-General, Mr Chris Kourakis QC (who has undertaken prosecutorial duties on behalf of the Director of Public Prosecutions Office), and the former director of public prosecutions, Mr Paul Rofe QC, have all written and published articles on this topic.

Mr Martin Hinton QC, Deputy Director of Public Prosecutions for South Australia, wrote the following in *Unused Material and the Prosecution's Duty of Disclosure*, Criminal Law Journal, June 2001:

> The prosecutor owes a duty to an accused to make adequate disclosure of all material which is in the possession of the prosecution that is relevant to the issues to be tried and any possible defence irrespective of whether the prosecution intends to use that material as part of its case.

Mr Chris Kourakis QC stated the following in his address as President of the Law Society in the *Law Society of South Australia Bulletin*, Volume 24, number 6, July 2002:

> ...a fair trial is so dependent on the exercise of prosecutorial duties of fairness which are inscrutable and not subject to any judicial control.

Mr Kourakis continued:

> ...an accused's right to fair disclosure is an inseparable part of his or her right to a fair and trial. If an accused has been prevented by 'malpractice or misfortune' from presenting at his trial evidence of substantial importance, he or she has been deprived of his or her right to a fair trial.

Mr Kourakis specifically approved of Mr Hinton's article, and he also approved of the Royal Commission on Criminal Justice, which, he said in 1993, recommended a two-stage process. The first was an automatic step whereby the prosecution provided copies of 'all material relevant to the office or the offender or to the surrounding circumstances of the case, whether or not the prosecution intend to rely upon that material'.

On 11 April 1996, Mr Paul Rofe QC, then DPP, in *Disclosure by Both Sides*, stated:

The prosecution policies of all directors of public prosecution recognise the duty of the prosecution to disclose all information in its possession relevant to the guilt or innocence of an accused person. Each of the above persons has been involved in the case of Mr Henry Keogh, Mr Rofe QC as prosecutor at his trials; Mr Hinton QC in recent applications by Mr Keogh to the Supreme Court and the High Court; and Mr Kourakis QC as the person appointed by the Attorney-General to undertake a review of the matter following upon Mr Keogh's petitions to the Governor of South Australia.

Each of them must therefore be aware that the medical history of the deceased, Miss Anna-Jane Cheney, has never been disclosed to the lawyers for Mr Keogh. It was directly relevant to his defence because the prosecution made very clear statements to the jury that up until the time of her death Miss Cheney was a 'fit and healthy person'. They did not disclose that she had 37 medical consultations with 12 different medical advisers in the five years prior to her death. Hinton, Kourakis and Rofe all know that the circumstances of those consultations have never been disclosed to Mr Keogh's legal advisers and they also know that such conduct offends against what they themselves describe as the most basic duty of the prosecutor.

In relation to the photographs produced at Mr Keogh's trials, they are each aware that the photographs failed to disclose the identity of the person in the photograph. Undoubtedly, the photographs were important to the prosecution case. Hinton, Kourakis and Rofe would each be aware of the fact that a photographic print is not probative of facts in issue unless its provenance can be established by reference to the photographic negative. Each of them would be aware that at no time has the prosecution made available to Mr Keogh's lawyers the negatives of those and other photographs in question.

In relation to the most basic duty of the prosecutor, in one of South Australia's most notorious criminal cases, three of South Australia's leading QCs, who have each had direct involvement in this case, have each failed to comply with that duty. Until they correct such an obvious and blatant failure, why would we entrust them with even greater powers than they already have?

This bill in its current form has many ramifications that, once done, will be difficult, if not impossible, to undo, and further community debate and discussion is needed, including both the legal and forensic professions, on greater safeguards which could be put in place to protect innocent citizens from wrongful prosecution.

I have many constituents who come to my office claiming injustice, and people who have been battling the system for years seem to believe that a newly elected member can somehow break through the stonewall that is in place, wave a magic wand and somehow fix all of it. This, of course, is rarely, if ever, the case. We can, however, be their voice in this place and, when sufficient documentation is provided, raise their grievances when the opportunity arises or even create an opportunity if the evidence is compelling.

Some of these people have been harassed, victimised, persecuted and followed around for years in an effort to have them retried or tried in different circumstances on cases that they have actually been acquitted of. This still leaves them with the opportunity for us to create a voice for them. It leaves them with little recall, but at least they feel validated and, when falsely accused or pursued in order for the system to be right, they can find some level of comfort in knowing that someone actually believes them.

It was Voltaire who said, 'It is dangerous to be right when the government is wrong', and it was Arthur Schopenhauer, a 16th century German philosopher, who said, 'All truth passes through three stages: firstly it is ridiculed, secondly it is violently opposed and thirdly it is accepted as being self-evident.'

So, injustice is nothing new, and fear of taking on the government was truly alive and well even in Voltaire's time. Therefore, it is fair to assume that we did not come into laws such as double jeopardy, the rights of habeas corpus, trial by jury or the abolition of the Star Chamber simply by accident. These were reforms from the value of insight, hindsight and evolution to set right the imbalance created by the elite regimes who would control rather than rule or govern for the greater good, and we must take great care when we rewrite laws that were established to protect the average citizen against such regimes.

As humans we are a fickle lot, and this is now, more than ever, demonstrated by the ability of the media to sell a story to the public, be it right or wrong, truthful or not, and create so much confusion that the average citizen finds it more than impossible to form an opinion. This creates a level of apathy and the phenomenon of group thinking that prevents any kind of public dissent in

the search for justice. It is this human flaw that concerns me in conjunction with this amendment to this bill.

Hitler was able to dispose of millions with little resistance by creating the 'reality' that the Jews were in fact a subhuman race. In his endeavours he is quoted as saying, 'It is easier to believe a lie than it is to believe the truth, and the bigger the lie the easier it is to believe.' In fact, we see all too often how the views of the minority can be interpreted as majority thinking simply because of issues that the media are either sympathetic to or not.

Already I see the danger where people have forgotten to ask questions. Now it seems that it is all too much to seek the truth or to stand by a conviction when it is not popular. It is seen all too often as agreement, when in fact the silent majority stay silent because they can find themselves in all sorts of trouble if they do speak out. This group thinking is almost hypnotic, where people will chant slogans because it is easier than opposing. It is my concern that this bill gives too much power to too few and, as I said, once done it will be impossible to undo.

Progress reported; committee to sit again.

At 18:06 the council adjourned until Wednesday 30 April 2008 at 14:15.