LEGISLATIVE COUNCIL

Tuesday 3 April 2012

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

STATUTES AMENDMENT (SHOP TRADING AND HOLIDAYS) BILL

His Excellency the Governor assented to the bill.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:20): I move:

That the sitting of the Legislative Council be not suspended during the continuation of the conference with the House of Assembly on the bill.

Motion carried.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:21): I move:

That the sitting of the Legislative Council be not suspended during the continuation of the conference with the House of Assembly on the bill.

Motion carried.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the following written answers to questions from the last session be distributed and printed in *Hansard*.

PUBLIC SERVICE EMPLOYEES

156 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Minister provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

PUBLIC SERVICE EMPLOYEES

157 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Premier provide a detailed breakdown, by all Departments and agencies then responsible to the Premier, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

PUBLIC SERVICE EMPLOYEES

158 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Deputy Premier provide a detailed breakdown, by all Departments and agencies then responsible to the Deputy Premier, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

PUBLIC SERVICE EMPLOYEES

159 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Minister for Transport provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

PUBLIC SERVICE EMPLOYEES

160 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Minister for Police provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

PUBLIC SERVICE EMPLOYEES

161 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Minister for Industry and Trade provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

PUBLIC SERVICE EMPLOYEES

162 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Attorney-General provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

PUBLIC SERVICE EMPLOYEES

163 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Minister for Agriculture, Food and Fisheries provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

PUBLIC SERVICE EMPLOYEES

164 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Minister provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

PUBLIC SERVICE EMPLOYEES

165 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Minister for Health provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

PUBLIC SERVICE EMPLOYEES

166 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Minister for Education provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

PUBLIC SERVICE EMPLOYEES

167 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Minister for Environment and Conservation provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

PUBLIC SERVICE EMPLOYEES

168 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Minister for Families and Communities provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

PUBLIC SERVICE EMPLOYEES

169 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Minister for Employment, Training and Further Education provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

PUBLIC SERVICE EMPLOYEES

170 The Hon. R.I. LUCAS (24 November 2010) (First Session). Will the Minister for Aboriginal Affairs and Reconciliation provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2010; and

2. Estimated for 30 June 2011?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

171 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Minister—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

172 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Premier—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

173 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Deputy Premier—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

174 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Minister for Transport—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

175 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Minister for Police—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

176 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Minister for Industry and Trade—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

177 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Attorney-General—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

178 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Minister for Agriculture, Food and Fisheries—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

179 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Minister—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

180 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Minister for Health—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

181 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Minister for Education—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

182 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Minister for Environment and Conservation—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

183 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Minister for Families and Communities—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

184 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Minister for Employment, Training and Further Education—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

DEPARTMENTAL EMPLOYEES

185 The Hon. R.I. LUCAS (24 November 2010) (First Session). As at 30 June 2010, for each Department or agency then reporting to the Minister for Aboriginal Affairs and Reconciliation—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has been advised of the following:

The requested information can be found at http://www.espi.sa.gov.au/page.php?id-57.

TOURISM COMMISSION

316 The Hon. T.J. STEPHENS (27 July 2011) (First Session). Can the Minister for Tourism give details on the $0.5 million extra revenue that the Tasting Australia event will produce in 2012?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): I am advised:

The $0.5million referred to the 2011-12 Agency Statements Budget Paper 4 Volume 4, page 18, primarily relates to Tasting Australia, and is due to increases in revenue directly relating to the event such as primarily sponsorship and exhibitor fees associated with the Tasting Australia event.

PAPERS

The following papers were laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. G.E. Gago)—

Report by the Attorney-General on Suppression Orders
Regulations under the following Acts—
Development Act 1993—Capital City Variation 2012
Liquor Licensing Act 1997—
Dry Areas—Long Term—
Murray Bridge Area 1
General—Licence Exemption
Workers Rehabilitation and Compensation Act 1986—
Disclosure of Information
Employer Payments
Rules of Court—
District Court—District Court Act 1991—
Criminal and Miscellaneous—Amendment No. 11

Supreme Court—Supreme Court Act 1935—
Criminal—Amendment No. 29

PUBLIC TRANSPORT

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:22): I table a copy of a ministerial statement made today in another place by the Hon. Chloe Fox regarding passenger transport.

MURRAY-DARLING BASIN PLAN

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:22): I table a copy of a ministerial made today by the Premier, Jay Weatherill, on the Goyder Institute for Water Research Basin Plan Report.

QUESTION TIME

REGIONAL DEVELOPMENT BOARDS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about regional development boards.

Leave granted.

The Hon. D.W. RIDGWAY: As members would recall, in the last sitting week I asked a couple of questions in relation to regional development boards and, in particular, the Eyre Peninsula Regional Development Board in relation to representation when we realised that there was no-one from agriculture, aquaculture or mining represented on that particular board. I have since been informed that the Limestone Coast Regional Development Board does not have any representatives from forestry or the wine industry. As members would be well aware, forestry—notwithstanding that the minister did not know the length of a rotation in recent questioning—

The Hon. G.E. Gago: I did; I got it right, too, what's more.

The Hon. D.W. RIDGWAY: You did not get it right, and if you think you got it right you are delusional. We know that forestry and the viticulture industry are two of the biggest industries in the South-East and they do not have any representation on the board. I have also been advised that, in the whole process of selection, the RDAs were to prepare a matrix, if you like, of what skill sets and what industries were represented during that initial selection process to identify the gaps and for them to be filled at a later date. My question to the minister is: was the matrix used to inform the selection process to fill the deficiencies, or gaps, in the skills and industries?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:26): Mr President, the election of members to the RDA boards is really a matter for each of the regions—

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: Well, it is a selection process in the way that people are put forward and then appointed, but that process is a matter for the RDA and its regions. I find it quite incredible that somehow the opposition member, the Hon. David Ridgway, believes or is suggesting that I am responsible for the lack of participation of locals in their preparedness to put themselves forward to participate on the RDA boards. That is just an absolute nonsense.

This state government did encourage and urge people to participate. We spent a lot of time highlighting the importance of the RDA, the structure and its boards, and our officers were out there making people aware and promoting the thing, as were local councils, because it is a tripartite structure—it is federal government, state government and local government—and all levels of government did contribute to making people aware and encouraging people to participate.

To be suggesting that in some way the state government is responsible for the lack of interest in some areas and the lack of preparedness to put some people forward is an absolute nonsense. It is the federal government that takes charge of that election process—

The Hon. D.W. Ridgway: Selection.

The Hon. G.E. GAGO: —the selection process; I stand corrected. It is responsible for that and it has carriage of that. I am happy to forward these issues—in fact, the honourable member himself can forward these issues—on to the minister, Simon Crean. But, just to remind people, just as a bit of background around these nomination processes, in South Australia the RDA committees were established back in 2009-10 under an MOU involving, as I have said, the Australian and South Australian governments and the Local Government Association.

Members were appointed for terms of either two to four years, and some of those expired in November 2011 and some will expire in 2013. On 18 August minister Crean wrote to me regarding the RDA. In fact, he wrote to me telling me or advising me about the nomination and appointment processes. Minister Crean then advised in his letter of 18 August 2011 that the tenure of the 48 members of the RDA associations was due to expire on 20 November 2011 and that as the time to make appointments was short he proposed to extend that tenure of members until new appointments were made. We supported that. I think that was a wise thing to do, given the shortness of the period.

On 14 September I wrote to minister Crean advising that I supported that proposal to extend those board appointments, and that was in an attempt to try to maximise people's participation. I was particularly keen, as I have mentioned in this place, to encourage a diverse range of nominees, including greater representation of women, and business interests as well.

On 23 September 2011, the formal expressions of interest closed. However, my agency received advice from the federal government that it was prepared to receive expressions of interest after that date. Again, it was bending over backwards to try to accommodate as high a degree of participation and involvement as possible. I am advised that the length of that term of extension to 20 February 2012 was proposed by the federal government and that it had consulted with my department. As I said, these are tripartite organisations and there is a requirement for three levels of government to consult.

On 19 December I wrote then to minister Crean and Kym McHugh (who is president of the LGASA), expressing my concern about the very small field of nominations. That was in December. I raised the lack of a broad cross-section of the community as a concern, and also the significant underrepresentation of women. I considered that this would obviously reduce the ability of the RDAs to deliver a more strategic and responsive approach to regional development in their job to help to guide economic growth, and I strongly urged minister Crean to support targeted re-advertising where nominations were smallest, and particularly where female representations were low.

So you can see I went to considerable lengths to try to ensure that there was maximum opportunity for people to nominate. I am advised that the federal department and PIRSA in fact worked together to target suitable nominees, so that quite a bit of work was done there, which included the particular focus on Indigenous and female representation, as well as some additional expressions of interest that were received by the federal government. This was confirmed in a letter, I am advised, on 23 January from minister Crean.

In that letter, minister Crean advised that a review would be undertaken to improve the appointment process. I understand that his department has initiated an early discussion with PIRSA staff. I am advised that the final composition of the RDA membership is the best that has been able to be achieved, even given these circumstances. As I said, there has been an extension and a review process and it is intended that the membership imbalances—again with my other hat on with regard to gender—will continue to be addressed.

Opportunities for additional appointments for the filling of casual vacancies will be assessed where appropriate by each of the RDAs. The Hon. David Ridgway suggested last week that I had asked for the process to be recalled. That is an absolute nonsense, as usual. The opposition comes into this place and just says anything it likes. Its members mislead this place all the time and they bring inaccurate information into this place.

The management of the EOI process and the appointment of members were undertaken by the federal government. As I have said, we seek to encourage a wide range of applicants to obtain the best and most appropriate mix of skills and interests to fill these positions. If the Hon. David Ridgway or any of his opposition colleagues were really interested in RDAs, if they really were prepared to offer some support and encouragement instead of carping on in this place about a process which is largely the federal government's responsibility, they would be out there

encouraging people in the electorate with appropriate skill sets, promoting the RDAs and encouraging people to fill those casual vacancies.

That is where his energy should be spent; but he is not really interested. He does not really care about RDAs and he does not give a toss about their skill sets. He likes to come in here and grandstand, as we see, and often mislead this place and put forward inaccurate information. In relation to the matrixes, the honourable member—

The Hon. J.S.L. Dawkins: Hurray: nine minutes later!

The PRESIDENT: Order!

The Hon. G.E. GAGO: —would need to ask each of the RDAs what process they undertook. It is a matter for the RDAs; it is their process. He would need to contact each of them and ask them what process they undertook.

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

REGIONAL DEVELOPMENT BOARDS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:36): Is the minister surprised that there is no representation from forestry in the South-East (reportedly worth $2 billion) and the wine industry in the Limestone Coast, yet I am advised there are representatives from the Department of Environment and Natural Resources on the RDA board?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:36): Mr President, I cannot believe that the honourable member would get back on his feet and ask such an irrelevant question. I thought I had gone to considerable length in my answer. The honourable member keeps coming in time and time again and asking repeat questions on this. So, I thought I would take some time and outline it in some detail. I do not usually spend so much time; I would prefer not to.

Clearly, the honourable member is having trouble grasping the concept that this is a selection process that is largely outside my control. The elements that I do have control over I have just gone through step by step, outlining the approaches that have been made to absolutely maximise opportunity for full participation in this process. I have already outlined that.

We have busted our boilers trying to generate more interest in these RDAs. The question is not one of surprise: the question is one of disappointment that the RDAs are not attracting the level of participation that they could. If the honourable member really had the RDAs' interests at heart he would be getting off his tail and getting out there for a change and promoting the benefits of RDAs on the ground and using his networks to encourage his colleagues to promote business. That is what he should be doing.

REGIONAL DEVELOPMENT BOARDS

The Hon. J.S.L. DAWKINS (14:38): I have a supplementary question. What proportion of RDA board members in South Australia are employed as officers of the state and federal governments?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:39): I will have to take that on notice; I do not know. As I said, it is a process that is conducted at arm's length, and I do not have that detail. However, I will say this: thank goodness for each and every one of those people who have put themselves forward. Instead of bagging them and suggesting that somehow it is improper—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: The Hon. John Dawkins comes into this place suggesting somehow that these people have improperly put themselves forward.

The Hon. J.S.L. Dawkins interjecting:

The Hon. G.E. GAGO: The innuendo is there. He comes into this place and, when we have gaps where we do not have all of our positions filled, instead of congratulating those people who have put themselves forward—and it is a significant amount of work—and instead of

acknowledging them, what does he do? The Hon. John Dawkins comes in here and suggests that somehow, because these people are interested, active and prepared to have a go, it is improper and that the proportions are somehow skewed and there is something improper going on. The honourable member needs to get a grip.

Members interjecting:

The PRESIDENT: The Hon. Ms Lensink. Moving right along.

MARINE PARKS

The Hon. J.M.A. LENSINK (14:40): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question on the subject of marine parks.

Leave granted.

The Hon. J.M.A. LENSINK: On 19 November last year, there was a joint announcement by the Premier and the environment minister that the government was imposing a moratorium on the marine park management plans. Mr Caica is attributed with having said:

> The commercial fishing sector have also asked the government to closely consider the relationship between commonwealth marine reserves and state marine parks.

Given that there has not been, as far as I am aware, any further formal announcements from the government, can the minister give an update on that specific process?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:41): I am not too sure which date the honourable member wants. She needs to clarify her question, please.

The Hon. J.M.A. LENSINK: The joint release was 19 November 2011. So, any information since then specifically in relation to the relationship between commonwealth marine reserves and state marine parks, as requested by the commercial fishing sector.

The Hon. G.E. GAGO: The Minister for Environment is the lead minister responsible for marine parks, and he is in charge of the process around that. I will refer the honourable member's question to the Hon. Paul Caica and bring back a response.

MARINE PARKS

The Hon. J.M.A. LENSINK (14:42): I have a supplementary question. Is the minister saying that she does not have any information in relation to what the commercial fishing sector has requested?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:42): The honourable member asked me for a date, Mr President.

The Hon. J.M.A. LENSINK: I did not ask for a date. I asked for an update.

The Hon. G.E. GAGO: Mr President, that is why I asked the honourable member to clarify her question, and I asked the honourable member what date did she want.

CAVAN TRAINING CENTRE

The Hon. S.G. WADE (14:42): I seek leave to make a brief explanation before asking the Minister for Youth a question in relation to the report on the Cavan escape.

Leave granted.

The Hon. S.G. WADE: The minister has now released parts of the report into the Cavan escape and admitted that:

> The lapses in security were quite large. The shake-up has to be as large as well.

My questions are:

1. Can the minister please advise when he expects the task force he is establishing to implement the recommendations will report?

2. When does the minister expect that the report of the new investigation to be conducted by the chief executive of the department will be delivered to the minister?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:43): I thank the honourable member for his important questions. I have not put a deadline on the timing of the report from the department; it will depend on the intricacies of the investigation. I would hope that it is not too far off, but I have not given the department any definite time line to work to.

WORLD AUTISM AWARENESS DAY

The Hon. G.A. KANDELAARS (14:43): My question is to the Minister for Disabilities. Will the minister detail the importance of World Autism Awareness Day?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:44): I thank the honourable member for his very important question, and therefore his ongoing interest in these matters. Yesterday, 2 April, was World Autism Awareness Day. World Autism Awareness Day was declared, I understand, by the United Nations General Assembly in December 2007. It was designed to raise understanding of autism spectrum disorder and encourage early diagnosis and interventions.

Autism spectrum disorder refers to a group of developmental disorders, including autism, Asperger's syndrome, Rett syndrome and pervasive developmental disorder not otherwise specified, which is also known as atypical autism. The word 'spectrum' is used because the range and severity of the difficulties people with an ASD experience can vary widely. A diagnosis can range from mild to severe. While approximately 75 per cent of people with autism also have an intellectual disability, ASD also occurs in people with an average and above average IQ.

It is important to recognise that every person with ASD is unique, with different skills, behaviour and interests. There is considerable complexity and diversity within the autism spectrum community. However, there are common characteristics that people with ASD share to varying degrees. These include difficulties in communication, social interaction and repetitive or restricted interests and activities.

Australian research published in 2007 found that one in 160 children between the ages of six to 12 years have a diagnosed autism spectrum disorder. This makes ASD one of the most common disabilities in children. Here in South Australia a large percentage of people with autism spectrum disorders and their families are supported by Autism SA. Autism SA receives $2.15 million grant funding each year from the state government and provides therapeutic support and services to over 5,400 people with ASD and their families each year.

Autism SA provides a range of services including diagnostic, early intervention, advisory, school inclusion programs, training and development, day options and respite. Led by CEO Jon Martin, the team at Autism SA work very hard to meet the ever increasing needs of the ASD community. Autism SA reports that, during the 2010-11 financial year, 846 people were diagnosed with ASD, representing an increase of nearly 14.5 per cent compared to 2009-10's figures of 739 people.

Given current trends, we can assume an ongoing 12 to 15 per cent increase in people diagnosed on an annual basis; whether that trend holds up is another question. This is consistent with both national and international trends and might reflect increasing prevalence rates, or it could possibly reflect increased detection rates or both. The South Australian government has recognised the need for additional funding in this area. That is why in 2010, as part of our election commitments, we announced an additional $1 million a year for assessment and early intervention services. The funding is split between SA Health and Autism SA, with $500,000 a year to SA Health for a multidisciplinary assessment team and $500,000 per year to Autism SA for assessment and early intervention services.

State-funded early childhood intervention services are complemented by the Helping Children with Autism package—a commonwealth government program providing families access to $12,000 in metropolitan areas and $14,000 in regional areas in autism support. The program runs until the child is seven years of age. It includes a Medicare rebate for up to 20 sessions of allied health intervention for children up to the age of 15.

With the diagnosis rates of autism spectrum disorders growing steadily, we need to ensure the broader community is sensitive to the needs of people with ASD. Better understanding of the complexity of ASD can only be achieved through personal experience and education campaigns, and that is why World Autism Awareness Day is so important.

WORLD AUTISM AWARENESS DAY

The Hon. K.L. VINCENT (14:48): I have a supplementary question. What is the government doing to expand supports for people once they pass the age of seven years and, therefore, can no longer access the Helping Children with Autism package?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:48): The government is participating in a range of support services for the community, in particular through working with Autism SA. I can say that early intervention is a very important part of the government's strategy in terms of dealing with autism. In 2010-11, approximately $2.8 million was expended on disability services and the early childhood program, including additional specialist positions in country regions, with approximately 25 per cent of children receiving services having autism spectrum disorder.

However, we note there is an issue where, if you have early intervention programs and if you front-end most of your expenditure in that area, there is a problem at the other end when people are leaving services, particularly in education. That is an issue that the government is working on with the sector to provide appropriate services to the community so that those children, when leaving education, are not left without supports.

BUS SERVICES

The Hon. R.L. BROKENSHIRE (14:49): I seek leave to make a brief explanation before asking the Minister for Industrial Relations questions regarding Adelaide's bus services.

Leave granted.

The Hon. R.L. BROKENSHIRE: I am sure like many colleagues in this house, Family First has received complaints from bus drivers and passengers. For instance, one which I will read out in part from a bus driver is about the frustration of Adelaide's bus drivers at the delays they are experiencing in Adelaide's traffic. Some tell me they are being subjected to abuse or hostility from passengers which can amount to risky occupational health, safety and welfare when, in drivers' views, the scheduling of bus timetables is the primary cause of the problems. One driver said:

> The traffic is not included in the timetables, the timetable has been the same for the past 30+ years. Then if the companies do not make the time that the government set they fine them.

He goes on and on but concludes by saying:

> You see we as bus drivers are sick and tired of this from the minister...and the...government.

The transcript from *Ten News* last night, in answer to questions from Adam Todd, reads as follows:

> Reporter: 'Who sets the timetables, is that the government or the provider?'
>
> (Patrick Conlon, infrastructure minister, grab)
>
> Conlon: 'The provider sets the timetables on the services required by the government.'

Minister Fox, her grab:

> Fox: 'The timetables are set by the government and they always have been.'

My questions to the minister are:

1. Does the industrial relations minister fully support the Minister for Transport Services on her stance that it will take until 1 July to rectify issues with bus services?

2. Will the minister undertake to bring back from the Minister for Transport Services the following: one, a clarification on who sets the timetables; two, the government's strategy between now and 30 June to improve bus services; and three, the fines that are being imposed on bus companies for delays with a table of fines imposed under this government since it came to office?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:51): I would like to thank the member for his question. First of all, I do have confidence in the Hon. Chloe Fox, the Minister for Transport Services. She has been handed a very challenging role. Public transport is a very difficult and challenging issue no matter where you go in the world. It does present its challenges. I have confidence in the honourable minister and I am sure that the problems will be fixed under her guidance. In regards to the other

three matters, I will refer them on to the honourable minister and get an answer as soon as possible.

UPPER SPENCER GULF

The Hon. CARMEL ZOLLO (14:52): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about regional development in the Upper Spencer Gulf.

Leave granted.

The Hon. CARMEL ZOLLO: Preparation for the increased exploration and mining expected in the state's Far North has been underway for some time and appears set to build over the coming years. Will the minister advise of a recent development to aid this preparation?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:52): I thank the honourable member for her most important question and her interest in these areas. Members will recall that the South Australian government has committed $4 million over four years towards the Enterprise Zone Fund for the Upper Spencer Gulf and outback. The fund is aimed at capturing the benefits of growing industries to further strengthen the Upper Spencer Gulf and outback communities, including capitalising on opportunities that are focused on, but not limited to, the expansion of the resource and energy sectors and providing access to organisations in the Upper Spencer Gulf and outback for projects that make a major impact in the region by changing competitive advantage in its favour.

Members would be aware that the longstanding and strong agricultural economy, which has been a feature of South Australia, has been supported by a range of industries, including those needed by primary producers to build and repair specialist agricultural machinery used in farming. I am pleased to announce today that I have approved a commitment of $302,500 to Kelly Engineering to expand its manufacturing facilities and workforce at Booleroo Centre in the northern agricultural region of South Australia.

This 25-year old firm, I am advised, has an established reputation and capabilities as a key manufacturer of quality machinery to South Australia's agricultural industry. This experience means that Kelly Engineering is well placed to move into new markets as a supplier and fabricator for many of the region's projects, both in manufacturing and development and in the ongoing provision of fabricated products and services.

Kelly Engineering's business plan has identified opportunities to take advantage of the demand for metal manufacturing and expand into other markets, including mining and rail. This regional company already has established export markets in the US, South Africa, Canada, Denmark and New Zealand but is looking to local opportunities afforded by the increased development in mining in Australia.

The $655,000 project is part of a major expansion which is expected to see the company's export capacity grow by 40 per cent and create up to eight new full-time jobs. As part of this project, a 30 metre by 25 metre by five metre canopy extension will be built onto the assembly area to provide sufficient space to assemble, load and dispatch machine components, parts and crates.

In addition, both the office accommodation and paint shed will be extended to provide more space for drying and storage for painted components and frames. The extensions to the assembly area are designed to cut out bottlenecks and streamline production, creating an all-weather work environment and allow loading to be done undercover. The project builds on improvements already undertaken by the company to its storage facility for the metal plates used in its manufactured machines.

The company is a major employer in the District Council of Mount Remarkable and is also an important supporter of apprentice training. Last year, it had six apprentices undertaking a certificate III in metal fabrication and planning is underway to hire a further four apprentices. In addition, the company aims to use local contractors and suppliers to complete the scheduled works. The project is due to commence in April and be completed by the end of 2012.

The Upper Spencer Gulf Fund applications are assessed by an interdepartmental panel on a range of criteria including whether the project creates sustainable economic benefits that are broadly distributed across communities or industries; its strategic importance to the state, the region and the major industry; and whether it is viable and sustainable in the medium and longer

term, leverages alternative sources of funding, and diversifies the economy of the Upper Spencer Gulf and outback regions. I would like to congratulate the company on its foresight and careful business planning and look forward to the completion of this very significant expansion.

FULL COURT PETITIONS

The Hon. A. BRESSINGTON (14:57): I seek leave to make a brief explanation before asking the minister representing the Attorney-General questions about petitions for referral to the Full Court.

Leave granted.

The Hon. A. BRESSINGTON: Recently, I submitted two freedom of information requests to the Attorney-General's Department seeking details about the number of petitions for referral to the Full Court received by the Attorney-General and the number actually referred. I did so because I have long had the suspicion that successive South Australian attorneys-general have never—or at least not in living memory—used the discretion afforded to them by section 369(a) of the Criminal Law Consolidation Act 1935 to refer a case of suspected wrongful conviction back to the Full Court for appeal.

As I have previously detailed, this is the only means by which a person who has suffered a miscarriage of justice and has exercised their appeal rights—which does occur, despite this government's reluctance to acknowledge it—is able to get back before the Full Court to appeal their conviction. The only case I know of where the Governor has exercised his discretion is the case of Mr Ted Splatt, who was wrongfully convicted of the murder of Ms Rosa Simper in 1978, and this was only after seven long years of incarceration and a royal commission lasting 196 days. Further, Mr Splatt was pardoned by the Governor and not acquitted by the Full Court, as I believe was detailed last week on Channel 7's *Today Tonight*.

Earlier this week my office was contacted by the responsible FOI officer, who informed me that, as the Attorney-General's office and department respectively do not keep such records, a manual search would be required and as such the FOI requests will cost thousands and thousands of dollars to complete. I find this absurd. Here we have the Attorney-General exercising a serious quasi-judicial function and not even bothering to keep records of the number of petitions received, let alone those acted upon. This makes me think that this is why this Attorney-General and his predecessor are able to convince themselves that we do not have miscarriages of justice in South Australia. For this reason, I ask the Attorney-General to inquire and answer the following questions:

1. How many petitions have been received by the Attorney-General, either directly from the petitioner or via the Governor, in the preceding 20 years?

2. On what date were these petitions received, and on what date did the Governor or the Attorney-General respond to the petitions?

3. Has a South Australian attorney-general ever exercised the discretion in section 369(a) of the Criminal Law Consolidation Act to refer a case to the Full Court for appeal and, if so, when did this last occur?

4. Assuming it has occurred, how many cases have been referred to the Full Court since 1935 in accordance with section 369(a) of the Criminal Law Consolidation Act and, if known, what were the offences for which the petitioners were convicted and sought relief and the full case citation of the subsequent Full Court appeal?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:00): I thank the honourable member for her important questions and will refer them to the Attorney-General in another place and bring back a response.

INCARCERATION RATES

The Hon. T.J. STEPHENS (15:01): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion, representing the Minister for Correctional Services, questions about incarceration rates and costs in South Australia.

Leave granted.

The Hon. T.J. STEPHENS: Recently I received a commonwealth government publication *Australian crime: facts and figures 2011*, published by the Australian Institute of Criminology. The publication shows that over the previous two financial years South Australia's expenditure on

correctional services has increased, while in Queensland and New South Wales there has been a marked decrease. This has corresponded with an increased incidence of serious crime and a steady increase in the incarceration rate over the last five years. My questions are:

1. Given the acknowledged statistics, does the minister agree that the government's current policy of 'rack 'em, pack 'em and stack 'em' has been a complete failure?

2. What is the current minister's view on this policy?

3. Does the minister support the use of shipping containers in lieu of cell blocks?

4. Going by the statistics, is it now time for the government to seriously consider a new correctional facility and honour its original promise from 2006?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:02): I thank the honourable member for his important four questions on incarceration rates and costs. I will undertake to take that question to the Minister for Correctional Services and seek a response for him.

SAFE WORK AWARDS

The Hon. J.M. GAZZOLA (15:02): My question is to the Minister for Industrial Relations. Will he advise the council about the 2012 Safe Work Awards, for which I understand applications and nominations will be opening soon?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:02): I thank the honourable member for his question and also acknowledge the many decades he has spent looking after the health and safety interests of his members. The Safe Work Awards is an annual event held during Safe Work Week and recognises the outstanding occupational health and safety outcomes by individuals and organisations that lead by example to make their workplaces safer and healthier.

This year's Safe Work Awards will be presented on 26 October 2012. An eligible individual and organisations can enter an award category when applications open on 11 April. Last year a record 80 entries were received for the various award categories, which this year include:

- Best Workplace Health and Safety Management System, which recognises demonstrated commitment to continuous improvement in workplace health and safety through the implementation of an integrated systems approach;
- Best Solution to an Identified Workplace Health and Safety Issue, which recognises excellence in developing and implementing a solution to an identified workplace health and safety issue;
- Best Workplace Health and Safety Practices in a Small Business, which recognises high standard workplace health and safety practices in small business; and
- Best Individual Contribution to Workplace Health and Safety, which recognises individuals who have made an exceptional difference to health and safety.

Most of the Safe Work Award categories also form part of the national Safe Work Australia Awards, which have been developed by Safe Work Australia to recognise excellence in occupational health and safety at a national level. Winners of Safe Work Awards in the national categories will automatically become South Australia's finalists in the Safe Australia Awards. The University of Adelaide, Adelaide Shores, the Hub Fruit Bowl and Mr Dusty Hurst are all finalists for 2012 Safe Work Australia Awards by virtue of their success in last year's Safe Work Awards. I wish them all the best when the winners are announced in Canberra on Thursday 26 April.

Applications are also open for the Augusta Zadow Scholarship, which will be presented at the Safe Work Awards and offers two scholarships of up to $10,000 each to South Australians working on occupational health, safety and welfare projects that will benefit women in the workplace. I would also encourage any individual or organisation that has made a commitment to achieving positive occupational health and safety outcomes in their workplaces to consider an entry in this year's Safe Work Awards. Further information about the Safe Work Awards and the Augusta Zadow scholarships can be found on the SafeWork SA website at www.safework.sa.gov.au.

MURRAY-DARLING BASIN PLAN

The Hon. M. PARNELL (15:05): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question on the draft Murray-Darling Basin Plan.

Leave granted.

The Hon. M. PARNELL: This morning, along with large numbers of other members of parliament, I attended the public consultation session conducted by the Murray-Darling Basin Authority on the draft Murray-Darling Basin plan. The Premier was in attendance, minister Caica was certainly there—in fact, I think most parties were represented. From this chamber I think that the Hon. John Darley was there, my colleague the Hon. Tammy Franks was there and, in fact, all four South Australian Greens MPs were in attendance.

As we have just received in a tabled statement from the Premier in another place, the Premier presented to Craig Knowles, the Chair of the Murray-Darling Basin Authority, and also federal minister Burke, a copy of the report prepared by the Goyder Institute for Water Research, which showed that the draft water plan if implemented would be inadequate to sustain the environment in South Australia. The Premier in his statement, and I just repeat these brief words, says:

> The report states: '...the ecological character of the South Australian environmental assets...is unlikely to be maintained under the basin plan 2,750 scenario.'

And that 2,750 is the proposed allocation of additional environmental water to South Australia. We know that that amount is less than what not just the Goyder Institute but also other scientific groups, such as the Wentworth Group of Concerned Scientists, suggest is needed; and it also reflects the advice that the government would have had from conservation groups, including the Australian Conservation Foundation, the Wilderness Society, Friends of the Earth and the Conservation Council of South Australia.

Yesterday the Victorian Environment Defenders Office published legal advice that the draft plan is not consistent with the commonwealth Water Act 2007 and therefore it is open to legal challenge; so, we have two important bits of information: one is that the draft plan is not going to fix the South Australian environment; and, secondly, it is probably illegal, anyway. My questions of the minister are:

1. Does the government's own legal analysis agree with that of the Environment Defenders Office, namely, that the draft plan is not consistent with the Water Act? If the advice is similar, what does the Premier intend to do with that advice?

2. If the draft plan is not substantially revised to ensure sufficient water flows into South Australia to maintain a healthy functioning river system, what confidence does the Premier have that federal South Australian Labor MPs and senators will vote in the interests of South Australia regardless of the position taken by the federal government?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:08): I thank the honourable member for his most important questions. Indeed, the Murray-Darling Basin plan is an issue that is very important to the Weatherill Labor government, and it is an issue that the Premier himself has taken a very keen interest in pursuing. Just in relation to some general background, I have been advised that the Murray-Darling Basin Authority released its proposed basin plan in November 2011 for the public to comment over a 20-week period, concluding on 16 April 2012, and then a six-week review follows by the MDB Ministerial Council, and formal adoption is expected in late 2012.

The plan proposes to reallocate 2,750 gigalitres per year for environmental use to be recovered through a buyback of water entitlements and water infrastructure upgrades and operational efficiencies. The Premier has indicated his wish for a united position from key groups from South Australia and has outlined critical deliverables from the plan; a balance of environmental, economic and social considerations, meeting the river health objectives of legislation; and recognition of past action by South Australia, that is, a capping of the water entitlements and investment in water use efficiency in the past.

Initial analysis, confirmed by the Goyder Institute, whose report was released today, shows that the science behind the water recovery target indicates that the plan is unlikely to deliver critical

environmental objectives to South Australia. That is a very serious position for us to be in. This government has been prepared to take this fight to Canberra and to take it all the way. We are hell-bent on defending the integrity of our river, both environmental values and also the very important irrigation communities that depend on that infrastructure. With those few words in relation to the detailed questions that the honourable member has asked, I will refer those to the Premier in another place and will bring back a response.

APY LANDS, HOUSING

The Hon. J.S. LEE (15:11): I seek leave to make a brief explanation before asking the Minister for Social Housing a question about APY lands housing repairs.

Leave granted.

The Hon. J.S. LEE: Since Housing SA took over the maintenance of social housing properties on the APY lands in 2007, these communities have been experiencing large housing repair downfalls. It was reported in InDaily on 22 March 2012 that Housing SA is struggling with APY home repairs. It was revealed that Housing SA is under pressure from a large backlog of housing repair work on the APY lands.

Despite having reorganised the maintenance budget to focus on remote Aboriginal areas, Housing SA acknowledges that there are still complaints of houses being left unrepaired for longer than six months. Housing SA Director of Business Operations and Projects, Mr Brendan Moran, stated that the maintenance service for the past two or three years has probably been inadequate. My questions are:

1. Does the minister recognise that communities on the APY lands are being put at risk by living in unhealthy and rundown accommodation?

2. Can the minister confirm whether he has been fully briefed about the backlog of housing repairs on the APY lands under Housing SA?

3. Can the minister outline the major issues associated with the Housing SA maintenance programs and what actions have been taken to address the problems as an urgent priority?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:13): Housing SA is responsible for the provision of repairs and maintenance to community houses on the APY lands. Properties on homelands receive limited essential maintenance, as funding provision is not provided to them through the commonwealth funding agreement. In October 2011 Housing SA introduced a new maintenance contracting model whereby a head contractor was engaged to undertake all maintenance work on the APY lands. The contracting model includes a comprehensive preventive maintenance schedule across all communities on the lands (not the homelands).

Since 2011 response times on the APY lands for repairs have improved, which in turn has led to increased tenant requests for maintenance repairs, placing pressure on the budget. This is an important point to note: because our responsiveness to requests for repairs has improved, those requests have increased, and that is what is putting extra pressure on our maintenance and contracting work. Budget pressure from additional maintenance requests has led to work being prioritised, causing some delays for non-urgent repair work, but what we are doing is prioritising those works that are required in terms of health and safety.

HOUSING SA

The Hon. G.A. KANDELAARS (15:15): My question is to the Minister for Social Housing. Will the minister update the council about the progress of Housing SA's UNO Apartments at Waymouth Street in the city?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:15): I thank the honourable member for his most important question. Housing SA began the process to build the UNO Apartments in 2010. The budget for the project is more than $50 million, with full financing coming from the Nation Building Economic Stimulus Plan. An additional $2 million in federal government crisis accommodation program funds are going towards the youth service component for this multistorey development.

In total, the project involves the construction of 116 residential apartments and a 30 apartment homeless youth and administration facility. Also included is retail space on the ground floor and parking facilities for 36 cars. A single, 17-level apartment building and a six-storey podium, built in front of that tower in Waymouth Street which houses a facility for homeless youth, aim to provide a range of housing opportunities, which include occupancy and home ownership as well as social housing tenancies in a single integrated community.

This groundbreaking development represents the largest single building project ever undertaken by Housing SA. It also demonstrates to the housing industry and the wider community that mixed tenure developments of this type can be achieved with a high degree of market acceptance. The building's configuration will comprise 30 bedsit apartments for homeless and high risk youth which will be retained by Housing SA; 27 social housing apartments to be managed by Housing SA; 27 apartments for affordable rental programs funded by the National Rental Affordability scheme; 28 affordable sales apartments to be sold to low and moderate income SA homebuyers under the Housing SA Affordable Homes program; and 34 apartments sold on to the general market. Work is progressing steadily and the project is due for completion by June 2012.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (15:17): I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question about the minister's office.

Leave granted.

The Hon. R.I. LUCAS: Members would have been aware of a story in the weekend newspaper under the heading of 'Jokers in the Pack' and the subheading of 'Ministers with foot-in-mouth disease'. The journalist summarised the quality of the current cabinet in the following terms:

> However, Labor also has jokers in the pack, due to inexperience, lack of preparation or just plain poor choices.

It went on to say:

> Mr Koutsantonis and Mr Snelling are not the worst offenders when it comes to 'foot-in-mouth' disease.
>
> That honour belongs to five other ministers—Tom Kenyon, Russell Wortley, Grace Portolesi, Chloe Fox and [our very own] Gail Gago.

Just on a month ago I asked the minister a relatively simple question about ministerial staff in his office. I pointed out that for a minister with relatively limited portfolio responsibilities he already had 14 full-time staff members, three part-time staff members and his ministerial chauffeur in his office and that he had just proceeded to appoint well-known unionist Mr Jimmy Watson to a position within his ministerial office.

In response to my questions the minister said a number of things: 'I must say, I don't know the actual title he has got.' That is about Mr Watson's position. Then he said, 'I am not quite sure of the salaries of these people.' That was in relation to how much they were being paid. Nevertheless, a month ago, he said he would take his questions on notice, together with another question about whether or not Mr Watson had resigned from the WorkCover board. He said he had resigned from the WorkCover board, but he was going to check that as well. My questions to the minister are:

1. Does the minister accept that it is a massive waste of taxpayers' money that, for a minister with such limited portfolio responsibilities and talent as himself, he would need 14 full-time staff members, three part-time staff members, a ministerial chauffeur and now Mr Jimmy Watson?

2. Has he now been able to find out the title of Mr Watson's position, and has he been able to find out how much taxpayers are going to pay in terms of total remuneration package to Mr Jimmy Watson?

3. On what date did Mr Watson resign from the WorkCover board? And, if he has resigned, as the minister has claimed, why is he still listed on the WorkCover website as a board member of WorkCover (as of today), and why hasn't there been a notice in the government *Gazette* confirming his resignation in the two months since the minister indicated he had resigned?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:20): First of all, Jimmy Watson's title is available on the net. To waste the time of this council on a question that can be easily looked up on the internet does not deserve the attention of the minister.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: I did notice the article in the *Sunday Mail*. I must say that, after the first little giggle after reading through the article on the front page, I moved on. More importantly, what is even more relevant to today's political landscape is the fact that the Leader of the Opposition has dropped down four points in regard to who would make a better premier. This is more important than the nonsense being asked by Mr Lucas.

I have spoken to a number of opposition people today, and they are totally perplexed about what to do with their leader. They want to get rid of her tomorrow, but they know darn well they would have to spill blood on the floor, because she has made it quite clear that she is going nowhere, so she would have to be blasted out of the position. Sit there and laugh all you want, but the laugh is on you, because you are the people who have the problem, not me.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (15:22): I have a supplementary question arising out of the minister's attempted answer. Is the minister refusing to indicate what the taxpayers are paying Mr Jimmy Watson for the position in his office, and is he also refusing to tell the taxpayers of South Australia what the arrangements are in relation to what the minister said was the resignation of Mr Watson from the WorkCover board?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:22): Jimmy Watson has resigned from the board. The exact date I am not sure, but he did resign when coming into my office. The wages of Jimmy Watson will be gazetted, as is the case with many others, including Mr Hendrik Gout. They will all be gazetted some time this year. It will well and truly be transparent. No-one is going to keep anything a secret. I think that question time should not be wasted on questions that can be found out on the net.

FINE PAYMENT DEFAULTERS

The Hon. D.G.E. HOOD (15:23): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question regarding fine defaulters in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: On 9 September last year, the Attorney-General announced that he had spoken to the federal government about banning from travelling internationally fine defaulters who have defaulted on many fines and accrued quite a large debt under certain circumstances. My question is: what progress has been made on that particular initiative, and what are the conditions around the individuals who will be subject to that new parameter?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:24): I thank the honourable member for his important questions. I will refer them to the Attorney-General in another place and bring back a response.

INTERNATIONAL WOMEN'S DAY

The Hon. CARMEL ZOLLO (15:24): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about International Women's Day 2012.

Leave granted.

The Hon. CARMEL ZOLLO: International Women's Day is held on 8 March each year to acknowledge and celebrate the contribution women make to the community. Will the minister tell the chamber more about this year's International Women's Day?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:24): I thank the honourable member for her most important question. A diverse range of organisations and individuals across metropolitan and regional South Australia develops events to acknowledge the achievements of women.

As members would probably recall, 2011 marked the 100th anniversary of International Women's Day. There were a number of events that I was able to participate in this year. I had the pleasure of speaking at the Inspirational Women lunch, co-hosted by the Department of Treasury

and Finance's Women in Treasury and the Department of Planning, Transport and Infrastructure's women in leadership group, on 8 March 2012.

This popular event was attended by women from both departments and was emceed by Ms Sandy Pitcher, the Deputy Chief Executive, Department of the Premier and Cabinet and former director of the Office for Women. The other speakers at the event included Ms Trudi Meakins, Executive Director Policy Planning and Programs Division in the Department of Planning, Transport and Infrastructure; and Ms Fran Solly, Director People and Culture, Department of Further Education, Employment, Science and Technology. I commend the organisers of this event and I am pleased to see that women's leadership remains a priority for these departments.

The International Women's Day Collective march and rally is a tradition that has been a constant on the International Women's Day calendar. This year's march was held on the evening of 8 March. The march began at 5pm at the UniSA West Campus and progressed down North Terrace to Parliament House and then to the State Library where there were a barbecue and performances. I also had the pleasure of speaking at this event. I am particularly pleased that a number of different organisations were involved in this event, making it very inclusive for women in all their diversity.

The Gladys Elphick Awards Committee announced the opening of nominations for their community spirit award acknowledging Aboriginal women. The Barbara Polkinghorne Award for Literature was also presented at the march. The collective includes representatives from the women's sector including SA Unions, Working Women's Centre, South Australian Feminist Collective, YWCA and the Gladys Elphick Awards Committee.

The International Women's Day Luncheon organised by the International Women's Day Committee SA was again held at the Adelaide Convention Centre on Thursday 8 March. I understand that a panel discussion on 'Gender Equity in 2025' was the focus of the lunch, with the Hon. Robyn Layton QC, Patron of the IWD Committee, giving the keynote address.

The UN Women International Women's Day Breakfast was again hosted by Senator Penny Wong and that was held on Friday 9 March at the Adelaide Convention Centre. This year's guest speaker was Melbourne writer, lawyer and teacher Alice Pung. I attended the breakfast and had the pleasure of hearing Alice speak. It was an incredibly moving address, and I know that a number of my parliamentary colleagues here attended as well and I know that they would have been moved by Alice's story.

Finally, I would like to tell members about another IWD event which I was pleased to attend—the IWD event at Coober Pedy on Friday 23 March. The event was held at the Umoona Aged Care Facility and was attended by residents and Aboriginal women from the area as well as service providers. Lyn Breuer, member for Giles, spoke about the achievements of women in Coober Pedy and the Umoona Aged Care Facility at the event. Lyn had just been privileged that same morning to receive her Aboriginal name in a very special ceremony before the IWD event.

The previous evening the facility had launched a DVD about the service and its history. The facility is based and designed on a traditional camp site design, which had the elders' input at all levels from the site selection to completion, considering in detail their wishes and needs along with the overall practical workable design. I think it was a real honour and tribute to Lyn Breuer. We are not aware of any other woman member of parliament who has ever been given this honour by traditional women. I know that it is in recognition of her very hard work in that community and recognition of the way she is respected by the Aboriginal community, the women's community there and the community in general. I congratulate Lyn Breuer for that. I was also able to distribute nomination forms for the Gladys Elphick Awards when I was in Coober Pedy.

ANSWERS TO QUESTIONS

APY LANDS, SUBSTANCE MISUSE FACILITY

In reply to the **Hon. T.A. FRANKS** (22 March 2011) (First Session).

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): The Minister for Aboriginal Affairs and Reconciliation has been advised:

1. & 2. The Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Substance Misuse Residential Facility and mobile service located at Amata was designed to provide rehabilitation and

outreach services for petrol sniffers, as well as for community members with drug and alcohol issues across the APY Lands.

With the decline of petrol sniffing on the APY Lands, the demand for services through the Facility also diminished.

The findings of the report on the operations of the Facility, in part, prompted a review of the use of the Facility.

Country Health SA, in partnership with the Department of the Premier and Cabinet, Aboriginal Affairs and Reconciliation Division (DPC-AARD) and other key stakeholders considered a range of options relating to health service delivery models to maximise the use of the Facility by families and children.

From 1 July 2011, Country Health SA acquired project management responsibility for the APY Lands Substance Misuse Facility with respect to the functioning and the range of services to be delivered. The Drug and Alcohol Services SA (DASSA) will continue to provide an outreach service from the Facility.

The former Minister for Aboriginal Affairs and Reconciliation, the Hon. Grace Portolesi MP, in collaboration with the Federal Minister for Families, Community Services and Indigenous Affairs, the Hon. Jenny Macklin MP, announced the establishment of three Family Wellbeing Centres across the APY Lands in September 2011.

The Amata Substance Misuse Facility will be modified and converted into one of the three Family Wellbeing Centres. These Centres will provide integrated child and family services.

STATUTES AMENDMENT (CRIMINAL INTELLIGENCE) BILL

In committee.

(Continued from 29 March 2012.)

Clause 4.

The Hon. S.G. WADE: I move:

Page 3, lines 5 and 6 [clause 4, inserted section 66A]—Delete 'under this Part, the Authority or the Supreme Court' and substitute:

before the Authority under this Part

My understanding is that in our previous discussion we agreed that the first amendment would be treated as a test, and I expect that that will be the progress.

The Hon. G.E. GAGO: The government is prepared to have this first amendment as a test amendment, even though there are a range of different amendments. Nevertheless, the government will be opposing all of them, so I think it is in our interests that we use this first amendment as a test amendment.

The Hon. T.A. FRANKS: I indicate that the Greens will be supporting this amendment.

The Hon. J.A. DARLEY: I will not be supporting the amendment.

The Hon. K.L. VINCENT: I will be supporting the amendment.

The Hon. D.G.E. HOOD: Family First will not support the amendment.

The committee divided on the amendment:

AYES (11)

Bressington, A.	Dawkins, J.S.L.	Franks, T.A.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Parnell, M.	Ridgway, D.W.	Stephens, T.J.
Vincent, K.L.	Wade, S.G. (teller)	

NOES (10)

Brokenshire, R.L.	Darley, J.A.	Finnigan, B.V.
Gago, G.E. (teller)	Gazzola, J.M.	Hood, D.G.E.

NOES (10)

Hunter, I.K. Kandelaars, G.A. Wortley, R.P.
Zollo, C.

Majority of 1 for the ayes.

Amendment thus carried.

The CHAIR: I think the rest of the amendments to clause 4 from the Hon. Mr Wade are consequential.

The Hon. S.G. WADE: I take it from the fact that the government is happy to proceed with the amendments that the government is not willing in the context of the Legislative Council debate to discuss alternative amendments. I would just like to briefly reiterate the opposition's willingness to receive alternative amendments. If I could just quote from my contribution:

> ...I would put the question to the government in a different way. Is it conceivable that there would be a set of safeguards that the government, the police and the Police Association could find acceptable? If that is the case, I believe it is worth continuing work on this bill because it is certainly the opposition's strong view that, in terms of balancing the interests, it would be useful to have more clearly enumerated safeguards in the legislation.

When I used the word 'safeguards' in that context, I was referring to safeguards recording, reporting and review. I accept the government's decision not to seek, shall we say, agreed amendments in the context of the Legislative Council debate, but I would indicate from the opposition's point of view that, just as other deadlock conferences have been constructive in finding ways forward towards agreed positions, if that is where we are headed, the opposition is open to that.

The Hon. G.E. GAGO: I thank the member for the statements that he has made. We have had ample opportunity to try to resolve the differences, and my understanding is that there have been many attempts to do so and we have reached an impasse. I think it is important at this point in time that we simply progress the bill as it is and do the best we can. If there is an opportunity to resolve differences at deadlock, then we would obviously be grateful for that.

The Hon. S.G. WADE: Just ever so briefly, I appreciate the minister's comments. I would stress that the opposition has made numerous steps in response to government submissions, and I acknowledge the minister's comments, because we also would be constructive in a deadlock conference context. I move amendments [Wade-3] 3 and 4:

Page 3—

Lines 8 and 9 [clause 4, inserted section 66A(a)]—Delete:

'information classified by the Commissioner of Police as' and substitute:

classified

Lines 13 and 14 [clause 4, inserted section 66A(b)]—Delete:

information that is so classified by the Commissioner of Police' and substitute:

classified criminal intelligence

Amendments carried; clause as amended passed.

Clause 5.

The Hon. S.G. WADE: I move amendment [Wade-3] 5:

Page 3, line 19—Delete all words in this line and substitute:

Section 69(2), (3) and (4)—delete subsections (2), (3) and (4) and substitute:

(2) Classified criminal intelligence provided by the Commissioner of Police for the purposes of this Act may not be disclosed to any person other than the Authority, the Commissioner, the Minister, a court or a person to whom the Commissioner of Police authorises its disclosure.

The Hon. G.E. GAGO: Just for the record, the government made a preliminary address on clause 1 that outlined our position in respect of all of these amendments. I do not believe there is any further need for the government to speak on each individual clause. We are opposing all of them and I have already outlined the reasons for that previously.

Amendment carried; clause as amended passed.

New clause 5A.

The Hon. S.G. WADE: I move:

New Part, page 3, after line 19—After clause 5 insert:

Part 2A—Amendment of *Evidence Act 1929*

5A—Insertion of Part 7 Division 11

After section 67J insert:

Division 11—Classified criminal intelligence

67K—Interpretation

In this Division—

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

Crown authority means—

(a) in the case of criminal proceedings—the Director of Public Prosecutions, a delegate of the Director of Public Prosecutions, a police officer, or any other person acting in a public official capacity, who is responsible for commencing or conducting a prosecution; and

(b) in the case of any other proceedings—a person who holds an office or position in the employment of the State, or an instrumentality or agency of the State, who is acting in a public official capacity in the proceedings.

67L—Procedure where classified criminal intelligence to be relied on

(1) If, in any proceedings before a court, a Crown authority intends to adduce, or otherwise rely on, classified criminal intelligence, the Crown authority must give notice of that intention to the court at the earliest opportunity (and in accordance with any relevant rules of court).

(2) If notice is given to a court under subsection (1), the court must, in such manner as the court thinks fit, undertake an inquiry to determine—

(a) whether the information is properly determined by the Commissioner of Police to be classified criminal intelligence; and

(b) if the court finds that the information is properly determined by the Commissioner of Police to be classified criminal intelligence—whether the information is sufficiently reliable and of such probative value that it is in the interests of justice to allow the Crown authority to adduce or rely on it; and

(c) if the court finds that the Crown authority should be able to adduce or rely on the information—the steps that should be taken to maintain the confidentiality of the information whilst ensuring, as far as reasonably possible, that other parties to the proceedings are not unduly prejudiced by the lack of disclosure.

67M—Powers of court in dealing with classified criminal intelligence

(1) Without limiting the powers of a court in dealing with classified criminal intelligence, a court (whether in the course of an inquiry under section 67L(2) or in any proceedings to which such inquiry relates) may do any of the following in relation to classified criminal intelligence:

(a) receive any evidence or request submissions from any parties to the proceedings;

(b) consider, and endorse or reject, any agreement between the parties to the proceedings in relation to the disclosure or management of the classified criminal intelligence;

(c) exclude persons from the court while any evidence is received or submissions made;

(d) make orders suppressing any evidence or submissions from publication;

(e) make orders providing for any evidence or submissions to be deleted from a version of the official record of the proceedings provided to a party to the proceedings or to a member of the public.

(2) Subsection (1) has effect despite any other provision of this, or any other, Act.

67N—Withdrawal of information from proceedings

If, on an inquiry under section 67L(2) or in any proceedings to which such inquiry relates, the court determines that the confidentiality of classified criminal intelligence is not to be maintained (whether because, in the opinion of the court, the Commissioner of Police erred in so classifying the information or for any other reason), the Crown authority must be informed of the proposed determination and given the opportunity to withdraw the information from the proceedings.

New clause inserted.

Clauses 6 and 7.

The Hon. S.G. WADE: I move:

Page 3, lines 21 to 39—Delete clauses 6 and 7 and substitute:

6—Amendment of section 5—Interpretation

(1) Section 5(1)—after the definition of *class H firearms* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 5(1), definition of criminal intelligence—delete the definition

7—Amendment of section 6—The Registrar

Section 6(4)—delete subsection (4)

7A—Amendment of section 10—Procedure

Section 10(3)—delete 'information provided to the committee by the Registrar that is classified by the Registrar as' and substitute 'classified'

7B—Amendment of section 10B—Firearms prohibition order issued by Registrar

Section 10B(5)—delete 'information that is classified by the Registrar as' and substitute 'classified'

7C—Amendment of section 12—Application for firearms licence

Section 12(7a)(b)—delete 'information that is classified by the Registrar as' and substitute 'classified'

7D—Amendment of section 20—Cancellation, variation and suspension of licence

Section 20(3a)—delete 'information that is classified by the Registrar as' and substitute 'classified'

7E—Amendment of section 26B—Review by Firearms Review Committee

Section 26B(3)—delete 'information that is classified by the Registrar as' and substitute 'classified'

7F—Amendment of section 26C—Right of appeal to District Court

(1) Section 26C(3)—delete 'information that is classified by the Registrar as' and substitute 'classified'

(2) Section 26C(5) to (10)—delete subsections (5) to (10) (inclusive)

Amendment carried; clauses as amended passed.

New clause 7G.

The Hon. S.G. WADE: I move:

New Part, page 4, before line 1—Insert:

Part 3A—Amendment of *Freedom of Information Act 1991*

7G—Amendment of Schedule 1—Exempt documents

(1) Schedule 1, clause 4(3a)—delete 'information classified by the Commissioner of Police, in accordance with the provisions of any other Act, as' and substitute 'classified'

(2) Schedule 1, clause 4—after subclause (4) insert:

(5) In this clause—

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*.

New clause inserted.

Clause 8.

The Hon. S.G. WADE: I move:

Page 4, lines 2 to 8—Delete clause 8 and substitute:

8—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *certificate* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 3(1), definition of *criminal intelligence*—delete the definition

8A—Amendment of heading to Part 2 Division 4

Heading to Part 2 Division 4—Delete 'Criminal' and substitute:

Classified criminal

8B—Amendment of section 12—Classified criminal intelligence

(1) Section 12(1)—delete 'by the Commissioner of Police as'

(2) Section 12(2)(b)—delete 'information that is classified by the Commissioner of Police as' and substitute:

classified

(3) Section 12(3)(a) and (b)—delete 'information classified by the Commissioner of Police as' wherever occurring and substitute in each case:

classified

(4) Section 12(4)—delete 'information that is classified by the Commissioner of Police as' and substitute:

classified

(5) Section 12(5)—delete subsection (5)

8C—Amendment of section 70A—Procedure in relation to classified criminal intelligence

(1) Section 70A—delete 'under this Part, the Court or the Authority' and substitute:

before the Authority under this Part

(2) Section 70A(a) and (b)—delete 'information classified by the Commissioner of Police as' wherever occurring and substitute in each case:

classified

Amendment carried; clause as amended passed.

New clauses 8D-8F.

The Hon. S.G. WADE: I move:

New Part, page 4, before line 9—Insert:

Part 4A—Amendment of *Hydroponics Industry Control Act 2009*

8D—Amendment of section 3—Interpretation

(1) Section 3—after the definition of *authorised officer* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 3, definition of *criminal intelligence*—delete the definition

8E—Substitution of sections 6 and 7

Sections 6 and 7—delete the sections and substitute:

6—Delegation

Despite section 19 of the *Police Act 1998*, the Commissioner may not delegate a function or power of the Commissioner under this Act except to a senior police officer.

7—Classified criminal intelligence

If the Commissioner—

(a) refuses an application for a licence or an approval or for a renewal of a licence, or varies or revokes a condition, or imposes a new condition, of a licence or approval, or revokes or proposes to revoke a licence or approval under this Act; and

(b) the decision to do so is made because of classified criminal intelligence,

the Commissioner is not required to provide any grounds or reasons for the decision other than that to grant the application would be contrary to the public interest, or that it would be contrary to the public interest if the licence or approval were to continue in force without variation or new condition imposed, or that it would be contrary to the public interest if the person were to be or continue to be licensed or approved.

8F—Amendment of section 37—Review of operation of Act

Section 37(2)—delete 'by the Commissioner as'

New clauses inserted.

New clause 8G.

The Hon. S.G. WADE: I move:

New clause, page 4, after line 9—Insert:

8G—Amendment of section 4—Interpretation

(1) Section 4—after the definition of *beneficiary* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 4, definition of *criminal intelligence*—delete the definition

New clause inserted.

Clause 9.

The Hon. S.G. WADE: I move:

Page 4, lines 10 to 23—Delete the clause and substitute:

9—Substitution of Part 2 Division 6

Part 2 Division 6—delete the Division and substitute:

Division 6—Classified criminal intelligence

28A—Classified criminal intelligence

(1) Classified criminal intelligence provided by the Commissioner of Police for the purposes of this Act may not be disclosed to any person other than the Commissioner, the Minister, a court or a person to whom the Commissioner of Police authorises its disclosure.

(2) If a licensing authority—

(a) refuses an application for a licence, the transfer of a licence or an approval, or takes disciplinary action against a person, or revokes or proposes to revoke an approval under Part 4 Division 10A; and

(b) the decision to do so is made because of classified criminal intelligence,

the licensing authority is not required to provide any grounds or reasons for the decision other than that to grant the application would be contrary to the public interest, or that it would be contrary to the public interest if the person were to be or continue to be licensed or approved, or that it would be contrary to the public interest if the approval were to continue in force.

(3) If the Commissioner proposes to impose a licence condition to improve public order and safety or to issue a public order and safety notice in respect of a licence and the decision to do so is made because of classified criminal intelligence, the Commissioner is not required to provide any grounds or reasons for the decision other than that it would be contrary to the public interest if the condition were not imposed or the notice were not issued.

(4) If the Commissioner of Police lodges an objection to an application under Part 4 because of classified criminal intelligence—

(a) the Commissioner of Police is not required to serve a copy of the notice of objection on the applicant; and

(b) the licensing authority must, at least 7 days before the day appointed for the hearing of the application, advise the applicant in writing that the Commissioner of Police has objected to the application on the ground that to grant the application would be contrary to the public interest.

(5) If the Commissioner or the Commissioner of Police lodges a complaint under Part 8 in respect of a person because of classified criminal intelligence, the complaint need only state that it would be contrary to the public interest if the person were to be or continue to be licensed or approved.

(6) If the Commissioner of Police bars a person from entering or remaining on licensed premises by order under Part 9 Division 3 because of classified criminal intelligence, the order need only state that it would be contrary to the public interest if the person were not so barred.

9A—Amendment of section 128A—Report to Minister on barring orders

Section 128A(1)(b)—delete 'information classified by the Commissioner of Police as' and substitute 'classified'

Amendment carried; clause as amended passed.

New clauses 9B and 9C.

The Hon. S.G. WADE: I move:

New Part, page 4, before line 24—Insert:

Part 5A—Amendment of *Police Act 1998*

9B—Amendment of section 19—Delegation

Section 19—after subsection (1) insert:

(1a) The Commissioner may not, however, delegate the function of determining whether information is classified criminal intelligence under Part 9A except to a Deputy Commissioner or Assistant Commissioner of Police.

9C—Insertion of Part 9A

After section 63 insert:

Part 9A—Classified criminal intelligence

63A—Interpretation

In this Part—

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under section 63B;

judicial officer means a person appointed as a judge of the Supreme Court or the District Court or a person appointed as judge of another State or Territory or of the Commonwealth.

63B—Commissioner may determine that information is classified criminal intelligence

The Commissioner may determine that information relating to actual or suspected criminal activity (whether in this State or elsewhere) is classified criminal intelligence if—

(a) disclosure of the information could reasonably be expected to—

(i) prejudice criminal investigations; or

(ii) enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement; or

(iii) endanger a person's life or physical safety; and

(b) having assessed the information (including, where relevant, against appropriate internationally recognised police intelligence classification systems), the Commissioner is satisfied that the information is sufficiently reliable.

63C—Record keeping requirements

(1) The Commissioner must ensure that records are kept in relation to the use of classified criminal intelligence.

(2) The Commissioner must ensure that records kept under this section would enable the following information to be determined for each period in relation to which a review is conducted under section 63D:

(a) the number of occasions on which classified criminal intelligence was used for the purposes of an Act during the period and, for each such occasion, the Act in relation to which it was so used;

(b) the number of occasions on which classified criminal intelligence was used in the course of proceedings in a court during the period;

(c) the number of persons directly affected by the uses referred to in paragraphs (a) and (b) (for example, as persons subject to decisions under Acts or as parties to proceedings in a court).

63D—Independent review

(1) The Minister must, before 1 July in each year, appoint a retired judicial officer to conduct a review on the use and management of classified criminal intelligence during the period of 12 months preceding that 1 July.

(2) Without limiting the matters to be addressed by the review, the review must include an examination of—

(a) the processes used by SA Police during the relevant period to ensure that information found to be unreliable is recorded as such by SA Police; and

(b) audit systems used by SA Police in relation to such record keeping.

(3) The Commissioner must ensure that a person appointed to conduct a review is provided with such information as he or she may require for the purpose of conducting the review.

(4) A person conducting a review has, in so doing, the powers of a commission of inquiry under the *Royal Commissions Act 1917* (and any obligations under an Act to maintain the confidentiality of information do not apply with respect to the provision of such information to the person conducting the review).

(5) A person conducting a review must maintain the confidentiality of information provided to the person that is classified criminal intelligence.

(6) A report on a review must be presented to the Minister on or before 30 September in each year.

(7) The Minister must, within 12 sitting days after receipt of a report under this section, cause copies of the report to be laid before each House of Parliament.

New clauses inserted.

Clause 10.

The Hon. S.G. WADE: I move:

Page 4, lines 26 to 32—Delete clause 10 and substitute:

10—Amendment of section 3—Interpretation

(1) Section 3—after the definition of *approved psychological assessment* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 3, definition of criminal intelligence—delete the definition

10A—Amendment of section 5B—Classified criminal intelligence

(1) Section 5B(1)—delete 'by the Commissioner of Police as'

(2) Section 5B(2)(b)—delete 'information that is classified by the Commissioner of Police as' and substitute:

classified

(3) Section 5B(3)—delete 'information that is classified by the Commissioner of Police as' and substitute:

classified

(4) Section 5B(4)—delete 'information that is classified by the Commissioner of Police as' and substitute:

classified

(5) Section 5B(5) and (6)—delete subsections (5) and (6)

Amendment carried; clause as amended passed.

New clauses 10B-10M.

The Hon. S.G. WADE: I move:

New Parts, page 5, before line 1—Insert:

Part 6A—Amendment of *Serious and Organised Crime (Control) Act 2008*

10B—Amendment of section 3—Interpretation

(1) Section 3—after the definition of *authorisation order* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 3, definition of criminal intelligence—delete the definition

10C—Substitution of section 7

Section 7—delete the section and substitute:

7—Delegation

The Commissioner may not delegate any function or power of the Commissioner under this Act except to a senior police officer.

10D—Amendment of section 13—Disclosure of reasons and classified criminal intelligence

Section 13(2)—delete 'by the Commissioner as'

10E—Amendment of section 15—Form of control order

(1) Section 15(1)(d)—delete 'subject to subsection (2)—'

(2) Section 15(2), (3) and (4)—delete subsections (2), (3) and (4)

10F—Repeal of section 21

Section 21—delete the section

10G—Amendment of section 29—Disclosure of reasons and classified criminal intelligence

(1) Section 29(2)—delete 'properly classified by the Commissioner as criminal intelligence (whether or not the information was so classified' and substitute:

classified criminal intelligence (whether or not the information was classified criminal intelligence

(2) Section 29(3) and (4)—delete subsections (3) and (4)

10H—Amendment of section 37—Annual review and report as to exercise of powers

Section 37(3)—delete 'by the Commissioner as'

10I—Amendment of section 38—Review of operation of Act

Section 38(2)—delete 'by the Commissioner as'

Part 6B—Amendment of *Serious and Organised Crime (Unexplained Wealth) Act 2009*

10J—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *benefit* insert:

classified criminal intelligence means information determined by the Commissioner of Police to be classified criminal intelligence under Part 9A of the *Police Act 1998*;

(2) Section 3(1), definition of criminal intelligence—delete the definition

10K—Amendment of section 6—Classified criminal intelligence

(1) Section 6(1)—delete 'by the Commissioner of Police as'

(2) Section 6(2) and (3)—delete subsections (2) and (3)

10L—Amendment of section 34—Annual review and report as to exercise of powers

Section 34(3)—delete 'by the Commissioner of Police as'

10M—Amendment of section 35—Review of operation of Act

Section 35(2)—delete 'by the Commissioner of Police as'

New clauses inserted.

Clauses 11 and 12 passed.

Clause 13.

The Hon. S.G. WADE: I move:

Page 5—

Lines 2 to 9—Delete clause 11

Lines 13 to 25—Delete clause 13 and substitute:

13—Amendment of section 74BC—Content of fortification removal order

(1) Section 74BC(1)(b)—delete 'subject to subsection (2)—'

(2) Section 74BC(2), (3) and (4)—delete subsections (2), (3) and (4)

Amendment carried; clause as amended passed.

Clause 14.

The Hon. S.G. WADE: I move:

Page 5, lines 26 to 39—Delete clause 14 and substitute:

14—Amendment of section 74BM—Application of Part

Section 74BM—after subsection (1) insert:

(1a) Nothing in subsection (1) affects the power of a court determining any proceedings under this Part to deal with classified criminal intelligence in accordance with Part 7 Division 11 of the *Evidence Act 1929*.

Amendment carried; clause as amended passed.

Long title.

The Hon. S.G. WADE: I move:

Long title—Delete the long title and substitute:

An Act to amend the *Casino Act 1997*; the *Evidence Act 1929*; the *Firearms Act 1977*; the *Freedom of Information Act 1991*; the *Gaming Machines Act 1992*; the *Hydroponics Industry Control Act 2009*; the *Liquor Licensing Act 1997*; the *Police Act 1998*; the *Security and Investigation Agents Act 1995*; the *Serious and Organised Crime (Control) Act 2008*; the *Serious and Organised Crime (Unexplained Wealth) Act 2009*; and the *Summary Offences Act 1953*.

Amendment carried; long title as amended passed.

Bill reported with amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:50): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL

Adjourned debate on second reading.

(Continued from 15 March 2012.)

The Hon. S.G. WADE (15:52): I rise to support the Statutes Amendment (Serious and Organised Crime) Bill 2012. I would remind members that this bill is the sister bill to the Serious and Organised Crime (Control) (Miscellaneous) Amendment Bill, which I addressed last Thursday. To facilitate the debate in the second reading on the control bill, I summarised the opposition's position on both bills: to support the bill, subject to the establishment of a parliamentary committee of oversight.

This second reading speech is effectively the second part of a two-part contribution to the debate. It was my view that it was important that we give the Attorney-General clarity as to where the opposition was going on this bill, and I thank the Attorney-General for exchange of letters in the last two or three days, which has given us some clarity as to how to progress both the control bill and the Statutes Amendment (Serious and Organised Crime) Bill, otherwise known as the offences bill.

To facilitate thorough but expeditious scrutiny of this legislation, the Liberal opposition established a Liberal anti-gangs task force to take written and oral submissions from key stakeholders and to report to the parliamentary Liberal Party on the strengths and weaknesses of the bill. The task force was a subcommittee of the shadow cabinet and involved Dr Duncan McFetridge, member for Morphett and shadow minister for police, Ms Vicki Chapman, member for Bragg and shadow minister for transport and infrastructure, and me.

The opposition sought input from a range of stakeholders, including the police, the Commissioner for Victims' Rights, legal bodies and universities. A range of written and oral submissions was received.

The Law Society of South Australia indicated through its president Mr Bönig that it maintains the concerns it raised in its 19 September 2011 joint submission with the Bar Association on the serious and organised crime bills package to the extent that they have not been addressed by changes in the bills.

The society prefers the court-focused declaration process in the August 2011 discussion paper rather than the eligible judge model in section 8 of the Serious and Organised Crime (Control) (Miscellaneous) Amendment Bill. Nonetheless, the society offers qualified support for the Serious and Organised Crime (Control) (Miscellaneous) Amendment Bill and the Statutes Amendment (Serious and Organised Crime) Bill 2012.

Contrary to the government's assertions in relation to other bills, I am advised that the Law Society's qualified support for these bills does not constitute support, qualified or otherwise, for other bills in the government's so-called package. In another submission, the Police Association of South Australia indicated its strong support for the government's position. The association states:

The Police Association and its members support the government in attempting to repair the legislation and thereby provide police the necessary powers to attack serious and organised crime effectively.

Further in the submission it states:

> Undoubtedly, police would prefer uncomplicated legislation which provides scope for an easier-to-achieve burden of proof. Still, the Police Association accepts that the government must structure balanced legislation. In this case, balance would mean legislation which responds decisively to the High Court decisions and the need to continue to disrupt the activities of criminal organisations and their members but also addresses the concerns of civil libertarians and other sections of the community.

In conclusion, I quote the association:

> The Police Association overwhelmingly supports both [these] bills.

The submission from Michael O'Connell, the Commissioner for Victims Rights, covered a range of issues. In it he stressed the need for balance, and I quote:

> The nature of organised crime necessitates a drastic and sophisticated legislative response. Although this opens the door to legislation that sets aside a number of safeguards common in law and legal practice, care should be exercised to avoid 'innocent' citizens becoming victims of state oppression. There needs to be a focus on the 'real threats' so that responses are creative, sharp and properly targeted; otherwise, vague divergent assertions about the threat may justify nearly any policy decision, legal reform and procedural change. In other words, the 'cure should not be worse than the disease'.

The Commissioner reminded the task force of the link between corruption and organised crime. He states:

> Corruption is a core element of much organised crime. Furthermore, the perversion of public integrity and the illegal or improper use of public authorities (such as police power) for personal gain are central ingredients of corruption.

Later in the submission he states:

> The debate on organised crime should be more holistic. For example, if organised crime and corruption go hand-in-hand, then the proposed ICAC has a role in the fight against organised crime.

Mr O'Connell concludes by arguing that parliament is the forum to call the executive to account for the operation of the serious and organised crime laws and that a parliamentary committee could be established. I advise the council that that is the summary of a number of submissions that we received, and they reflect the diversity of other oral and written submissions received by the task force.

Given the link between organised crime and corruption, the opposition considers that it would be appropriate for a parliamentary committee of oversight for these laws to also provide oversight to a future ICAC. It will be a matter that will be addressed in the committee stage of this debate. In my view, Labor has failed to effectively implement the serious and organised crime laws that parliament has already enacted.

Only one clause of the Serious and Organised Crime (Control) Act 2008 was ruled constitutionally invalid by the High Court—that was section 14(1). That clause related to control orders against members of declared organisations, and that case, of course, was the case of Totani. The rest of the legislation is still operative, including control orders against individuals, anti-association provisions and court proceeding intimidation offences, but there is little evidence of the remaining provisions being used.

Another Serious and Organised Crime (Control) Act measure is public safety orders, in section 23. These orders allow the police to prohibit a group such as the Comancheros from attending or being in the vicinity of a specified area. Such orders could be made in relation to an entertainment precinct, such as Gouger Street, Hindley Street, O'Connell Street, or even the whole CBD. I acknowledge that these powers were used once in relation to an event in the 2010-11 financial year and were successful in the sense that no gang members were identified in the area for the duration of the order. I understand from comments made by the police commissioner that those orders were also used over the Christmas-New Year period, and I welcome that.

In relation to firearm prohibition orders, the opposition has indicated that it is surprised that there have not been more firearm prohibition orders put in place. There are only 24 outlaw motorcycle gang members with orders against them; that is, less than 10 per cent of the identified 274 members. The opposition thinks that it is important—

The Hon. R.L. Brokenshire: How many members have been identified, did you say?

The Hon. S.G. WADE: There have been 274 identified members of outlaw motorcycle gangs. That is actually an increase over the time of the Rann Labor government. We certainly hope that the reform package, both as legislated and implemented, will be more successful.

Labor has failed to effectively implement general laws against outlaw motorcycle gangs also. We think that it is important to see new laws in the context of the laws on which they build, and it is important that we maintain targeted law enforcement against known criminals. In that regard, there have been comments made about importation controls and the black market for guns, and I acknowledge that the Australian Crime Commission is focusing on how we can improve our protection against firearms. It is not just a matter of importation control either. I understand that most of the 1,316 guns stolen in South Australia since 2004 have been stolen from the homes, businesses and vehicles of licensed owners; 221 guns alone were stolen in the 2010-11 financial year.

It goes without saying that every market needs demand, and we also need to make sure that we do what we can to curb the market that feeds crime. In that regard, I acknowledge the efforts of the Hon. Ann Bressington to deal with the demand side. After all, if we did away with the demand for drugs, we would not have drug dealers—

The Hon. R.L. Brokenshire: Hear, hear! Tell Bob Carr.

The Hon. A. Bressington: Absolutely.

The PRESIDENT: Order!

The Hon. S.G. WADE: Sorry, Mr President. I will try to avoid provoking my colleagues. In conclusion, I reiterate that the Liberal opposition supports the passage of this bill and the control bill. We are committed to disrupting and dissolving criminal organisations. As I indicated in the first instalment of this contribution, which I made in the context of the control bill, I am not convinced that anti-association regimes will be effective in that goal. I have been proven wrong more than once in my life and, for the sake of the peace and safety of South Australians, I hope I am wrong. I hope that this regime will be successful and that we can see a diminution of outlaw motorcycle gang activity.

The experience of the Control Act since 2008 is not a basis for confidence, though. It temporarily suppressed the membership of outlaw motorcycle gangs up to the Totani decision, but there are significant questions as to whether it actually contributed to the transformation of street gangs into outlaw motorcycle gangs and whether it weakened internal controls and therefore made outlaw motorcycle gangs more lawless. It may have contributed to people assuming leadership and provided a greater risk to public safety.

The other concern I have is that these laws represent a potential risk to law abiding South Australians. Law abiding South Australians may well be caught up in the broad scope of the laws. These changes go far beyond what South Australia has seen in the past, and I hope that caution will be used in applying them in the sense that we need to avoid law abiding South Australians being impacted by them.

In conclusion, we support the bill in principle but will maintain a watching brief on the legislation, particularly as to its effectiveness, and specifically through a parliamentary committee.

The Hon. R.L. BROKENSHIRE (16:06): I rise to support the second reading of this bill. It has been described as 'the repair bill' by some, including the Police Association of South Australia (PASA), as it responds at length to the concerns of the High Court about the current and now unworkable legislation. I acknowledge that my colleague the Hon. Dennis Hood MLC spoke about this on 15 March about the whole package of bills, including this one. I confirm that, as the Hon. Mr Hood said, Family First supports these bills.

Serious and organised crime is estimated to be costing the nation $15 billion per year, according to the Australian Crime Commission last July. With South Australia having 7 per cent of the national population, this means that organised crime is costing our community approximately $1.1 billion (or conservatively $1 billion) every year. That includes the policing requirements, the Customs requirements and just some of the community impact of organised crime involvement including illicit drugs, credit fraud or card skimming, tax evasion, money laundering or high-tech crime.

As to the Police Association letter to all MLCs—and I will highlight some parts of it in *Hansard*—members of outlaw motorcycle gangs (OMCGs) are a small proportion of population but a high proportion of crime. Recently I had quite a long briefing with SAPOL on where the situation is with OMCGs in the year 2012 and I was able to compare that with my knowledge and experiences going back through to when I was police minister. It is interesting to see just what has been happening. While I will always ensure I do not put intelligence into the public arena, I would

say that the thing that alarms me the most—and I note that the honourable shadow attorney-general said that OMCG membership had increased during the Rann and Weatherill governments—I would not actually say that it has increased. In fact, for a period of time during the Rann and Weatherill governments, to be fair, the membership of OMCGs dropped considerably.

This is fact from SAPOL—and I will not quote the figures, but I saw the charts—when that legislation had got through, until the High Court decision, the number of OMCGs dramatically dropped across all of the gangs in South Australia, including even the largest gang, the Rebels. I put it to the house that the legislation that was put up with good intent, but was proven to be a failure by the High Court, was working. What it says to me is that when you give the right tools to the police you will have a significant impact on organised crime. The right tools to which I refer here is the legislation.

We have to give the police all the legislative opportunities we can to do their job. The legislative tools are only one part of this; clearly we need the officers, the training and the resources. If we are serious about combating organised crime, I think it is expected of the parliament to support the government of the day in ensuring that those resources are available. Of course, the best way to do that as legislators is to ensure that, once we have looked at it on merit, the legislative opportunities are passed expediently by the parliament.

Organised crime is becoming increasingly more sophisticated. We know that it is involved in security, entertainment, hotels and gaming. It is, at times, heavily involved in prostitution. Certain aspects of organised crime are still heavily involved in prostitution and, of course, the trucking industry. They are just some examples of where organised crime is becoming more sophisticated than in previous decades. We have seen quite an increase in organised crime activities, even since the turn of this millennium.

On 23 December 2011, *News Limited* reported that the New South Wales Police Asian Crime Squad believed that people of interest to the squad included Sydney Star Casino's high rollers. We have seen as recently as last night further reports on what is happening with the Sydney Star Casino.

The Victorian Assistant Police Commissioner told the Maintaining Integrity in Sport Forum also in December 2011 that elite sporting organisations were at risk of being infiltrated by organised crime figures due to the rise in gambling opportunities. In the article on that issue, *News Limited* claims that the commonwealth is looking at offences directed at cheating in sport because criminal offences do not allegedly capture that issue. I think this is a state matter, not a commonwealth matter and, on that front, I cannot help but remind the council that, on 25 November 2008, I moved an amendment to create integrity agreements for industries, other than the racing industry, to ensure that we would not see corruption and the altering of sports outcomes in industries other than racing.

I recall the former minister telling us at that time, 'We'll come to that. We'll look at that again later'. Here we are 3½ years later and we still do not have integrity agreements, notwithstanding what I have just put on the public record. So perhaps the Victorians are ahead of us on that front. I think that type of measure, whilst clearly matter for debate on another day, is one way of building the walls to prevent corruption and the influence of organised crime in the sports that we all love.

The Police Association of South Australia supports the existing criminal intelligence definition in a harmonised way. The current definitions restrict the ability of police to issue firearms prohibition orders. I am not critical of police when it comes to the numbers that have been spoken about in this council. The bottom line is that the definitions at the moment are working against the police being able to issue firearms prohibition orders. From my experience as a parent and as a citizen of this state, I would have thought that we would want to give every possible power to the police to get illegal firearms off the streets. I would have thought that that was a given.

It is concerning to note the increased number of shootings in public places and in residential homes, some of which might be cases of mistaken identity. Again, we saw this only in the last few days. If we ensure that police are not restricted in their ability to issue firearm prohibition orders, hopefully we will see less in the way of public shootings, because there certainly has been an increase in recent months.

At the moment we have been promised an ICAC, but we have not actually been shown the framework or the legislation. I note that in September last year the Western Australian Premier, Premier Barnett, wanted to expand his ICAC to probe organised crime. If we can get a well-structured ICAC in South Australia, that would work hand-in-hand with the police, giving us

another tool to combat organised crime. I place on the record for the minister a couple of questions for the committee stage. In how many instances, in the latest estimation, has SAPOL been impeded in its work due to there being no change in the legislation at present? I also ask that we be advised of the exact number of people in the crimes gang task force at this point in the policing numbers for South Australia.

I want to finish just with a couple of points that I think are worthy of putting on the public record from the Police Association and we need to bear in mind that, whilst we are able to get briefings from executive police officers, SAPOL does not get involved in the politics of what is happening in the parliament, and nor should it. It is PASA that has that role and I would encourage members to take notice of PASA because PASA is a very professional association. Ninety-nine per cent of all officers are members of the Police Association and the executive of the Police Association are also sworn police officers with a lot of experience and integrity.

I have to say that, with all my years of experience in here and with responsibility as a shadow minister and the work that I have done with PASA over those years, you do not get six-page letters from PASA every day, so when you get a letter of six pages from the Police Association, I think it is worthwhile having a close look at that. Clearly, on behalf of their members and probably, arguably, on behalf of the executive management of police, they are actually sending a message to us as legislators on the importance of this legislation, so I will just conclude with a few of the key points that we saw when reading this letter from the Police Association of South Australia. The letter states:

> [These] gang members and their associates comprise a small proportion of the state's population but commit a disproportionate amount of serious crime.

We are not talking petty crime here: we are talking serious, organised crime.

> Their culpability in nightclub shootings, the murders of rival gang members and outbreaks of inter-gang violence is irrefutable.

The letter also states:

> The association membership has first-hand knowledge of the increasing sophistication of the networks and techniques organised criminal groups employ. A concerning intrusion into the security, entertainment and hotel and gambling industries has supplemented additional types of offending. Preventing organised criminal groups from infiltrating these industries is a legitimate step for government to take—its effect is to protect not only association members, but also the South Australian community.

The association further states:

> The association supports the retention and harmonisation of the definition of criminal intelligence. We do not support the narrowing of this definition.

On page 4, the letter states:

> The association has no doubt that organised criminal groups would seek to exploit a more restricted definition of criminal intelligence—

and I am very sure that statement is accurate. Further on the same page, the letter states:

> The current impasse threatens public safety. South Australia Police is unable to use current provisions for the Firearms Act, the Casino Act and other acts because the definition of criminal intelligence in those acts conflicts with the endorsement provided by the High Court.

Hence the need for speedy passage of this bill, in my opinion as one of the 22 legislators in here. The letter concludes:

> The association urges members of parliament to support these bills as any delay in passing this legislation will make more difficult the task of effectively policing serious and organised crime in South Australia.

I guess the way criminals go about their activities is a moving feast and has been ever since white settlement. However, from my experiences, we have seen far more sophisticated criminal activity through organised crime, I would suggest, in the last 20 years in particular.

I am sure that there are a lot more challenges ahead for police and for the justice system to ensure that community safety is first and foremost for South Australia and also that this growth of serious and organised crime that we are seeing is addressed in an appropriate manner.

I heard recently that over in America another gang of organised crime has started and has intent to move throughout Europe, and I am sure it will not be long before they move into Australia and South Australia. We are not immune to what happens across the world. Having listened to lots of briefings in ministerial council meetings, from the police commissioner and people in Operation

Avatar and throughout the whole justice system, and having observed some of the behaviour, I know outlaw motorcycle gangs are not nice people. They are not the sort of people we want living in South Australia. The government has an obligation to do whatever it can to combat their activities, in the opinion of Family First, and therefore we will support the government with this bill. I commend the bill to the house.

The Hon. M. PARNELL (16:21): When we debated the original version of this bill back in 2008, it was a fairly fiery debate, it was very contentious. Some of the contention related to the subject matter of the bill, but those members who were here at the time might recall that we had two significant pieces of legislation on the go at once—this one and the WorkCover legislation—and there was a deal of angst on the part of the government as to which it wanted to do first, and ultimately the Legislative Council helped out the government by prioritising two bills that the government was unable to prioritise for itself.

When we debated the bill back in 2008, on behalf of the Greens I made quite an extensive contribution. I am not sure if it was a whole hour, but it certainly was a long one, and it is not my intention today to repeat all the things I said back in 2008. It is sufficient for me to say that not enough has changed in this revision of the bill to warrant the Greens' support. Back in 2008 there were only two of 69 members of this state parliament who voted against the bill—myself and the Hon. Sandra Kanck representing the Australian Democrats. As all members now know, we were the only two MPs who were vindicated by the High Court decision to invalidate portions of this legislation.

My reading of this new bill is that, effectively, the government has really only done those things it believed it had to do to repair the legislation to effectively make it 'challenge proof' in the courts. Whether or not it has succeeded in that task remains to be seen because, whilst certain provisions of the bill have been found to be invalid, not every provision was tested and, whilst I am not able to pinpoint clause and paragraph, my gut feeling would be that there are other infringements of civil liberties, other infringements of established legal processes, that could lead to further legal challenges that are successful against this legislation.

The problem of organised crime is serious. The problems posed by outlaw bikie gangs are serious, and the Greens believe we need a greater emphasis in policing to identify and apprehend offenders. These bills are always a balancing act. The Greens' position back in 2008 (and it is still our position now) is that the balance has not been struck. Too much collateral damage has been done by this legislation and too many innocent people caught up in its provisions who need not be.

We also have some fundamental philosophical problems with the approach taken, especially in relation to control orders, where the government's primary purpose seems to be that the path to non-offending—or, put another way, the path to redemption from offending—is best achieved by limiting, stifling or in fact banning human contact between offenders and others—not just other offenders, but others. As we raised in 2008, those others include extended family members and even strangers who could well be a force for good in the lives of offenders, but the approach taken by this legislation is that if you are bad and you have that status imposed upon you through a control order, then a whole range of consequences flow from that which capture potentially innocent people in criminal activity, and also make it far less likely for these offenders to actually get back on the straight and narrow through the influence of other people in their lives.

So those fundamental aspects of the legislation have not changed in the four years since we last debated it. Without putting, as I said, the whole of my contribution from four years ago on the record, I will just reference it for the *Hansard*.

The Hon. S.G. Wade interjecting:

The Hon. M. PARNELL: The Hon. Stephen Wade has promised to read my contribution of 26 February 2008, and in that contribution I went through a number of case studies and I put the Greens' position fairly comprehensively. We certainly were not in the majority then, we can tell that we are not in the majority now, but we may well be back in this position in a few years' time where, through High Court or other challenges, other provisions of this legislation will have been found to be invalid and we could well be looking at fix-up No. 3 or fix-up No. 4 in the future.

I know that the government hopes that is not the case, but certainly I think there is enough wrong with this legislation that that could well be the final result. The Greens are therefore not supporting this part of the package of measures. We will not be speaking on every single one of these bills but we will make contributions where we feel there is value to be gained by that.

The Hon. A. BRESSINGTON (16:26): Like the Hon. Mr Parnell, I am not going to go over my speech I made four years ago on the SOCCA legislation. What I do want to do is to make a couple of points: number one is that the Greens, the Democrats and I at the time disagreed on SOCCA. I supported the government wholeheartedly with the SOCCA legislation because I listed a number of my experiences in the outside world as far as my knowledge of how motorcycle gangs operate and infiltrate business and threaten and intimidate—all the things that we know happen.

I have seen no evidence that their behaviour has changed in the last four years, so I still support the SOCCA legislation, but I do just want to make a very quick point. What has made me nervous about this whole serious and organised crime and outlaw motorcycle gang legislation and the lot is the legislation that has been put up as an extension to this package, and I refer now, of course, to criminal intelligence, confiscation of assets, prescribed drug offenders confiscation of assets and criminal law sentencing.

What we are doing, in my view, is that we are casting dragnet legislation to capture the bad guys, and I would have much preferred—and I expressed these views to the Attorney-General—that all these pieces of legislation that we have debated individually were put into an actual package that required a benchmark, or criteria, if you like, for the SOCCA act to be implemented and for offenders coming under that criteria to be investigated fully, and then to be able to apply all these measures necessary to that particular investigation.

However, what we have now is a number of pieces of legislation which are out there and which are going to capture, I believe, citizens in this dragnet that we are casting, and then, of course, we have got SOCCA on top of that, which is basically like the icing on the cake. I am still nervous about all those other pieces of legislation. I have said that, and I have opposed those pieces of legislation for the very reason that I have given here today. I implored the Attorney-General to put this all into one act and make it specific to serious and organised crime, as they have done in America with the RICO Act. The response was that it would be very difficult to do that. I would prefer to know that this council has taken measures to safeguard the rights of innocent citizens caught up in this.

In saying that, I do support the SOCCA legislation, serious and organised crime and the amendment bill as well, because I know that we need to implement special applications, special laws, because these guys are very clever and very good at what they do. I reiterate my support for this bill, and I hope that we can negotiate with the Attorney-General to get a better outcome on the other pieces of legislation I have mentioned.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (16:30): I thank honourable members for their second reading contributions. I appreciate that honourable members have summarised their previous contributions when this bill was initially tabled in this place, contributions that were quite lengthy at the time, so I do appreciate that honourable members have provided summaries here today.

The Hon. S.G. Wade interjecting:

The Hon. G.E. GAGO: The Hon. Stephen Wade has agreed tonight to read all second reading contributions from the original debate—and he will be tested on it tomorrow. Again, I acknowledge and thank all members for their second reading contributions and the support indicated during that debate. I cannot recall any questions being asked, but if they were I am happy to deal with them during the committee stage. I look forward to dealing with this expeditiously during the committee stage.

Bill read a second time.

In committee.

Clause 1.

The Hon. S.G. WADE: The opposition did indicate that we wanted to go to only clause 1 on this bill. I can assure the committee that the opposition is being extremely industrious in facilitating the progress of this legislation but, as we indicated earlier today to the relevant government representatives, we can only do one committee stage a day, and we are ready for the Serious and Organised Crime (Control) (Miscellaneous) Amendment Bill. I imagine that will take up to council rise, so I would move that progress be reported.

Progress reported; committee to sit again.

SERIOUS AND ORGANISED CRIME (CONTROL) (MISCELLANEOUS) AMENDMENT BILL

In committee.

Clause 1.

The Hon. S.G. WADE: I thank the minister for not making an issue of reporting progress, however reluctant she was that we did report progress. To show the bona fides of the opposition in facilitating this, the committee stage of this bill will be much lighter than the bill deserves. The bill raises a lot of questions which I think the committee would have every right to unpack.

I will be raising some of them, particularly putting on record the position of the Law Society and the Bar Association, which I think would be useful items to reflect on, particularly in the future. The council *Hansard*, after all, does represent a journal of record in this state and will be used by people in the future to understand what we thought we were doing.

Considering that I will be referring a number of times to the Law Society submission, I thought I would briefly explain the context in which it was produced. In August 2011 the government released a consultation package of five bills, which have, shall we say, merged into two; but all the issues in the five bills are reflected in the two. In the context of that consultation, the Law Society and the Bar Association put in a joint submission which raised a number of concerns, and I will be referencing that submission during the committee stage.

As I have indicated in my second reading contribution on the Statutes Amendment (Serious and Organised Crime) Bill, my understanding of the Law Society of South Australia's current position is that the Law Society provides qualified support to these bills. Having said that, I am advised by the president of the Law Society that they stand by the concerns raised in the submission of September 2009, but in the context they provide qualified support. My understanding is that that is not the position of the Bar Association, and I understand that it also stands by its concern raised in the joint submission. I will briefly quote from the introduction of the joint submission, because it provides an overview of the views of both organisations. It states:

> The South Australian Bar Association and the Law Society reaffirm their opposition to the government's approach to tackling so-called serious and organised crime, as stated in the joint submission of 7th March 2008. In many respects, the serious and organised crime bills package goes much further than the initial legislation. We express our strong disapproval to aspects of the package. Given the past history of similar attempts to deal with serious and organised crime and our opposition, the government should do all that it can to minimise the risk of challenges to what is flawed and unfair legislation.

Later in the submission, they say:

> We do not oppose legislative measures to combat serious and organised crime, but any such measures must be limited to serious and organised crime ongoing (not past) criminal activities and include safeguards to avoid abuse, wrongful or unnecessary detention, curtailment of liberties and unsafe convictions. A summary of our principal concerns with the SOC passage is as follows:

- Its wide application, including its application to individuals in respect of whom there is no evidence of ongoing criminal conduct.
- That the laws of evidence do not apply.
- The whole of the Evidence (Out of Court Statements) Amendment Bill 2011, including the wide provision for the receipt of evidence without being tested by cross-examination.
- The reversal of the onus of proof in circumstances where it would be difficult for the individual to satisfy the onus.
- The use of ex parte applications.
- That there is no requirement for the grounds of the application to be stated fully and in detail.
- That there is no requirement for full disclosure akin to section 104 of the Summary Procedures Act 1921.

The submission goes on, and I will quote it from time to time as we go through the legislation. I will now ask a couple of questions about clause 1. In his contribution on the bill in the House of Assembly on 29 February 2011, the Attorney-General said that he was 'confident that it would be challenged'. Can I ask the minister: on what basis is the Attorney-General confident that the legislation will be challenged?

The Hon. G.E. GAGO: I have been advised that it is a view that was formed because of the way that bikie gangs are generally very cashed up and the fact that they would obviously want to delay proceedings. It is his view that it is highly likely that it will be challenged.

The Hon. S.G. WADE: Can the minister highlight what steps have been taken within the bill to minimise the risk of a challenge? I am sure the Chair will be lenient and allow you to foreshadow amendments.

The Hon. G.E. GAGO: I am advised that the bill has entailed wide consultation, both within and outside of government. It has included consultation with senior legal officers, such as the Solicitor-General, the Crown Solicitor and the Chief Justice. It has also taken into consideration all of the submissions and also the High Court decision. It has used all of that information to design the bill in a way to obviate the risk of challenge and to ensure that the bill is constitutionally valid.

The Hon. S.G. WADE: I thank the minister for that answer but I was thinking more about what elements of the 2008 package have been changed in order to make a more constitutionally robust act.

The Hon. G.E. GAGO: I have been advised that some of the changes include the power to make a declaration, which has been assigned to an eligible judge. The decision-maker is to be required to give reasons for making a declaration. The making of a control order is entirely within the discretion of the court. The process for making a control order must include an independent adjudication by the court of whether the defendant poses a risk in terms of the objects of the act, taking into account the past conduct of the defendant and the conduct in which the defendant may engage in future. The grounds sufficient for making a control order need to be prescribed to ensure that procedural fairness is afforded. They are some examples.

The Hon. S.G. WADE: In the other place, the issue was raised of some of the elements which are still more daring than New South Wales and Western Australia. The Attorney-General highlighted the value in having similar models between Western Australia, New South Wales and South Australia. As I understand it, it was on the basis that it would provide an element of solidarity, that in a High Court challenge those jurisdictions would have an interest and would be able to share the burden, financial and otherwise, of any challenge.

Considering that the South Australian act still includes provisions that are distinctively different from the Western Australian and New South Wales model and are more constitutionally challenging, why didn't the government take the opportunity to provide more similarity to reduce the constitutional risk?

The Hon. G.E. GAGO: We do not accept the underlying premise of your assertions. To be able to answer, we would need the honourable member to give particular reference to the particular sections.

The CHAIR: You have had two questions to clause 1. Do you have further questions to clause 1?

The Hon. S.G. WADE: It is in response to the minister's invitation to identify further. I was thinking of the application of control orders to groups. My understanding is that Western Australia and New South Wales require a declared organisation, whereas ours requires two or more people. Clause 22(2)(c): my understanding is that that is an element which is not in the Western Australian and New South Wales legislation and may open us up to constitutional challenge.

The Hon. G.E. GAGO: We accept that this provision is broader but disagree that this would pose any increase in risk whatsoever. This is for two reasons: first, because the making of an order is entirely within the discretion of the court and, secondly, in circumstances where the court is required to consider the past conduct of a person as well as the risk that they might pose. So the effect is that the court assesses past as well as future risk, and it is for those reasons that we do not believe there is any increase in risk.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

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

Page 4, after line 8—Insert:

(a1) Section 3—after the definition of *authorisation order* insert:

Chief Justice means the Chief Justice of the Supreme Court and includes an acting Chief Justice of the Supreme Court;

This amendment addresses a matter raised by the Chief Justice of the Supreme Court of South Australia and the Chief Judge of the District Court with respect to the selection of eligible judges. Amendments Nos 1, 2 and 3 each address feedback from the Chief Justice and the Chief Judge concerning the selection of eligible judges. As will be noted later, this is now to be done by the Chief Justice. Therefore, this amendment which inserts a definition of the term 'Chief Justice' is necessary.

The Hon. S.G. WADE: Just by way of foreshadowing the opposition's approach, as I indicated, we are supporting this legislation. We will not be moving amendments to it and we will be supporting government amendments, and that includes this one. This is the first in a series of amendments which propose to replace the regime originally proposed by the government for the appointment of eligible judges. We think it is right and proper that the Attorney-General should be removed from the court processes, not only to remove the potential risk of offending the separation of powers but also for public confidence in the court processes.

In supporting the amendments, the opposition would highlight that this is a necessary amendment to reduce the risk of another constitutional challenge. We think it highlights yet again the need to be cautious, and we welcome that the government has taken one step back on this. I would ask the minister, though: in its current form, how does this process differ from the New South Wales and Western Australian approaches to the same issue?

The Hon. G.E. GAGO: I have been advised that this provision is the same as that in New South Wales which was presented by a Liberal government, and I have been advised that it has since been passed.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6.

The Hon. S.G. WADE: I just want to briefly make comments on this clause before we move amendments. I thought I would take the opportunity to remind the council of the concerns that were highlighted by the Law Society. This is the first in a series of clauses or sections with respect to the declaration of criminal organisations. The bill reforms the declaration process to deal with the invalidity found by the High Court in the Totani case, and it proposes that the declaration is not to be made by the Attorney-General but by a person designated as an eligible judge.

The Law Society joint submission raised a number of concerns, and I would refer to portions of that advice. In broad terms, the Law Society and Bar Association submission asserts that the grounds of a declaration are too wide and capture relatively minor criminal conduct, with disproportionate impacts on freedoms of association of movement. The submission highlights that people trying to leave a criminal organisation may not be able to avoid getting caught. The declaration should be time-limited to no more than two years with the option to extend and that there should be full notice of evidence in the revoking of a declaration.

The opposition is concerned that the concept of an association group is so broad that a person could be charged with associating with a convicted criminal where that person has never been involved in serious and organised crime and has not committed a criminal offence for many years. Before we move to amendments, I was wondering if I could ask the minister a question. The government saw fit to change the approach for ex parte applications, I think, in relation to interim control orders in proposed section 22(3).

It would not completely address the concerns raised by the Law Society and the Bar Association, but it goes part way to that. Why did it not similarly moderate ex parte applications in other contexts like sections 11(3) and 22A(2)?

The Hon. G.E. GAGO: I have been advised that section 22(3) is not directed at ex parte applications.

The Hon. S.G. WADE: I thought I was referring to section 22A(2).

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

Page 6—

Lines 10 to 36 [clause 6, inserted section 8]—Delete inserted section 8 and substitute:

8—Eligible Judges

(1) For the purposes of this Act, an *eligible Judge* is a Judge in relation to whom a consent is in force under subsection (2) and who has been selected by the Chief Justice to act as an eligible Judge in accordance with subsection (3).

(2) A Judge of the Court (including the Chief Justice) may, by instrument in writing, consent to being selected to act as an eligible Judge under this Act.

(3) The Chief Justice may, by instrument in writing, select a Judge in relation to whom a consent is in force under subsection (2) to act as an eligible Judge under this Act.

(4) An eligible Judge has, in relation to the exercise of a function conferred on an eligible Judge by this Act, the same protection, privileges and immunities as a Judge of the Court has in relation to proceedings in the Court.

(5) A Judge who has given consent under subsection (2) may, by instrument in writing, revoke the consent.

(6) A selection of a Judge to act as an eligible Judge under subsection (3) is revoked if—

(a) the eligible Judge revokes his or her consent in accordance with subsection (5) or ceases to be a Judge; or

(b) the Chief Justice determines that the Judge should not continue to be an eligible Judge.

(7) If an eligible Judge dealing with any proceedings under this Act dies, is absent or ceases to be an eligible Judge, the Chief Justice may, in accordance with subsection (3), select another Judge in relation to whom a consent is in force under subsection (2) to act as an eligible Judge under this Act for the purpose of continuing the proceedings.

(8) To avoid doubt, the selection of an eligible Judge to exercise a particular function conferred on eligible Judges is not to be made by the Attorney-General or other Minister of the Crown, and the exercise of that particular function is not subject to the control and direction of the Attorney-General or other Minister of the Crown.

Amendment carried.

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

Page 6, line 38 [clause 6, inserted section 9(1)]—Delete 'to an eligible Judge'

Page 7, lines 18 to 20 [clause 6, inserted section 9(4)]—Delete subsection (4) and substitute:

(4) The application must be lodged with the holder of an office prescribed by the regulations and that person must—

(a) as soon as practicable, notify the Chief Justice so that the Chief Justice can select an eligible Judge in accordance with section 8; and

(b) when an eligible Judge has been so selected, provide the application to the eligible Judge.

Page 8—

Lines 12 to 21 [clause 6, inserted section 10(c), (d) and (e)]—Delete paragraphs (c), (d) and (e) and substitute:

(c) inviting interested parties to make or provide submissions to the eligible Judge at the hearing of the application; and

(d) specifying the manner in which interested parties may inspect or apply to inspect a copy of the application; and

After line 26 [clause 6, inserted section 10]—After line 26 insert:

(2) In this section—

interested party, in relation to an application, means an organisation or person who would, under section 15, be entitled to make an oral submission or provide a written submission to the eligible Judge at the hearing of the application.

Page 10—

Lines 2 and 3 [clause 6, inserted section 14(1)]—Delete 'who has made a declaration under this Part in relation to an organisation may, at any time, revoke the declaration' and substitute:

may, at any time, revoke a declaration made under this Part in relation to an organisation

Lines 28 to 30 [clause 6, inserted section 14(4)]—Delete subsection (4) and substitute:

(4) The application must be lodged with the holder of an office prescribed by the regulations and that person must—

(a) as soon as practicable, notify the Chief Justice so that the Chief Justice can select an eligible Judge in accordance with section 8; and

(b) when an eligible Judge has been so selected, provide the application to the eligible Judge.

Line 33 [clause 6, inserted section 14(5)]—Delete 'applicant accordingly' and substitute:

Commissioner and, in the case of an application under subsection (1)(b), the applicant of the matters referred to in subsection (6)(e)

After line 33 [clause 6, inserted section 14]—After subsection (5) insert:

(5a) If an application is made under subsection (1)(b), the applicant must, as soon as practicable after being given the notification by the eligible Judge under subsection (5), serve on the Commissioner a copy of the application and any supporting statutory declaration.

Line 34 [clause 6, inserted section 14(6)]—Delete '(a)'

Lines 35 and 36 [clause 6, inserted section 14(6)]—Delete 'as soon as practicable (but no later than 3 days) after being given a notification by the eligible Judge under subsection (5)'

Page 11—

Lines 1 to 9 [clause 6, inserted section 14(6)(b), (c) and (d)]—Delete paragraphs (b), (c) and (d) and substitute:

(b) inviting interested parties to make or provide submissions to the eligible Judge at the hearing of the application; and

(c) specifying the manner in which interested parties may inspect or apply to inspect a copy of the application; and

Lines 15 to 22 [clause 6, inserted section 14(7)]—Delete inserted subsection (7) and substitute:

(7) The Commissioner must publish the notice required under subsection (6)—

(a) if the application has been made under subsection (1)(a)—not later than 3 days after being given the notification by the eligible Judge under subsection (5); or

(b) if the application has been made under subsection (1)(b)—not later than 7 days after being served with the material referred to in subsection (5a).

Line 24 [clause 6, inserted section 14(8)]—Delete '(b)'

Lines 35 to 38 [clause 6, inserted section 14(10)]—Delete subsection (10) and substitute:

(10) In this section—

interested party, in relation to an application, means an organisation or person who would, under section 15, be entitled to make an oral submission or provide a written submission to the eligible Judge at the hearing of the application.

Page 13, after line 13 [clause 6, inserted section 15]—After inserted subsection (8) insert:

(8a) The duties imposed on an eligible Judge in relation to a protected submission by subsection (6) also apply to any court dealing with the protected submission.

Page 15, lines 21 to 43 and page 16, lines 1 to 8 [clause 6, inserted section 22(5)]—Delete subsection (5) and substitute:

(5) A control order may prohibit the respondent from any 1 or more of the following:

(a) associating with a specified person or persons of a specified class;

(b) holding an authorisation to carry on a prescribed activity while the control order remains in force;

(c) being present at, or being in the vicinity of, a specified place or premises or a place or premises of a specified class;

(d) possessing a specified article or weapon, or articles or weapons of a specified class;

(e) carrying on his or her person more than a specified amount of cash;

(f) using for communication purposes, or being in possession of, a telephone, mobile phone, computer or other communication device except as may be specified;

(g) engaging in other conduct of a specified kind that the Court considers could be relevant to the commission of serious criminal offences.

Page 16, lines 23 to 30 [clause 6, inserted section 22(7)]—Delete subsection (7)

Page 17—

Lines 24 to 27 [clause 6, inserted section 22A(2)(b)]—Delete 'under section 22(5)(a) and, if the Court is satisfied that the respondent is a member of a declared organisation, must include prohibitions of a kind referred to in section 22(5)(b)'

Line 28 [clause 6, inserted section 22A(3)]—Delete 'and (7) apply' and substitute:

applies

Page 21, line 22 [clause 6, inserted section 22G(7)]—Delete 'must' and substitute:

may

The Hon. S.G. WADE: We are supporting the amendments.

Amendments carried.

The Hon. S.G. WADE: In relation to the ex parte issue in relation to control orders, my understanding is—and forgive me; I do not have a copy of the consultation bill with me—that the government changed from between the consultation package and this bill section 22(3)(b), and I presume it was in the sense that the court has to be satisfied that the application has been served on the respondent, whereas other ex parte provisions, like section 11(3), which is in relation to a declaration, have not been modified.

The Hon. G.E. GAGO: I have been advised that, no, they are not directed to ex parte. What this is directed at is that, once a person has been given notice of a hearing, the court or eligible judge can actually proceed if they decide not to participate. Ex parte is when no notice has been given.

The Hon. S.G. WADE: I wanted to address the issue of the duration of declaration of control orders. The Law Society is of the view that a declaration is enforced indefinitely until it is revoked and that that is inappropriate. My understanding is that New South Wales and Western Australia both have time-limited declarations and orders. I am not asking a question on this: I am just putting on the record a response.

The opposition made a number of suggested amendments to the Attorney-General, and in a response to me today he indicated what his response was to the suggestions. They are suggested amendments in the sense that we were seeking the government's agreement to put them forward in the government's name. There are amendments that will be put forward in the government's name, I understand, as a result of that letter. The Attorney-General's response in relation to this matter is as follows:

With respect to your suggested amendments to the control bill, I consider limiting the duration of declarations and control orders to be unnecessary. The proposed section 14 permits an eligible judge to revoke a declaration at any time on application provided that an application has not been made within the preceding 12 months or is yet to be determined. Similarly, the proposed section 22B permits a court to specify the duration of a control order if, in the opinion of the court, it is appropriate. Your proposal would require the court to reintegrate—

sorry, I think that it does say 'reintegrate', but I presume it meant 'reiterate'—

its case at considerable expense and allocation of scarce resources in the absence of any application by an affected person.

The Hon. G.E. GAGO: The government wants to put on record that we stand by the commitment given.

The Hon. S.G. WADE: I understand. I was just putting the Attorney-General's view on the record.

Clause as amended passed.

Clauses 7 to 9 passed.

Clause 10.

The Hon. S.G. WADE: Similarly, the opposition made suggestions to the Attorney-General in relation to the scope of the association between criminals. I should make it clear that this is not a question; this is again merely to put the Attorney-General's view on the record. The response of the Attorney-General was:

> I also do not support any amendment to section 35 to remove from its scope association between criminals. The existing provision is entirely consistent with the objects of this package of legislation to disrupt and restrict the activities of persons who engage in serious criminal activity, as well as the activities of criminal organisations and members of organisations involved in serious crime and their associates.

That suggestion was again echoing legislation in other jurisdictions and we accept the decision of the government not to amend section 35.

Clause passed.

Clause 11.

The Hon. S.G. WADE: This clause, as I understand it, deals with corresponding orders. I was wondering if the minister could explain to what extent the corresponding orders are recognised and to what extent we have assurance that the regimes in other states and territories remain appropriate and acceptable. For example, if another jurisdiction went much broader than we would find tolerable, would we find ourselves recognising orders that would be inappropriate under South Australian law?

The Hon. G.E. GAGO: I have been advised that at present we have no concerns about the way these are recognised by other jurisdictions. There are obviously no guarantees that changes will not be made in other jurisdictions, and we will have to deal with that at the time, but certainly at present there are no concerns; so I have been advised.

Clause passed.

Clause 12.

The Hon. S.G. WADE: In this context again I stress to the minister this is merely a matter to put on the record; I do not seek to propose a question. In fact, what I am putting on the record is a response to the honourable member for Bragg from the Attorney-General in response to questions that she put in the House of Assembly. It is a letter from the Attorney-General, dated 7 March 2012. I quote in part because most of it does not relate to this bill:

- There are no formal statistics kept as to whether the crimes are committed by persons wearing insignia;
- The effect of section 39W of the Control Bill is that the Serious and Organised Crime (Control) Act 2008 is to be a no costs jurisdiction, whereby people who litigate under that act do so at their own expense, subject to two exceptions, being:
  - an exception relating to frivolous or vexatious proceedings or applications (or where one party has unreasonably caused another party to incur costs); and
  - an exception addressing the case where a representative of a party causes costs to be wasted, in which case the presiding authority may choose from a menu of options by which to visit the consequences of negligence or incompetence on that representative;
- Section 39W(3) is based upon the current section 189(3) of the Summary Procedure Act 1921.

Clause passed.

Clause 13 passed.

Clause 14.

The Hon. S.G. WADE: I indicate that the opposition welcomes the acceptance of the amendment in the other place and indicates its surprise that the government chose to delete the review by the original bill.

Clause passed.

Remaining clause (15), schedule and title passed.

Bill reported with amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (17:17): I move:

That this bill be now read a third time.

Bill read a third time and passed.

WORK HEALTH AND SAFETY BILL

Adjourned debate on second reading.

(Continued from 1 March 2012.)

The Hon. G.A. KANDELAARS (17:18): I rise to speak on the second reading of the Work Health and Safety Bill 2011. While the Minister for Industrial Relations (Hon. Russell Wortley) will be providing a comprehensive response to questions asked by various honourable members in this chamber, I wish to address specific issues in the bill that I believe are of particular importance.

There has been a certain hysteria which some members have attempted to attach to this bill. Before addressing specific elements of this hysteria, I would like to stress to members that the introduction of the bill will not significantly change current South Australian occupational health, safety and welfare laws. I hope that businesses are not only already aware of their current legal obligations but are also complying with them, in which case they will be familiar with the substantial provisions of this bill.

The bill will reduce red tape for business. This bill will contribute to the national harmonisation of work health and safety laws, which will benefit our economy by reducing the number of regulations and codes of practice that apply across Australia creating a greater level of certainty and reducing costs to individual businesses. A uniform approach to the interpretation and enforcement of work health and safety laws has been agreed to by all states after comprehensive consultation with businesses, unions and the greater community.

Implementation of this bill will mean that South Australian businesses will be able to operate across state and territory borders, and they will be subject to the same laws in each jurisdiction. As an example, whilst I was a director of Telstra Super, I can recall that one of Telstra Super's subsidiaries, Telstra Super Financial Planning, which has four officers across Australia (one in Adelaide and also one in its national office in Melbourne, one in Sydney and one in Brisbane), had some issues in relation to complying with changes that occurred in South Australia, particularly the issue of responsible officer. It was only due to the fact that I made the board aware that Telstra Super Financial Planning then reassessed its position. But it is a position which many businesses find themselves in, where they are forced to look at their businesses in each state to work out whether they are complying with that state's occupational health and safety laws. This bill addresses that situation.

Most importantly, the bill will improve safety in South Australian workplaces by making workplace safety everybody's responsibility to the extent to which individuals can influence safety. This bill will also contribute to ensuring the same rights, entitlements and protections across Australia for workers, regardless of where they work and regardless of their contractual arrangements. Therefore, employees of labour hire firms, contractors and people who volunteer for businesses will have a right to safety. Workers who operate across borders will also benefit from having their qualifications and training recognised wherever they go. Union rights of entry will provide another set of eyes to ensure safety in South Australian workplaces.

This is only a short summary of the benefits of this bill. I will leave it to the minister who is responsible for this bill to elaborate on why its passage is so important for the future of South Australia, its economy and the safety of South Australians. Instead, I will focus on a short list of issues of particular interest to me.

First, I would like to address questions about how this bill will change regulations regarding fall prevention and, in particular, whether there will be additional costs to businesses. The requirements under this bill and associated regulations are consistent with those under the current South Australian Occupational Health, Safety and Welfare Act 1986 and the Occupational Health, Safety and Welfare Regulations 2010.

Chapter 6 of the Work Health and Safety Regulations, Construction Work, requires a safe work method statement for any high-risk construction work, which includes work which involves the risk of a person falling more than two metres and for work to proceed in accordance with this statement. This will ensure that specific controls are implemented to manage risks associated with work. Businesses will find that they will use a few standard safe work method statements as these will accommodate most jobs.

The situation will generally require only a quick review for any site-specific issues, such as a sloping site. Safe Work Australia has released three codes of practice to assist businesses in managing the risk of falls and implementing these regulations. Controls that may be suitable range from scaffolding through to guardrailing, edge protection, catch platforms or trestles.

Many of these can be constructed by workers or business operators themselves and can be shared across trades providing safe and easy access to work areas that support efficient completion of the tasks. Work scheduling and planning can also assist generally such as in the construction of trusses or floor sheeting.

The Work Health and Safety Bill and accompanying regulations provide workplaces with flexibility when it comes to controlling the risks of falling. The proposed legislation takes a risk-based approach to the requirements expected of employers and recognises that different levels of risk require different control measures. In some situations a ladder may be an acceptable measure, while in another case a higher level control may be required. This would be an expected approach regardless of whether the work concerned the installation of a hot water service, painting, repairing a television antenna, installation of a roof vent, servicing water-cooled air conditioning or pruning a tree. The type of control used will depend on what is reasonably applicable in the circumstances.

Neither the model work health and safety regulations nor the current occupational health, safety and welfare regulations prescribe any height threshold for the provision of physical fall protection measures. Safe Work Australia has released codes of practice to further assist industry to manage the risk of falls. None of these prescribe any height threshold for the provision of fall protection measures. Control measures are required to be implemented if the risk of a fall would result in an injury, but the type of controls selected are dependant upon the reasonable practicable circumstances under this consideration.

Secondly, I am sure members will agree, the people who volunteer their time and make valuable contributions to the community should be subject to less protection of their health and safety than paid employees. Under this bill a volunteer association with employees is considered to be conducting a business or undertaking and, therefore, has a duty to ensure that anybody at that workplace or affected by their activities is not put at risk. This is no different to current South Australian legislation where the employer must ensure as far as reasonably practicable that a person is safe from injury or risk to their health.

Also, under the bill, volunteers engaged by a person conducting a business or undertaking have a duty to take reasonable care of themselves and others. This is no different to what is currently required in South Australia. Frankly, I believe it is common sense that everybody in the workplace has rights and responsibilities for health and safety, and this bill recognises this. The bill also recognises that purely volunteer organisations are different and it clarifies for the first time that a volunteer association which does not have a paid employee will not be captured by workplace safety regulations. Although, I must say, they still have an obligation under common law for safety.

Both Volunteering SA and NT (through CEO, Evelyn O'Loughlin) and Volunteering Australia (through CEO, Cary Pedicini) have strongly endorsed the Work Health and Safety legislation, noting that it enhances the protection of volunteers.

Mr Pedicini recently wrote to reaffirm his commitment to the proposed law. He stated that media coverage and other misinformation have created unnecessary fear and apprehension amongst volunteers and volunteer-involving organisations. He further writes that the harmonisation of work health and safety laws increases the protection afforded to Australian volunteers and brings with it the need for organisations and volunteers to be aware of their responsibility to work safely. To have volunteers protected in the same way as employees is a positive outcome for volunteers.

A strength of the Work Health and Safety Bill as it relates to volunteer organisations is the removal of the provision that requires the appointment of responsible officers. The responsible officer provision led to uncertainty for many volunteer organisations. This was because the duty to appoint a responsible officer was related to the corporate status of volunteer associations and whether it could be considered to be carrying on a business for legal purposes.

The Work Health and Safety Bill provides greater certainty for volunteer associations about work health and safety duties that apply. In addition to removing provisions that have been confusing for many volunteer organisations, the Work Health and Safety Bill provides strong legal protections for individual volunteers.

Unlike the current legislation, which contains grey areas regarding the issue of who is responsible for safety in a workplace, this bill is clear: if a person conducting a business or an undertaking (which is referred to as a PCBU) is able to influence the safety outcomes of people at a workplace, then they have a duty to do what is reasonably practicable to ensure other people's health and safety.

If the PCBU has no control over the work activity, then it is not reasonably practicable for it to ensure the safety of people. The PCBU is only accountable for the things that it is reasonably practicable for it to control. This is simply common sense, but enshrining this responsibility in work health and safety will ensure that employers who do the wrong thing by not providing a healthy and safe workplace will be held responsible.

The concept of PCBUs has proven workable and uncontroversial in Queensland and the Australian Capital Territory for a number of years. Occupational health and safety laws in most other jurisdictions contain extended definitions of 'employer' and 'employee' to capture a broad range of work relationships in a manner similar to the PCBU concept.

The Work Health and Safety Bill builds on existing legislation by moving beyond the traditional employer/employee relationship. The concept of a person conducting or undertaking a business (a PCBU) will improve clarity for people involved in contract work. A PCBU will have to ensure as far as is reasonably practicable the health and safety of workers that it engages, directs or influences. Therefore, this bill will reduce ambiguity about the responsibility of subcontractors and principal contractors, creating an expectation that ensuring safe work practices is everybody's business. This will not have an impact on businesses that already take appropriate care to ensure the safety of people on worksites.

The bill recognises that modern working arrangements provide that the health and safety of all people in workplaces will be protected, regardless of whether they are a contractor, a labour hire worker, a work experience student or a volunteer. The penalties contained in the bill reflect the recommendations of the national review which recommended that the penalties in the model act should have a strong deterrent factor.

For example, a category 1 offence—an offence that exposes an individual to the risk of death or serious injury or illness, that is engaged in without reasonable excuse—is on par with a serious breach in general criminal law. I must say here that the test of this is actually the same as criminal law—that is, the test is 'beyond reasonable doubt', and that is a significant test indeed. The three levels of penalty allow for a differentiation of culpability and risk. They also allow sufficient room for the sentencing court to adjust the penalty within each category to suit the particular circumstances of the offence.

I would also like to address the right of entry of union representatives for work health and safety reasons under this bill. Union representatives in South Australia already have an ability to enter workplaces to consult with workers for industrial relations purposes. Union right of entry for the purpose of work health and safety is in place in all other states and, in some cases, this has been the case for many years.

Under the bill, a union official who has undergone prescribed training and has been issued with a permit from the Industrial Relations Commission of South Australia may enter a workplace to inquire about a suspected contravention, inspect employee records, and consult with and advise workers in relation to work health and safety. Misuse of the entry provisions, such as a contravention of a permit holder's permit conditions or improper behaviour, will result in the revocation of the work health and safety entry permit and a potential penalty of up to $10,000.

Apart from the many unions that support the greater protections within the proposed laws, many employer representatives have also been very supportive of the legislation. Some specific groups which have endorsed the legislation and which have recognised the importance of enhanced worker safety include the Australian Industry Group (both the South Australian and federal branches) and the Roofing Tile Association of Australia.

In fact, Ms Heather Ridout, the recently retired chief executive of the Australian Industry Group (which is the peak industry association in Australia representing the interests of more than

60,000 businesses from a number of different sectors) had, prior to her retirement, written to all parliamentarians to strongly endorse the new law. In her letter she states that:

> ...the process of formulating the bill has brought with it a level of cooperation between state and territory regulators that is unprecedented and will be immensely important to the effective administration and practice of workplace safety.

Furthermore, she states that:

> [...the harmonisation laws], framed strongly and fairly with an underlying consistent enforcement protocol are eminently preferable to the current situation, not only for those companies that operate to trade across jurisdictional boundaries, or in a national supply chain or market, but for any company.

Mr Tony Tanner, the Executive Director of the Roofing Tile Association of Australia, has also expressed strong support for the harmonised laws and has emphatically dismissed and rejected the fearmongering and deceptive tactics utilised by the HIA. Finally, the SafeWork SA Advisory Committee, chaired by Tom Phillips AM, with senior representatives from business groups and unions, also supports the Work Health and Safety Bill, and has stated that the bill is critical to modernise work health and safety laws and to support the efforts to introduce a nationally consistent system of workplace health and safety laws, regulations and codes of practice, across Australia.

Finally, I remind members that this legislation is already in operation in five jurisdictions: the commonwealth, the Australian Capital Territory, New South Wales, Queensland and the Northern Territory, and it will also become operational in Tasmania on 1 January 2013. In conclusion, I reiterate to the chamber that many of the substantial provisions of the bill are already in place in South Australia. The bill will ensure that it is clear that workplace safety is everybody's responsibility, as it should be. I commend the bill to this chamber.

Debate adjourned on motion of Hon. J.M. Gazzola.

ZERO WASTE SA (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March 2012.)

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (17:42): I thank the Hon. Ms Lensink for her speech in support of the government's legislation. With those very few words, I look forward to the committee stage.

Bill taken through committee without amendment.

Bill reported without amendment.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (17:44): I move:

That this bill be now read a third time.

Bill read a third time and passed.

GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March 2012.)

The Hon. D.G.E. HOOD (17:45): I will do my best to be reasonably brief on this, but there are a few points I would like to put on the record because it is a very important issue. Members would be aware that I moved a bill in this chamber sometime ago, which is quite similar to the government bill we are dealing with here at the moment. I say at the outset that Family First is supportive of the bill—in fact, to be honest, we think that it is well and truly overdue, but we are pleased to see that the government has decided to move this bill.

I would also say that it is worth noting that the Hon. Bob Such in the other place has been a long-term campaigner on this issue, and credit to him for that. I think that Family First is just thrilled to see that the government is actually making a move to put something in place to deal with this really significant problem. It is a major problem in South Australia, and I was astonished when I

Googled 'graffiti' to find that the responses at the top of the list were actually programs to assist in creating styled graffiti tags, which is www.graffiticreator.net for anyone who may be interested.

One site contained a photo gallery of graffiti around Melbourne and invited the public to upload photos of graffiti—no name or registration was required, of course. The problem of graffiti is clearly widespread in our City of Adelaide and in our state of South Australia. I believe that people who engage in graffiti are indeed nothing more than vandals. They are people who mark graffiti generally. They operate at night when other people are often at sleep and when the chance of being caught is very slight.

These people frequently operate in gangs, and they carry out basically wanton destruction of property. Ordinary, hardworking people are simply unable to take any measures to prevent a graffiti attack on their property. Perpetrators are, of course, well aware of this and appear to display a sense of invincibility in a sense. The fact is that, in most cases, the offence of marking graffiti is unlikely to be reported to police. Indeed, I am personally aware of a number of people who have been victims of graffiti vandalism themselves and who have in fact not bothered to report it but who have merely dealt with the problem themselves.

If it is reported, of course, it is unlikely that the police will be able to allocate any significant resources to find the culprit, and that is understandable—they have decisions to make as to what they need to pursue and what they simply cannot. Nor is there much chance of finding the offenders after they have left the scene, and the police, quite understandably as I say, have other priorities investigating more serious crimes. I do not want to underplay it because it is of course a serious crime in many ways. It can cause a lot of grief and annoyance for property owners, in particular.

Research by the not-for-profit group Graffiti Hurts has estimated that local governments across Australia spend approximately $260 million annually on graffiti removal, about a quarter of a billion dollars. The City of Onkaparinga here in South Australia budgeted just under $500,000 ($475,000) last financial year for the removal of graffiti. How much cheaper would the council rates be for the people who occupy the City of Onkaparinga if they were not burdened with this extra $500,000 of unnecessary cost?

The money for removal of graffiti comes from the pockets of taxpayers and ratepayers. In addition to the cost of remedial work, there are countless hours contributed by volunteers and property owners. The work by volunteers could be much better spent on constructive projects rather than removing graffiti. This graffiti epidemic is not just a case of kids getting up to a bit of mischief. While the allocation of very significant amounts of money and time have made some improvement in recent years, there are areas where local communities are simply unable to compete with graffiti vandals.

We can all observe that there are some places where graffiti occurs so frequently that it seems pointless to remove it at all. Regrettably the cost of removal is the minor component of the damage done. Anyone who has had their own home or fence vandalised or other property vandalised with graffiti would know the feeling of utter helplessness and vulnerability that results.

Indeed, a close female friend of mine has recently had her car graffitied, which was simply sitting in the quiet street outside her house in what you would consider one of the better suburbs of Adelaide. She woke up one morning to find a big, long black wiggly line along her car. This is a light coloured car and you could not miss it, which was tragic for her. It cost her about $1,800, I understand, to have that whole side of the car resprayed. She was not insured for it, so it was a real nuisance.

Repeated attacks cause significant stress to home owners and property owners in general. Vandals seem to be able to cause damage at will, and there is almost nothing that can be done to prevent an attack. It can be devastating for property owners, as I say, to have spent money and effort in making their properties look attractive only to find that their efforts have been wasted and they must spend more time and effort repainting it and simply repairing this wanton vandalism.

To make matters worse, a repainted surface can be seen as a good base for more graffiti, as we often see on trains and buses in particular. Of course, unpainted brickwork and other natural surfaces are often targeted, and these can be very difficult to remove graffiti from, if at all, and often can never be fully restored. Another serious effect of graffiti is the devaluation of properties in areas where graffiti frequently occurs, even if they are not actually vandalised themselves. That can have serious financial consequences for both homeowners and owners of other commercial or surrounding properties.

We may ask what drives graffiti vandals. Is it that they are in need of something? What particularly drives these people? The offending arises partly out of boredom, we are told. It is largely driven by thrill seeking and a perceived grievance against society at some level. Public memorials are often vandalised these days, and perhaps this indicates a lack of respect for institutions in our society. Graffiti vandals are generally well practised but, of course, since the offending is largely not the subject of criminal charges, there are not significant numbers of repeat offenders convicted.

The Hon. A. Bressington: They are often drug users.

The Hon. D.G.E. HOOD: Indeed, that is quite often the case. We need to ask ourselves what sympathy and understanding we have for the offenders who cause such wanton destruction without reason or purpose. There is a view that offenders should not have significant penalties imposed upon them because they are often young and hopefully should grow into useful citizens. I certainly can understand people who espouse that position. Regrettably, though, this view can be seen by offenders as a form of approval of their crimes, so that they do not see their actions as criminal.

There is a perception among graffiti vandals that their work is actually art and therefore beneficial to society, something I disagree with. In all likelihood, this perception is one of the main reasons for the prevalence of graffiti today. I ask that this chamber show leadership in giving a clear indication to the community that graffiti vandalism does not have any approval by this parliament and that it is indeed a serious crime, not just a nuisance that we have to tolerate.

Members will recall that in June of last year I introduced the Graffiti Control (Miscellaneous) Amendment Bill. It sought to require a purchaser of spray paint to produce personal identification and the seller to keep a record of the transactions. It also sought to require that upon conviction for an offence of marking graffiti the court must order payment of compensation and also have the opportunity for licence disqualification.

This bill was not generally supported and did not proceed, but obviously members would be aware that it has a number of similarities to the bill that the government has presented today and which is before the council. It would not surprise members to hear that, given that I have moved a bill that is very similar, Family First will certainly be supporting this bill. There are a number of contentious issues in this bill. One in particular is the disqualification of the driver's licence.

It has been argued by some that the punishment does not fit the crime as such. I understand that argument, but we do not believe that that is sufficient reason to oppose the bill. I respect the view that some might have that the punishment should directly match the crime, if I can put it in those terms, but I think this is a particular offence where it is very difficult to get a punishment that actually matches the crime, other than have them remove that particular piece of graffiti—and of course there are provisions for that in this bill.

The other thing in this bill that is worth mentioning is that there is also the requirement for a court to order that compensation be paid. I think that is a clear link between the crime and the actual punishment, which we would support. The driver's licence issue, I think, is somewhat contentious, but I say that I think the government has got it right on balance, because it is prepared to link this particular crime to something that is valued by the person who is doing the crime. I think there is a case to support that particular aspect of the legislation.

The bill presently before the house provides that for a second or subsequent offence a court may disqualify the offender from holding a driver's licence for between one and six months. It follows that for a first offence, even a serious first offence involving multiple counts, the court has no discretion and remains unable to disqualify the offender from holding a driver's licence. The fact remains that almost invariably graffiti vandals are not charged. A state government report this year noted that, in the eight-year period between 2002 and 2009, there were only 920 cases brought before the courts where the major charge was to mark graffiti. Compare that to a 2008-09 survey by the Australian Bureau of Statistics which found that 40 per cent of South Australians perceived that there was a problem with vandalism, graffiti or property damage in their neighbourhood.

Most South Australian offenders brought before the courts in that eight-year period were fined or given a community service order, the amounts of fines averaging $258 for adults and $117 for juveniles. In three cases offenders were imprisoned, but I must say they were obviously at the very, very serious end of the scale. It is clear from the relatively small number of offenders charged and from our own knowledge of the amount of graffiti that occurs that the overwhelming

number of offences that occur are not the subject of a police charge. The reason appears to be that offences are generally only reported to the local council so that a clean-up can be arranged. It follows, from those observations, that there must be a very large number of repeat offenders who have yet to be apprehended or even detected.

My view remains that the court should be given the discretion to impose licence disqualifications, as I said, even on first offenders if the magistrate considers this appropriate. This bill is a step in the right direction and it has Family First's support.

Debate adjourned on motion of Hon. J.M. Gazzola.

STATUTES AMENDMENT (SHOP TRADING AND HOLIDAYS) BILL

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

MINING (EXPLORATION AUTHORITIES) AMENDMENT BILL

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

WATER INDUSTRY BILL

The House of Assembly agreed to amendments Nos. 1 to 11 and 13 to 16 made by the Legislative Council without any amendment; disagreed to amendment No. 12; and made alternative amendments as indicated in the following schedule in lieu thereof:

New clause, page 71, after line 23 Insert:

96A—Report on installation of separate meters on properties

(1) The Commission must undertake a cost benefit analysis of implementing a scheme designed to ensure, so far as is reasonably practicable, that—

(a) all land—

(i) that is owned by the South Australian Housing Trust or another agency or instrumentality of the Crown; and

(ii) that is used for residential purposes; and

(iii) that is supplied with water by a water industry entity as part of a reticulated water system; and

(b) any other land the Commission determines to include in the analysis,

will have a meter that records the amount of water supplied to that piece of land.

(2) The scheme for the purposes of the analysis must address—

(a) the fitting of meters to premises existing at the time of the publication of the report (insofar as meters are not fitted); and

(b) the fitting of meters to premises constructed after the publication of the report.

(3) The Commission must prepare and publish a report on the analysis by 30 June 2013.

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) BILL

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

At 17:59 the council adjourned until Wednesday 4 April 2012 at 14:15.