

**Legislative Council**

**Tuesday, 23 November 2010, Page 1573**

**STATUTES AMENDMENT (CRIMINAL INTELLIGENCE) BILL**

**The Hon. A. BRESSINGTON (16:32):**

I rise briefly to indicate my support for the second reading of the Statutes Amendment (Criminal Intelligence) Bill 2010. The bill simply seeks to conform existing criminal intelligence provisions across the various acts to the initial model in the Liquor Licensing Act 1977, which has been held to be constitutionally valid by the High Court's decision in the K-Generation case.

It is my understanding that there are presently three models of criminal intelligence on the statute books, two of which are currently in operation and the third, including the amendments to the Liquor Licensing Act 1977 which are yet to be proclaimed, will come into operation due to the provisions of subsection 7(5) of the Acts Interpretation Act 1915 early next month.

It is appropriate that the criminal intelligence provisions are consistent and comply with the model held to be valid by the highest court in the land. That said, though, I indicate that I am open to considering the amendments foreshadowed by the Liberal Party. As I have expressed numerous times in this place, I have real concerns about the current excesses of the law and order legislative agenda and, specifically, the encroachment on the traditional fair trial.

An example of this is the Summary Offences (Weapons) Amendment Bill 2010 currently before this place which, as the Law Society notes in its submission to the Attorney-General, reverses the onus of proof for numerous new offences. Mr President, how many times have we had this debate in here about reversing the onus of proof? It is getting to be quite a habit.

My support will, of course, be contingent upon the amendments being practical, preferably providing a level of accountability or oversight on the use of criminal intelligence which currently does not exist, and not interfering with the dicta of the High Court in the K-Generation case.

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