

## HOUSE OF ASSEMBLY

Tuesday 24 November 1992

The **SPEAKER (Hon. N.T. Peterson)** took the Chair at 2 p.m. and read prayers.

### ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Acts Interpretation (Australia Acts) Amendment,  
Criminal Law (Sentencing) (Suspension of Vehicle Registration) Amendment,

Expiation of Offences (Divisional Fees) Amendment,  
Financial Transaction Reports (State Provisions),  
Friendly Societies (Miscellaneous) Amendment,  
Fruit and Plant Protection,  
State Lotteries (Soccer Pools and Other) Amendment,  
Statutes Amendment (Expiation of Offences),  
Statutes Amendment (Public Actuary),  
Waterworks (Residential Rating) Amendment.

### PETITIONS

#### SOUTHERN DISTRICT WAR MEMORIAL HOSPITAL

A petition signed by 1 103 residents of South Australia requesting that the House urge the Government to retain surgical and obstetric services at the Southern District War Memorial Hospital was presented by the Hon. M.J. Evans.

Petition received.

#### ADELAIDE AIRPORT

A petition signed by 20 residents of South Australia requesting that the House urge the Government to maintain the curfew at the Adelaide Airport was presented by Mr Becker.

Petition received.

### QUESTIONS

The **SPEAKER**: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 61, 67, 101, 144, 148, 168, 169, 181, 210, 218, 222, 225, 227, 228, 231 to 233, 236, 238 and 249; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

#### STATE BANK

In reply to **Mr S.J. BAKER (Mitcham)** 27 October.

The **Hon. FRANK BLEVINS**: Guan Holdings Ltd is a wholly owned subsidiary of the SBSA(NZ) Holdings Ltd and is

involved in the non-banking activities of SBSA(NZ) Holding Group - namely, real estate, property investments, mortgage insurance, retirement villages and operating leases. The SBSA (NZ) Group recorded a loss last financial year of \$11.2 million. This was reflected in the State Bank of South Australia and its Controlled Entitled Annual Report and Accounts 1991-92. The \$74.4 million loss reported by Guan reflects a reduction in the value of assets held by its subsidiaries over a number of years including last financial year. However, each of Guan's subsidiary companies has revalued assets on a yearly basis and as such has recorded losses resulting mainly from the reduction in property values in the attributable year. A consolidation of the results of all SBSA(NZ) Holdings Ltd subsidiary companies has meant that the profit/loss recorded in each year has included the revaluation of the subsidiaries assets in the relevant year.

In summary, the loss of \$74.4 million reported by Guan in 1991-92 is eliminated on consolidation as the underlying losses have previously been reflected in the accounts of SBSA. SBSA(NZ) Holdings Ltd reported a consolidated loss in 1991-92 of \$11.2 million which was accounted for in the overall performance of the State Bank last financial year. The second part of the question asked by the member for Mitcham concerned Gumflower and its loss of \$36 million. Gumflower now forms part of the Group Asset Management Division, or the 'bad' bank...and as such, its losses are covered by the GAMD indemnity arrangements. The \$36 million loss reflects (mostly) the writing down of the company's assets and interest cost on loans. The loss increased from year to year as a result of the Bank taking full control of the underlying assets to maximise possible future recoveries.

#### MURRAY RIVER

In reply to **Hon. D.J. HOPGOOD (Baudin)** 27 October.

The **Hon. J.H.C. KLUNDER**: The most recent information indicates that the Murray River will peak in South Australia in mid to late December 1992 at levels a little below those of 1990. As the flow increases, the E&WS Department gradually removes stoplogs and boule panels, maintaining 'pool' level upstream of each weir for as long as possible. Eventually all weir components are removed, and the river becomes 'free flowing'. At about the same time, a collapsible section of the weir called the 'navigable pass' is opened so that river traffic can pass. The lock chamber cannot be used in high flows because of the danger to vessels in the strong currents near the lock gates.

The time at which the weirs are removed varies with location. For example the weir at Lock 7 is removed at a river flow of about 30 000 megalitres per day (ML/D), whereas the weir at Lock 1 is removed at about 60 000 ML/D. Announcements of the high flows have been made in the regional and Adelaide based media, publishing contact phone numbers for further information. In my absence, the Acting Minister of Public Infrastructure (Hon. R.J. Gregory) announced on 19 October the formation of a liaison committee to maintain contact with councils along the river. Announcements have also been made regarding the closure of the river vessel waste disposal station at Loxton. This is the only station expected to be affected by the high river flows. All other stations should remain operable.

#### ELECTRICITY TRUST

In reply to **Mr SUCH (Fisher)** 29 October.

The **Hon. J.H.C. KLUNDER**: In reply to Mr Such's question asked on 29 October 1992 concerning ETSA's mainframe

computers, I provide the following information. ETSA has made adequate provision to locate its mainframe computers at its new corporate headquarters at No. 1 Anzac Highway. However, the forthcoming move presents to ETSA the opportunity to reassess the best location for its mainframe computers, whether it be in the new building or elsewhere. In an effort to determine the likely cost and availability of alternative computer accommodation ETSA recently called for Registration of Interest from providers of this type of accommodation. Any decision to locate the mainframe computers at a site other than No. 1 Anzac Highway will be based upon the advantages in sharing an established computer site and there being no overall additional expenditure.

### TILAPIA

In reply to **Mr LEWIS (Murray-Mallee)** 28 October.

**The Hon. J.H.C. KLUNDER:** In reply to Mr Lewis's question asked on 28 October 1992 concerning tilapia, I offer the following advice. The Murray-Darling Basin Commission has under its existing Fish Management Plan an 8 point program for the control of exotic fish and diseases. This program is administered through the Fish Management Advisory Committee which is convened by the commission and its agencies. Methods will have to be developed for the effective control of the exotic fish species Tilapia, the most common threat of this species to Australian waterways being the Mozambique Mouthbrooder. As lead Minister for South Australia on the Murray-Darling Basin Ministerial Council I intend to promote and accelerate the research program for Tilapia Control at the next meeting of the ministerial council.

### COMMUNITY VENTURES

In reply to **Mr BRINDAL (Hayward)** 28 October.

**The Hon. S.M. LENEHAN:** There are numerous examples of joint venture projects across the State demonstrating the real value of the Education Department, schools and local government working together to provide or enhance community services. The approach to the Corporation of the City of Marion by the Warradale Primary School Council Inc concerning the possibility of providing funds for a joint community school venture is not consistent with Education Department policy where schools are encouraged to seek the assistance of local government in the enhancement of community assets. The project is still under consideration by council and the school is negotiating directly with council. Whether or not council is able to assist at the time of any approach may vary with regard to circumstances relating to council's financial situation and other commitments. The Education Department has and will continue to work with the Corporation of the City of Marion on issues of mutual concern.

### STATE BANK

In reply to **Mr D.S. BAKER (Victoria)** 29 October.

**The Hon. FRANK BLEVINS:** The current geographical composition of 'good' bank assets in part reflects the carryover of past lending decisions. I am advised that the bank in 1991-92 significantly reduced its overseas exposures as a result of downsizing programs set out in detail in the bank's annual

report. The bank has disposed of United Bank Ltd and has reduced the size of or closed various overseas offices. Interstate exposures remained virtually steady whilst the South Australian business of the bank has increased in importance. I would expect this trend to continue in 1992-93.

Now that the 'good' bank has been split from GAMD by the Government, relieving the board and management of the bank of the need to concentrate on managing the non-performing loan portfolio, the bank is undertaking a strategic planning process in order to determine strategies for its business in future in positioning itself as a mid-sized regional bank in South Australia.

Lending activity solely confined to South Australia may itself not be prudent in terms of concentration of geographic risk. Some spread of exposures may be desirable. The bank has adopted a clear mission statement and much progress has been achieved in focusing the bank on its core activities. The figures cited are likely to change as international and interstate exposures are reduced over the course of time.

In reply to **Hon. JENNIFER CASHMORE (Coles)** 29 October.

**The Hon. FRANK BLEVINS:** As I have previously indicated, it is inappropriate to disclose the specific matters of individual clients of GAMD and the actions being taken by GAMD in respect of those clients. In the matter of the Raptis Group I am advised that GAMD, through the State Bank Group, is one of a number of creditors that have entered arrangements that are aimed at maximising the value of realisation of securities held. I am advised that GAMD in managing the non-performing loan portfolio undertakes an assessment of the most appropriate strategies for maximising the amount recovered against the non-performing loans and that such a strategy has been implemented in this case.

### PUBLIC SECTOR RESTRUCTURING

**The Hon. LYNN ARNOLD (Premier):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. LYNN ARNOLD:** Unfortunately, the copies of this statement have not come through, but that is not a matter of great moment. On 10 November the Leader sought details of the current structure of each Government department, the number of officers employed, and the names and titles of all officers at or above ASO-8 level. I now have that information. Because of its length, I propose to table it rather than to have it incorporated in *Hansard*. A copy has been provided to the Leader. In tabling it, however, the following qualifications need to be made. First, every best effort has been made to gather this information and to present it in as accurate a form as possible. The question referred to 'Government departments', which is the common term used to describe departments/agencies created under the Government Management and Employment Act; that is, the mainstream Public Service. With the exception of the South Australian Health Commission, information has not been assembled from other statutory bodies. Information has been included on the South Australian Health Commission because it forms such a large part of the portfolio of the Minister of Health, Family and Community Services.

Staff listed by name and in the totals for each branch are GME Act employees unless otherwise stated. The question specifically asked for 'officers', and so details of weekly paid staff are not included. Specific classification levels of officers ASO-8 and above have been included in the information, although this was not specifically sought. The department/agency staffing information relates to September/October 1992 and is the best available from agencies given the breadth of information sought in the time available. It reflects the actual classifications for the positions that staff are occupying. It should be noted that there will be further adjustments of staff between some agencies as the Government's decisions on portfolio rearrangements are progressively implemented.

### PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. Frank Blevins)—

Stamp Duties Act 1923—Regulations—Transfer of Property.

By the Minister of Housing, Urban Development and Local Government Relations (Hon G.J. Crafter)—

Road Block Establishment Authorisations and Dangerous Area Declarations—20 July—19 October 1992.

Trustee Act 1936—Regulations—OATC.

By the Minister of Environment and Land Management (Hon. M.K. Mayes)—

Carrick Hill Trust Report, 1991-92.

Environmental Protection Council Report, 1991-92.

Clean Air Act 1984—Regulations—Burn Off Exclusions.

By the Minister of Emergency Services (Hon. M.K. Mayes)—

Police Superannuation Board—Report, 1991-92.

By the Minister of Education, Employment and Training (Hon. S.M. Lenehan)—

Children's Services Office—Report, 1991-92.

Industrial and Commercial Training Commission—Report, 1991-92.

Education Act 1972—Regulations—Suspension, Exclusion and Expulsion.

Senior Secondary Assessment Board of South Australia Act 1983—Regulations—Subject Fees.

By the Minister of Public Infrastructure (Hon. J.H.C. Klunder)—

Electricity Trust of South Australia Superannuation Scheme—Report, 1991-92.

By the Minister of Labour Relations and Occupational Health and Safety (Hon. R.J. Gregory)—

Occupational Health, Safety and Welfare Act 1986—Regulations—Use of Plant.

By the Minister of Business and Regional Development (Hon. M.D. Rann)—

Regulations—Various.

Department of Marine and Harbors—Report, 1991-92.

Metropolitan Tax—Cab Board—Report, 1991-92.

National Road Transport Commission—Report, 1991-92.

By the Minister of Health, Family and Community Services (Hon. M.J. Evans)—

Chiropractors Board of South Australia—Report, 1991-92.

Committee Appointed to Examine and Report on Abortions Notified in South Australia—Report, 1991-92.

Foundation SA—Report, 1991-92.

By the Minister of Primary Industries (Hon T.R. Groom)—

Department of Fisheries—Report, 1991-92.

Regulations—Various.

Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986—Regulations—Various.

Fisheries Act 1982—Regulations—Recreational Fees.

Seeds Act 1979—Regulations—Fees.

### SOCIAL DEVELOPMENT COMMITTEE

**Mr HERON (Peake):** I bring up the first report of the committee on the social implications of population change in South Australia and move:

That the report be received.

Motion carried.

### STATE BANK

**The Hon. DEAN BROWN (Leader of the Opposition):** I move:

That Standing Orders be so far suspended as to enable me to move a motion without notice forthwith.

Motion carried.

**The Hon. FRANK BLEVINS (Deputy Premier):** I move:

That the time allotted for this motion be two hours.

Motion carried.

**The Hon. DEAN BROWN:** I move:

That this House—

1. Endorses the report of the State Bank Royal Commissioner on his first term of reference.

2. Recognises that, to a very significant degree, the current Premier and his Government, and not just the member for Ross Smith, must accept responsibility for the unprecedented losses of the State Bank Group, currently estimated at \$3 150 million, particularly in view of the fact that:

(a) nine of the 13 Ministers of the current Cabinet have been Ministers since parliamentary questioning of the bank, described by the Commissioner himself as 'searching', began in February 1989;

(b) the Royal Commissioner's report identifies the Government's failure to strengthen the board and the Government's encouragement of the bank putting 'stability at risk in pursuit of growth' as crucial factors contributing to the losses of the bank;

(c) at all relevant times, the present Premier was aware of the need to strengthen the bank board and for the bank to curtail its rapid growth.

3. Notes that the current Premier and the Government refuse to accept any responsibility.

4. Accordingly, calls on the Premier and the Government to give South Australians an opportunity to pass judgment on their performance by agreeing to hold a State election on 13 March 1993, this being the first date upon which the Premier can advise an election pursuant to section 28 (a)(1) of the Constitution Act.

In moving this motion today, I highlight the first part of it, which refers to the fact that last week in this House under questioning the present Premier refused to accept the recommendations and findings of the royal commission report. Time after time, this Opposition put to the Premier a series of quotations from the report, and he refused to accept those as legitimate findings of the royal commission. Regarding the third aspect of this motion (I will come to the second part shortly), I draw to the attention of the House that the current Premier and Government still have not accepted any responsibility whatsoever for the failure of the State Bank Group. Not one word of apology has been uttered by them to the people of South Australia, who are now paying the high cost.

Regarding the fourth part of the motion, we are merely asking for the people of South Australia, who are angry over these losses, who are angry because no-one in this Government has yet been brought to account for those losses, to be allowed to pass judgment on this Government—this Labor Government that has been there for 10 years and does not deserve to govern any longer.

With regard to the second part of the motion, I would like to present to the House today some very significant evidence. I will relay to the House how we have obtained this evidence. Since the tabling of the royal commission report, the Liberal Party has gone back through 200 pages of written evidence presented to the royal commission by both Mr Hartley and the present Premier Mr Arnold. In addition to that, we have gone through 500 pages of the royal commission transcript, which was oral evidence given to the royal commission. From that, we have picked out the relevant facts and compared them with the findings of the royal commission.

By nature, several things come out of that. The evidence I will present today, by its very nature, will involve a great number of quotations. I do not wish to put my interpretation on that at all: I will simply use the interpretation, the judgment and the finding of the Royal Commissioner, based on the evidence given by both Mr Hartley and by the present Premier. In addition, I ask you, Mr Speaker, for your latitude, because I will be quoting and using the name 'Arnold', as it will be in the quotation from which I will quote; I am sure you, Mr Speaker, will accept that point.

The evidence that will be presented today clearly shows that the present Premier knew from 1987 and throughout 1988 and 1989, and certainly in 1990, what was occurring in the bank, particularly on two important aspects: that the rapid growth of the bank was putting in jeopardy the entire performance of the bank; and, secondly, that there was an urgent need to strengthen the board of the bank. Yet he sat there as a member of Cabinet, a man who was paid by the taxpayers of South Australia to carry out a ministerial responsibility, and he did nothing whatsoever. All 13 Ministers of that Cabinet must share that responsibility but, frankly, the evidence that I will present to the House today will show that the present Premier actually knew more than the former Premier, the member for Ross Smith, in certain aspects which have now been damned and condemned by the Royal Commissioner. So, the present Premier must accept full responsibility and, as I will highlight—at least on

certain aspects of the failure of the bank—equal blame with the member for Ross Smith.

The premier was repeatedly warned. The premier turned a blind eye to the warnings that he was given; he now tries to turn a blind eye to the judgment handed out to him and his Government by the Royal Commissioner. The premier has been responsible for a major disaster—the largest financial disaster of any Government in the whole of Australia's history—yet he sits there believing that he can still continue to govern this State. The Premier must share the responsibility for this. In his evidence, Mr Hartley said:

If the Government had changed the board to a board capable of doing more a lot sooner, I wouldn't be sitting in this dock or the witness box.

To use his words, Mr Hartley himself indicated:

If the Government had changed the board, if the Government had heeded my warnings, the royal commission would not have been necessary and South Australians would not have lost \$3 150 million.

Let me put all this in context. The present Premier was appointed Minister of State Development in December 1985. In September 1986 Mr Hartley was appointed Director of State Development on a three-year contract basis. He remained in that position until December 1989. In February 1987 he was appointed to the board of the State Bank. In his evidence to the Royal Commissioner, Hartley said he and Arnold 'had a good, close working relationship; we met regularly in his office to discuss State development issues, usually weekly, but more frequently when required'. In other words, it was a close personal relationship that developed between these two men over a three-year period and it was a regular meeting at least weekly if not more often. It was at these meetings that Hartley raised with the present Premier problems with the State Bank. The evidence is that Mr Hartley raised these concerns with the Premier before he raised them with the then Premier and now member for Ross Smith. He said he spoke to the present Premier about the bank with increasing frequency as time went past. I would like to relate to the House the first warnings, based on the evidence of Mr Hartley talking about the 1987 period. I quote:

From as early as the end of 1987 I was commenting to Mr Arnold and several members of his staff that the bank board appeared rather commercially inexperienced and was overly dominated by Mr Marcus Clark. Board meetings were not an effective forum for discussion. I informed Mr Arnold of these points on two or three occasions in 1987 during our regular meetings and discussions.

Hartley's evidence is that he did not begin the warnings to the member for Ross Smith until 1988. Hence, the first warnings from Mr Hartley were given to the present Premier. I now go through the evidence relating to 1988. The Premier's evidence admitted that by the end of 1988 Hartley had spoken to him about, first, the bank's rapid growth and the need for the bank to consolidate. The present Premier told the royal commission:

I understand his view to be that failure on the bank's part to consolidate its position at that stage would threaten its achievement to that point.

In other words, the present Premier actually admitted that the failure of the bank could be so serious that all of the gains achieved within the bank could be lost. He went on

to acknowledge before the Royal Commissioner that the board lacked the strength to control Mr Marcus Clark. Hartley said that during 1988 Arnold got a more comprehensive view than Bannon of his concern, and I quote:

Throughout 1988 I became increasingly worried that the State Bank board was not in control of its Managing Director. I was meeting with both the Premier and Mr Arnold regularly to discuss State development issues and I believe that by the end of 1988 I had made both well aware of my concerns. I suggested to the Minister and the Premier that they needed to appoint directors who were experienced enough to stand up to Mr Marcus Clark in order to establish the necessary controls over the Managing Director.

Again, he has highlighted the fact that he stressed it not only to the member for Ross Smith but to the present Premier. Hartley said that he told Arnold that the board did not have broad business experience; neither the Premier nor the Minister challenged that. In other words, he was given the warnings and he did not challenge the evidence one iota, and that happened not once but over a whole series of meetings over a three-year period. Not once did he challenge the evidence put to him by Mr Hartley and yet he failed to act on it for three years. What further damnation could you have of any Minister, whose permanent head and a member of the bank board walks in, hands him evidence after evidence, warning after warning, and the present Premier sat there, dumb, deaf and stupid. I go on to quote from Mr Hartley's evidence. He also said that he received no response from Arnold to his warnings during 1988:

During 1988 nobody that I was talking to wanted to explore the detail and go into this aspect and that aspect and, anyway, I think they all knew what I was talking about and understood the point almost before I made it.

They understood what was going on and they did not ask any questions whatsoever. In fact, in the judgment of Mr Hartley, they even understood the problem before he opened his mouth. I continue to quote his evidence:

I expect that he [Arnold] would have mentioned that perhaps in conversation with the Premier or with any of his colleagues. I had already had one or two, if I could use the word, disagreements in a light sense, with Mr Arnold over the formation of other boards. That was a debate that was particularly strong with Mr Arnold because that was an area that did encompass his portfolio in many instances and I had begun to express the view to the Government generally that I felt that a problem existed in the Government's approach to the selection of board members because, generally, they didn't always select board members for reasons that were associated with the person's ability to contribute and add value to the business but, sometimes, for other reasons, and I exemplified the State Bank in these.

He went on to say:

I made this point with regard to the bank and other enterprises several times from late 1987 to the Government, including the Premier, Mr Bruce Guerin and particularly—

and these are Mr Hartley's words—

Mr Arnold. My opinion that the Government's processes for board and other statutory bodies were flawed became an ongoing debate between Mr Arnold and myself.

He not only warned him but in fact it was a matter of debate between the present Premier and Mr Hartley; it

was a matter that could not be disputed and it existed as a major issue between him and his permanent head.

Let us look at what the Royal Commissioner then had to say on this matter. The Royal Commissioner found that during 1988-89:

...very significant concerns were expressed to him [Arnold] by Mr Hartley. In the second half of the year, for those who wished to hear or to ask questions so that they could hear, the noises of impending disaster were reaching a crescendo.

They are the words of the Royal Commissioner. I come to the evidence presented concerning this present premier's awareness of the issues during 1989. I refer to Mr Hartley's evidence as follows:

I continued to voice my general concerns to Mr Arnold and the Premier whenever the issue of the bank arose in our discussions which was usually at my initiative. Prior to my meeting with the Premier in December 1989 I would have discussed the bank with the Premier on one or two occasions in 1989 and more often with Mr Arnold—in other words, on a fairly frequent basis throughout 1989—

During the course of 1989, my concern about the inability of the board to satisfactorily control and outgun and question Mr Clark was a matter of very real concern from the beginning of 1989 and it was expressed to the Government.

It was a real concern to him as a board member and he expressed it to this Premier and to the former Premier. I go on quoting:

About half way through 1989 I became absolutely certain that there was a serious problem.

Almost two years and at least 18 months before the first bail-out and any public admission that there was a problem, Mr Hartley had assured himself that there was a serious problem and he had debated, discussed and raised the issue time after time with the present Premier as well as the former Premier. I continue quoting:

What I was warning of increasingly strongly in 1989 until the end of 1989 was that something very serious was going to happen if changes weren't made. It seemed to me...a major reserve was possible.

What is he implying by 'a major reserve was possible'—he is saying that a major bail-out of the bank would be necessary unless action was taken immediately. That was some 14 or 15 months before the first bail-out even occurred. Then, on 1 July 1989, there was a very significant event, because the Cabinet—the whole 13 Ministers who were in Government at that stage—appointed Mr Simmons as Chairman to the board to replace Mr Barrett. Three other members of the board had their appointments renewed. Existing weak board members, who had been criticised on numerous occasions by Mr Hartley, had their appointments renewed by the former Premier and by the present Cabinet, including the present Premier (who had been warned repeatedly) and other Ministers. One vacancy continued to exist on the board for the next 12 months because a replacement could not be found. That is the dereliction of duty that occurred under the present Premier, the former Premier and all the Cabinet Ministers who were then involved. Hartley said he regarded these decisions by the Cabinet as an opportunity missed to strengthen the board.

Let us consider what the Royal Commissioner had to say in terms of passing judgment on those events. He states:

Mr Hartley's concerns about the board's inability or unwillingness to perform its functions, concerns which he communicated to the Government, were now ever more strident, but they were again treated somewhat dismissively when board appointments were made on 1 July 1989.

In other words, here was a golden opportunity missed, and they did absolutely nothing about it. The Royal Commissioner also reports:

The nature of the bank's business was now very difficult and much more complex; the rapid growth in the assets and liabilities, its wide geographical expansion; and its range of new activities, made greater demands upon directors than those which confronted the board when the bank was established. These demands called for a level of banking and business skills which few, if any, members of the board claimed to possess.

Then, in December 1989, at the time of the departure of the Director of State Development, Mr Hartley sought a private meeting with the then Premier, the member for Ross Smith, to again voice his concerns about the bank. During this meeting, Hartley gave Bannon a letter regarding his concerns. He said that, before the meeting with the then Premier, he made the present Premier aware of the contents of that letter. Hartley told Bannon that the board's failure to control Marcus Clark was a serious situation, and the appointment of Simmons as Chairman did not constitute sufficient action to address an extremely dangerous situation. Hartley said, 'I was by then very upset that my views did not appear to be being heeded.' I point out to the House that that letter was never presented to the royal commission. It was only one of two documents out of literally thousands presented to the royal commission that could never be found. The evidence is there as to what the letter contained.

*Members interjecting:*

**The Hon. DEAN BROWN:** Only two documents could not be found, and that crucial letter is one of them. I come back to what the Royal Commissioner had to say about Mr Hartley's warnings during 1989-90. He said:

From mid 1989, culminating with his meeting with the Treasurer in December 1989, Mr Hartley told both the Treasurer and Mr Arnold that Mr Clark's style was of great concern because he was manipulating and inadequately informing the board and that the board could not control him. Mr Hartley regarded that as an unhealthy situation that would one day cause the bank a serious problem. In the result, Mr Bannon did not take the comments and complaints of Mr Hartley very seriously. He thought they were exaggerated, that they were probably conceived in a clash of two strong personalities, and Mr Hartley had enough experience to handle the situation. Had there been nothing else to cause alarm, that was an entirely understandable response but, in truth, these complaints which were quite persistent took on a different colour in the context of the known shortcomings of the bank's performance. They were visible volumes of smoke from a fire that was smouldering and spreading.

Yet still the former Premier and the present Premier did absolutely nothing. I turn now to the evidence of 1990 and again go back to what Mr Hartley told the present Premier on at least two occasions—3 May and 2 October. They are both very important meetings. The evidence is that on 3 May Mr Hartley indicated that the problems within the bank were continuing. On 2 October—and this is perhaps the most telling meeting of the entire series of meetings they had—a meeting was arranged by Hartley

after he had tried to contact the former Premier, the member for Ross Smith, only to find that he was overseas. The evidence states:

I told him [Arnold] that the relationship between the board and Mr Marcus Clark had reached breaking point. I said that a number of incidents had caused directors to seriously doubt the frankness and competency of senior management. I made Mr Arnold aware that things had now got to the point where I had been considering the possibility of proposing Mr Marcus Clark's removal as Managing Director. He was concerned and said that he would be glad to help if there was anything specific he could do. But, having regard to the fact that the bank was not his portfolio, we both agreed that there probably was not. I was glad to get things off my chest, but my concerns remained unresolved.

In his verbal evidence to the Royal Commissioner, Hartley said in relation to the 2 October meeting:

I assumed that Mr Arnold would discuss it with the Premier when he got back.

However, at the end of the meeting the evidence shows that Mr Arnold said—and this is very pertinent and members should listen carefully:

Well, what are we going to do about this information you have given to me, Rod?

That is a question asked by the Minister. It is clearly shown that after 2½ years of being warned, after 2½ years of doing nothing about it, he turned to his former Director-General and a member of the board of the bank and said, 'Well, what are we going to do about this information?' He knew then that the bank was on the verge of collapse and he was starting to prepare his escape from the debacle he could see was about to descend on the whole of South Australia and his Government. He was about to start washing his hands of the events that were about to take place. He was looking for his escape. A man who had been negligent for more than two years was now preparing his own bail-out to save his own neck. Hartley was asked what response Arnold had given to the proposition that Clark should be removed. This is what Hartley said:

None whatsoever.

In other words this man who sits here as our Premier gave no response even though it had got to the point where the board was about to collapse and it was about to dismiss the Managing Director, and it is admitted that our present Premier, as a Minister of the Government, as a man paid for by the taxpayers to carry out a responsibility, sat there and did nothing and said nothing whatsoever. Hartley said:

I could not have expressed then my concerns in stronger terms to the Minister.

This man sitting here—Arnold—admitted in his evidence to the royal commission that Hartley told him Mr Clark was an egomaniac who was acting in a dangerous way and that he should be dismissed, stripped of his powers and sidelined. He believed that, if it were not possible to sack Marcus Clark, he should be effectively sidelined. After this meeting and similar discussions held at about the same time with Barbara Deed in the Premier's office, Hartley said:

I concluded I was not going to get anywhere with the Government.

Not with the former Premier; it is the Government we are talking about. The whole lot of them now stand condemned by this royal commission report. If ever there

was an admission of negligence on behalf of the Government, that is it. Hartley went on to say:

I felt that more had to be done than was being done, or was proposed, so I started to draft a letter to David Simmons saying that we must do something. I had my lunch with Arnold, with the Minister, realised I wasn't going to get anywhere with, as it were, in direct discussion with the Government. I felt very much on my own at that stage.

In other words, Hartley felt frustrated and angered that he had been let down by the present Premier and that the Government was not heeding the warnings. In his written evidence, Hartley said:

The Government strongly resisted any idea of an early retirement or resignation (for Marcus Clark). This undoubtedly affected the ability of the Chairman and the board to take firm action.

The Royal Commissioner passed the following judgments based on that meeting:

He (Hartley) told Mr Arnold that Mr Clark should be sacked or sidelined. Mr Arnold did not pass this information on to Mr Bannon as he expected Mr Hartley to do that himself, but the strength of his message is confirmed by Mr Hartley's statement that 'a number of incidents had caused the directors to seriously doubt the frankness and competence of senior management'.

Notwithstanding what Arnold was told on 2 October 1990, subsequently Bannon made the following statements to Parliament. On 4 December 1990, he said:

I am quite satisfied that the bank is conducting its financial affairs in the appropriate way. I have no information to the contrary.

On 13 December, he said:

I believe that the board and its Managing Director are doing their best in difficult circumstances to ensure that the bank remains active and successful. I have no reason to have a lack of confidence in those who are handling the bank's affairs.

The present Premier, after all the evidence that I have read to the House today, sat there and allowed the member for Ross Smith deliberately to mislead this Parliament. What worse damnation could we have of any Minister of the Government—to allow the then Premier to sit there and tell blatant lies to this Parliament? Because that is exactly what occurred—blatant lies on not one but two separate occasions.

**The SPEAKER:** Order! The honourable member is well aware of the Standing Orders of this place which do not allow members to say or imply that lies have been told. The only way in which action in that regard can be taken is by way of a positive motion.

**The Hon. DEAN BROWN:** I withdraw the word 'lie' and I say that this House was clearly misled by the Premier on two occasions—and the present Premier sat there and allowed that to occur on both occasions—not just on fabricated evidence but on repeated warnings from his own Director-General, a member of the bank board, and on occasion after occasion. He himself even asked at a meeting two months earlier, 'Well, what are we going to do about it?' The situation was that desperate, yet this man was prepared to deceive South Australians to the same extent as the member for Ross Smith. He was grossly negligent and now he must wear the anger and the shame of South Australians. He and his Government must go to the people.

**The Hon. LYNN ARNOLD (Premier):** I must say that we have seen an amazing performance by the Leader today with a farrago of selective quoting from the royal commission report and the evidence given and submissions made to the royal commission. I have been particularly interested in the so-called evidence that the Leader has given to us today because of what they promised the community of South Australia in their own statements—in their press statements yesterday and today. I remind the House that we were told there was to be a new link with the Premier in relation to the bank. They claimed that new evidence has emerged—that was the phrase.

*Members interjecting:*

**The Hon. LYNN ARNOLD:** Well, it was in this morning's newspaper—read it for yourself. It was stated:

New evidence has emerged linking the Premier, Mr Arnold, directly with the Government's failings over the State Bank, the Opposition has claimed.

We then come into the House to listen to this new evidence, and what do we find? What they have done is simply an entire re-reading of evidence that has already been put before the royal commission and upon which the Royal Commissioner has based his first report on term of reference 1. In other words, it was evidence already used by the Royal Commissioner; therefore, it is not new evidence as such. Of course, I would also point out that this evidence has been on the public record, because the royal commission hearings have, for the most part, been public hearings and the media were present at those self same hearings. They heard all these things quoted that the Leader is quoting now; they heard all these comments being made; and they made their own journalistic judgment on those matters on each occasion that that happened.

Then the Royal Commissioner himself took those matters into account in the preparation of his own report, the text of the report, the key findings of the report and the summary chapter of the report. It is not only a pathetic performance by members opposite but also, frankly, it is not good enough that this is what they should be trying to do to the community of South Australia—that they should be playing this game of trying to raise new evidence (and that is the phrase) in some kind of threat such that, 'Here are things that will alarm us all when we hear them' and then simply come back with the evidence that was already on the public record.

The fact is that those quotes that the Leader cited do appear in the evidence, and I have them marked, because I was going to read some of them into *Hansard* myself. I have nothing to worry about with regard to the comments made. I had flagged a number of these quotes to read in myself. What is typical of the Leader, what is typical of the strategy of the Opposition, is the selective nature of the quoting. I was not prepared to be selective. As I said, I had these self same things flagged to read in, but the reality is that the Leader left out many other quotes that should be taken into account. It is like a blackmailer who cuts out bits of newspaper to stick on a letter to send to somebody else to try to hide the real fact of the blackmailer's identity. What the Leader has done is to cut out little bits of the evidence, little bits of the report, little bits of the findings, stick them on a piece of paper and

say, 'This proves a damning case.' The reality is that it does not prove a damning case, as any reading of the submissions made by Rod Hartley and his own evidence to the royal commission, the Royal Commissioner's own text in his report on term of reference 1 and his own key findings and summary would attest. All those points quite clearly indicate the selective nature of what the Leader has done.

Of course, what the Leader chooses not to quote are Rod Hartley's most recent words on the matter, and he appeared on the *7.30 Report* some time ago. I will remind the Leader—because obviously his aides have forgotten about this particular quote, and he would not have the memory to remember himself—that he made the following comment on the *7.30 Report*:

Mr Arnold was sometimes present at that, but it was not his portfolio and, as Mr Bannon was often present, there was nothing more that Mr Arnold could do any more than I, except make these repeated warnings.

I think what we ought to do is to go through some of these quotes that the Leader chose to ignore. Before going through those points, I reiterate my understanding of the situation that took place with the meetings I had with Rod Hartley in his role as the Director of the former Department of State Development and Technology, latterly the Department of Industry, Trade and Technology. His role in that was to be a board member on behalf of the Government. We did have weekly meetings to discuss business matters to do with the running of the department. I might say that, quite appropriately, the State Bank never appeared on those agendas, because there is a difficult role to be played by anyone who is a member of the board under companies legislation. But it is true that at some of those meetings he indicated matters that he would like to discuss with the then Premier at the meetings that the three of us had together. We would have those meetings with the then Premier and discuss those matters.

What was coming through from Rod Hartley—and I made this point very clearly last week—was his concern that in any commercial enterprise a strong board is needed to control a strong CEO; and that it is a good relationship that takes place when the board is there up to the moment of dealing with a good CEO. He was not casting any judgments about whether the CEO was good or bad: he just simply said that any CEO needed a good board. Indeed, one of the issues he raised with the then Premier and me on some occasions is that he would have liked to see a good board in place in the Department of Industry, Trade and Technology, to have that same kind of board/CEO relationship. He was not saying himself that Rod Hartley was out of control, that he Rod Hartley was not to be trusted, or that he Rod Hartley was misleading the Government. He was not saying that: he just argued that there was a very strong relationship that could be developed by having an adequate board. That is the situation we found in 1989.

*Members interjecting:*

**The Hon. LYNN ARNOLD:** Wait on, and you will hear the other quotes that will answer your testy interjections at the moment. Then, in late 1989, he had some discussions on leaving the Department of Industry, Trade and Technology and indicated that he was going to meet with the then Premier and present him with a letter,

and he showed me a copy of this letter to which the Leader refers but which cannot be found. That is true, there was a letter; I had given evidence on that. The Leader has chosen not to cite my evidence on that. In 1990 there were two meetings. One was a lunch on 3 May, which was a convivial occasion discussing a number of matters since he had gone to a new position.

The more significant meeting was the lunch meeting in October 1990. At that point, for the first time, he had some degree of substantiation of his concerns on the State Bank. He had been to New Zealand and had been alarmed at what he had seen there and that was what was causing him the sudden qualitative or quantum leap—to use the phrase in the royal commission—in the nature of his feelings about the State Bank. Here, the Leader was at least honest enough to identify my own evidence on this matter. What he has then, however, failed to go on to recognise, as I said last week in this house, is that subsequent to that I did in fact ask the then Premier if he was aware of Rod Hartley's concerns on that matter.

I come back to some of the points that are important in dealing with Mr Hartley's evidence. It is only fair to him that he have the spread of his evidence put on the record, not the partial evidence that the Leader has chosen to present, because that is a slur on Mr Hartley's capacity as a respected business person in this community and a person whom I hold in high regard. Let us deal with this letter to the then Premier. As I say, he showed me a copy—he did not give me one to keep: he took it with him. We cannot know exactly what was in that because it has not been possible to find copies.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. LYNN ARNOLD:** Laugh you may. The Leader did not read into *Hansard* another draft which has been found and which was put before the royal commission and would be available to the Leader if he had the honesty to read it into *Hansard*. That was a draft memo, which in his own evidence—

*Members interjecting:*

**The Hon. LYNN ARNOLD:** Let us read one of Rod Hartley's submissions (he made two submissions):

On or about 21 November 1989 I dictated a departmental minute on two or three key issues of particular concern to me. This was never sent. I decided that the matters were so difficult and sensitive that they would be better left to the review meeting which I decided to arrange with the Premier when I could be frank and open.

Unfortunately for the Leader, that draft minute does exist. We acknowledge the point that the draft minute was not sent but it does indicate the flavour of his thinking.

*Mr Lewis interjecting:*

**The Hon. LYNN ARNOLD:** I have just read out why not, if the member for Murray-Mallee would care to listen.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. LYNN ARNOLD:** Let us find what Mr Hartley was prepared to say on 21 November 1989. He was talking about matters of the Public Service approach to remuneration and other matters such as that, and in this context he said:

It is the rigid Public Service approach to remuneration and employment that is at the heart of the problem, not the fact of



working for Government. There are clear examples of enterprises either wholly or partly owned by Government which have been successful in attracting quite outstanding management. The State Bank is the biggest and most high profile example. In operating to its own set of rules and creating its own culture it competes on equal terms with the private sector for staff and has been able to attract a highly competent management team.

Remember the date. Laugh if you will. Remember the date and the author. Who was the Managing Director? Can we recall the name? Tim Marcus Clark, I think, was the name. I continue to quote:

Its Managing Director, who has played the major role, could never have been recruited into the Public Service and yet given the bank's flexibility was happily recruited.

That was what Rod Hartley was prepared to author on 21 November 1989 with respect to the bank and Tim Marcus Clark.

*Members interjecting:*

**The Hon. LYNN ARNOLD:** I know the Leader does not want to know about those sorts of things, but they are the facts. Let us go to another document. The Leader is starting to back-track a bit: he is starting to edge his ground a bit. Last week I heard him say that the Premier has known since 1988—for over two years now the Premier has known. I listened carefully to his words today, and at one time he said that since mid-1989 the Premier had known—nearly 18 months. He is starting to pull back because he knows the evidence is not there to support him.

Let us look at further evidence of Mr Hartley that was put before the royal commission. Like the Leader's evidence, this is not new evidence: this is evidence already on the public record, already available to the Royal Commissioner, upon which the Royal Commissioner gave his report on term of reference 1. Mr Hartley sent a minute to Mr Guerin, the then Director of the Premier's Department, in February 1989, as follows:

State Bank's performance is excellent, but the board has insufficient influence on management and insufficient concern for the Government's interest. Under these circumstances a major reverse is more likely than it should be.

But his sentiment, 'State Bank's performance'—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. LYNN ARNOLD:** I will read again what he wrote to Mr Guerin:

State Bank's performance is excellent—

This was in February 1989. Let us go to some of the other matters that I think should be drawn attention to.

*Members interjecting:*

**The SPEAKER:** Order! The Premier will resume his seat. Enough is enough. The honourable Premier.

**The Hon. LYNN ARNOLD:** I go back to the point about board membership, which, as I say, was a very significant point for Rod Hartley. He always felt that, and I respect that view. It has to be acknowledged that one of the things that comes out of the royal commission's report is that the selection of boards is something that has to be very carefully taken into account.

*Mr Becker interjecting:*

**The SPEAKER:** The member for Hanson is out of order.

**The Hon. LYNN ARNOLD:** When Mr Hartley was making these comments earlier, when he was first

appointed Director of State Development and Technology, he was making them in the generic sense. On one page of his evidence he said:

I told both Mr Arnold and the premier that I felt the Government was erring and not applying commercial criteria when making appointments not to the State Bank in particular but to statutory boards and other offices. The directors were not chosen solely for their ability to contribute to the business of the enterprise. I saw serious flaws in the Government's selection of the board, and committees became rather a hobby horse of mine.

That is the point he was conveying to me and the then Premier at that time. Let us come back to another piece of evidence in early 1990. We have heard all these things that apparently Mr Hartley had been saying in 1988, 1989, and so on, yet what happened in February 1990 when the board of the State Bank chose to increase the salary of the then Managing Director, Tim Marcus Clark? I draw members' attention to the royal commission report, at page 359:

Despite mounting unease about Mr Clark's administration and attitude, the board itself did not as a board address the issue. Indeed, in February 1990 it increased Mr Clark's salary package by \$50 000 per annum.

We have done a check of the meetings of the State Bank board. This may have been a matter that was dealt with in confidence, but the only board meeting that took place in February was on 22 February 1990—a meeting at which Mr Hartley was present. There is no record that at that meeting Mr Hartley in any way dissented from the recommendation to pay \$50 000 more to someone whom the Leader is attempting to say Rod Hartley had totally dismissed (in February 1990) as having any capacity to manage the bank.

Let us go to more evidence of Mr Hartley in his submission. It is important to note when this quantum leap actually started to take place, when Mr Hartley started to change the nature of his concern from that of the role of a good board with a good CEO to one about the CEO not perhaps being so good. We find in early 1990 that, in his own submission, he says:

I began to realise—

and we do not have to be much of a student of the language to know what 'began to realise' means—

that the dangers associated with Mr Marcus Clark's strong personality and management style were beginning to have adverse consequences for the bank.

Again, the Leader has not chosen to make that point known. Now we come to the October meeting which he had with me. I made the reference that it was his visit to New Zealand that had caused his heightened concern about the operations of the bank. He said on that occasion:

In both my discussions with Ms Deed and Mr Arnold I made particular reference to serious errors relating to the purchase and subsequent operation of the United Building Society of New Zealand and Oceanic Capital and our massive overseas exposure as examples of Mr Marcus Clark's misjudgment.

That is the point I made. That is the information I had heard—not, I might say, chapter and verse on the figures of this matter—with respect to those points. We could look at many more quotes from Rod Hartley. Perhaps it would be fitting if the whole lot were read into *Hansard*, because I have no fear about every single word he said before the commission or every single word he wrote in

his submissions being put in the public domain, because they do not in any way reflect badly upon the role I have played as the former Minister of Industry, Trade and Technology and now as the Premier of this State.

Let us turn to some of the points that might have been known by Mr Hartley at the time. The Royal Commissioner had this evidence from Mr Hartley as well, and he made his own judgments on these matters. It is interesting to note that the Leader made no reference to the key findings or the summary document. It is notable that, despite all this alleged damning evidence, the Royal Commissioner did not find it incumbent upon him to make reference to those matters by saying, 'And, of course, Minister Arnold knew about these things and should have been telling people this or should have been doing whatever the Leader claims should have been done.'

Let us look at what was actually known in the months ahead, and again I have to correct the selective quoting of the Leader. At page 367 of the Royal Commissioner's report, it is stated:

By 13 September 1990—

a bit late on in the action; not two years or 18 months before, but just a few months before—

the board was aware that the New Zealand exposures were producing disastrous losses.

It goes on to say:

Mr Hartley specifically spoke to Ms Deed of the Treasurer's office on 15 September to criticise the UBS acquisition and the \$150 million loss of injected capital.

It then states:

Mr Hartley was primarily seeking an opportunity to reinforce to the Treasurer his concerns about Mr Clark's relationship with the board which he—

and I make a point of noting—

now regarded as wholly unsatisfactory.

This is by 13 September 1990. We have a further piece of information which indicates the figures that were available after October 1990, and I refer to page 372. This is what the board knew from the management of the bank:

In fairness it should be noted that the information before the board at its meeting on 22 November 1990—

we are getting very late on now—

when it discussed future prospects and means of dealing with those prospects, was indeed provided also to the Government on 28 November 1990. It was this material which identified a then worst case profit forecast of a loss of \$199 million compared with the previous forecast of a likely loss of \$54 million.

On 28 November 1990 the information available to Rod Hartley, a board member of the State Bank of South Australia, was a worst case scenario of a loss of \$199 million. That was nearly two months after the meeting he had with me, so he had no more information on 2 October—in fact, he had less information than he had on 28 November 1990—but, again, the Leader does not let the facts spoil a good story. In fact, all he is interested in is trying to misuse the information available on these matters.

One could go through a number of other examples in here where he quite clearly makes reference to what the board actually knew and how much information was denied to it. I might say that it is going to be very pertinent indeed to see the findings on terms of reference

two and three and the Auditor-General's report, because there is no way that the community of South Australia should have closed off from it what actually happened within the then management of that bank and how it chose actively to mislead the then board and the then Premier and Government of this State. That is something that the public of South Australia has a right to know.

I take exception to the kinds of line that the Leader has been again putting in his 'newspeak', in his recent 1984-style rewriting of history. There was the unsubstantiated assertion in the *Advertiser* that I was believed to be one of the Ministers who wanted to close off the Auditor-General's inquiry. That is not case, was not the case and will not be the case. I have a strong view that those findings should go their full length to determine what actually happened within the State Bank management, and they should be reported to the public.

Then we have the Leader saying in a press report that he has evidence that I did say that. We know what his evidence is like: it is as insubstantial as the clouds. I believe that perhaps his evidence is no stronger than if he went to a ouija board and sat in a darkened room with a glass feeling the motions of the table and some voice from the deep or the great ether said to him, 'Oh, the Premier knew; the Premier does want it to be cut short.' I say categorically that there is no evidence the Leader can have to say that I changed my mind on that matter, because I did not change my mind on that particular matter. I, too, like all South Australians, want to know what the former management did to that bank which has resulted in us, as South Australians, wearing the loss that we now have to wear as a community.

Why should I not want to know what the management did in that bank activity? I share the anger of South Australians about this matter. As we know, the Leader again chooses to ignore the points made in the report relating many times to the activities of the management and giving a foretaste of what the Royal Commissioner will be examining in terms of reference two and three. Given those comments—and I know others on my side have many comments they want to make—I want to move an amendment to the motion. Accordingly, I move:

Delete all words after 'That this House' and add the following:

notes

- the first report of the Royal Commission into the State Bank of South Australia which deals with the relationship and communications between the State Bank and the Government;
- that the Commissioner in his concluding commentary states that 'it is not part of the current inquiry on the first term of reference to assign blame or apportion responsibility for the disaster that overtook the Bank';
- that the Commissioner has yet to report on his second and third terms of reference which may deal with proposals to amend the legislation governing the bank and the relationship between the board, the Chief Executive Officer and the bank respectively;
- that the Auditor-General has yet to report on his terms of reference which require him, amongst other things, to report on the causes of the financial difficulties of the bank;
- that these matters will be the subject of further consideration by the House when those inquiries have been completed;

The House further notes Government action that has been undertaken, in particular,

- that the former Treasurer has accepted responsibility as the Minister responsible and resigned, thereby discharging the proper conventions of Government;
- that the former Chief Executive Officer of the bank has resigned;
- that members of the board of the bank as comprised at the time of the revelations of the bank's financial difficulties have now all resigned;
- that the former Under Treasurer, who held that position during material times, has since retired;
- that the Government has taken significant steps to ensure the stability of the bank, including:
  - a restructuring of the State Bank Board and management.
  - a significant upgrading of the bank's reporting requirements and the flow of information between the bank and the Government.
  - the attendance of the Under Treasurer or representative at all bank board meetings.
  - the instigation of regular meetings between senior bank and Treasury officers.
  - the transfer of non-performing assets to the control of the Government, thereby putting the profitable core operations of the bank on a much sounder basis.
  - a major restructuring of the bank's retail operations.
  - the absorption into the bank of Beneficial Finance Corporation and Ayers Finnis.
  - formalising supervision by the Reserve Bank of Australia of the bank's activities to remedy previously inadequate arrangements.
- that the new State Bank has been given a clear mission statement with its goal for the future to become a commercially based regional bank, offering a major benefit to the people of South Australia;
- that these reforms will significantly reduce this State's exposure to risk.

I urge members to support the amendment.

**Mr INGERSON (Deputy Leader of the Opposition):**

In essence, this amendment is a total rejection of the Royal Commissioner's report. One aspect of the amendment refers to the attendance of the Under Treasurer or representative at all meetings of the bank board. All the way through his report, the Royal Commissioner said that one of the major problems was that the then Premier rejected the fact that Treasury wanted to be represented on the board. So, that is a rejection of one of the major findings of the Royal Commissioner. Let us look at the selective quotes. The Premier said that he quoted from a draft letter written by Mr Hartley. With reference to this document, on page 11 253 the evidence states:

Q. You gave a letter to the Premier at the meeting in December. Is that [the draft document] what you gave the Premier?

A. No, nothing like it.

In response to another question, Mr Hartley goes on to say:

Yes, I did. Some time after this draft. It was one of those drafts that had some fairly heavy matters in it and I decided that, really, it wasn't the sort of thing that you just sent to the Premier...

This draft document to which the Premier refers is nothing like the letter that was drafted and sent to the member for Ross Smith. The letter that was sent to the member for Ross Smith clearly set out for the Premier a strong personal issue. Mr Hartley said that it was a draft departmental memo and quite different from the letter. The Premier also said that Mr Hartley gave late warnings. At the time when Mr Hartley was giving these late warnings, the Opposition was questioning the Government about Equiticorp and the National Safety Council, and this Government was ignoring all questions on those two issues; yet, at that time, the Premier was being advised by Mr Hartley that there were difficulties. At exactly the same time as all this information was being given to the Premier, money was being distributed and put into the Remm budget.

No-one can argue that the Government is blameless or not culpable for the State Bank disaster. The terms of reference require the Royal Commissioner to examine the communications between the State Bank Board and the Government. 'This it does exhaustively and specifically.' In fact, on 724 separate occasions in his report, the Royal Commissioner refers to 'the Government' when referring to responsibilities, obligations, the receipt of information and financial returns. This whole exercise is about indictment of the Government and not just of the former Premier, the member for Ross Smith. A fair reading of the report clearly shows that the words 'the Government' are used in a generic sense, meaning that all members of the Government are included, not just the Treasurer or Treasury.

Even in the key findings, 'the Government' is referred to specifically and advisedly on 13 different occasions. It is beyond the comprehension to believe that, when the Royal Commissioner uses the word 'Government', he really means 'Treasurer'. If he uses the word 'Treasurer' at other times, why then not all the time—unless he is deliberately choosing not to do so. When the Royal Commissioner said, 'It is clear that the appointment of directors of the bank, including its Chief Executive Officer as a director, is a critical power of the Government', it is clear that he means just that: he is not giving the responsibility to only the Treasurer. The Royal Commissioner, time after time, talks of Government approval and of Government approval through the Treasurer.

The Royal Commissioner picks his words very carefully, as the member for Ross Smith has found out. When he talks of a hands-off approach to the bank, the Royal Commissioner states:

It is now possible to identify some matters which may have led to significant questions being addressed to the bank if the Government had shown more interest or more concern.

What the report is saying is that the whole Government, in which the now Premier was involved in Cabinet, is well and truly involved in this whole royal commission report. Clearly, the whole Government means that the nine Ministers of Cabinet sitting here today are responsible for this action, yet the Premier has chosen to allow the member for Ross Smith to cop the lot. It constitutes the biggest abrogation of collective responsibility in the history of government in this State. It clearly defies the explicit intention behind carefully chosen words of the Royal Commissioner. The Royal Commissioner set out

clearly and methodically the areas of responsibility, the events which transpired under this responsibility and where this responsibility was not fulfilled. As I said last week, the Government, not the Treasurer alone, was, in the eyes of the Royal Commissioner, in dereliction of its duty. The former Treasurer was certainly guilty, and he has gone. Whatever the Premier says, the resignation of the member for Ross Smith does not cleanse the Government of guilt. The front bench is still tainted by every page of the Royal Commissioner's report. In this report the Government has been mentioned collectively some 724 times.

The Premier, along with Cabinet, has to accept the responsibility of this report. He was warned two years before by Mr Hartley about board appointments and about the bank's rapid growth. In relation to bank appointments, the premier admits that these bank reports were discussed in Cabinet. How can one admit that they have been discussed in Cabinet and then not accept some sort of culpability and responsibility for it? The Commissioner found that the board appointments were critical to the performance of the bank but, if we read through the report, we find that that started in 1984-85; it went right through the whole report. The evidence that Mr Hartley gave in 1988 and 1989 to Mr Arnold, the now Premier, were more frequent and much stronger warnings than those given to Mr Bannon.

One of the fascinating records of the royal commission is in relation to the then Minister of Labour. The Minister of Labour had a totally different attitude regarding his responsibility—to what he should do in his area.

**The Hon. Frank Blevins:** What reference is that?

**Mr INGERSON:** This reference is on page 165, and the Deputy premier prompts me in this regard. In relation to the argument that he could do no more about the bank because it was not in his portfolio, I want to refer to a section of the report which comments on a case in which the Deputy premier intervened in bank decisions regarding superannuation. Fascinating, is it not, that the Deputy premier found reason to intervene, yet the current premier could not intervene when he was told and given such information? It is important to note that the Deputy Premier, the then Minister of Labour, had no responsibility at all for the bank, yet in 1988 he intervened in bank actions. The Royal Commissioner said:

...the Minister of labour apparently felt strongly that a commercial decision of the bank should be challenged by the Government, and proceeded to do so in the face of the Treasurer's policy.

What an incredible situation that the now Deputy premier can see that there was a definite reason for him to interfere on what was a very minor issue in relation to bank policy, yet the Premier, with some two years of evidence, did not bother to follow through on the advice he been given. In relation to bank growth, he had been advised by Mr Hartley that stability was at risk if that growth continued, yet he did nothing about it.

To summarise, the Commissioner deliberately and clearly made the implication of the Government versus the Treasurer and the Treasury. The Royal Commissioner said, on some 700 specifically different occasions, that the Government had responsibility for its actions; secondly, that Premier Arnold knew about the problems

in 1988 when we were asking questions about Equicorp and about the National Safety Council issues. He also knew about the problems of growth in the bank. The Premier and the Government should be quickly and easily removed through an election as early as March 1993. I support the motion.

**The Hon. S.M. LENEHAN (Minister of Education, Employment and Training):** Thank you, Mr Deputy Speaker—

*Members interjecting:*

**THE DEPUTY SPEAKER:** Order!

**The Hon. S.M. LENEHAN:** It is interesting that the Opposition does not want to hear from me. It is quite interesting when one looks at this. We have sat here as a Government—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! The House will come to order. The Minister of Education, Employment and Training.

**The Hon. S.M. LENEHAN:**—and listened to the Opposition make what has to be one of the most politically cynical moves that I have encountered in my 10 years in this Parliament. I am going to outline to the House why I believe this is an incredibly cynical move and one that should be rejected by all members of this Parliament. The reason I do so is that if we look at what the first two speakers from the Opposition have said we see that the Opposition Leader has quoted extensively, and may I say extremely selectively, from evidence given to the royal commission, and yet the Leader has ignored the following statement made by the Royal Commissioner himself in his concluding statement:

It is not part of the current inquiry on the first term of reference to assign blame, to apportion responsibility for the disaster that overtook the bank.

Yet we have an Opposition Leader who has put himself above the Royal Commissioner, who has flagrantly disregarded the very statement in the concluding remarks of the Royal Commissioner, and indeed has sought to apportion blame and deliberately ignore this concluding statement. I find it quite amazing because, in wanting to apportion blame and draw conclusions, one has to ask the question why the Opposition, and particularly the Leader and the Deputy Leader, have chosen to ride roughshod over the Royal Commissioner and his report on the first term of reference. What a nonsense it is.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! I ask the Minister to take her seat. Every speaker who has spoken in this debate so far has been received by the House with courtesy. I will ensure that the Minister of Education is protected in the same way that other speakers have been protected. I would order that the Minister be heard in silence.

**The Hon. S.M. LENEHAN:** I think it is important that we look at what the Opposition is trying to do. Members opposite are trying to ensure that they pass judgment—a judgment that the Royal Commissioner himself has said quite clearly in his conclusions should not be passed—and they want to do so without having heard the Royal Commissioner's reports on the second and third terms of reference and, indeed, without having heard the Auditor-General's Report. What a cynical,

political manoeuvre this has turned out to be on behalf of the Opposition.

We need to ask ourselves as a Parliament why it is doing that and I intend to answer that question as soon as I have refuted one absolutely glaring and ridiculous piece of misinformation that has been put to us in the House this afternoon by the Leader of the Opposition. The assertions made by both the Leader and the Deputy Leader have been that there are over 700 specific references to the Government, criticising the Government in the royal commission report, and so to say that it is not the Government that is guilty means the evidence has not been looked at.

Let us look at the facts of the matter. The Commissioner's references to 'Government' must be considered in the context of the terms of reference which require the Commissioner to actually examine the communication and relationship between the Government and the bank. I would refer the Leader of the Opposition to the term of reference:

The Government of South Australia and includes, unless the context otherwise requires, a Minister of the Government and the officers of the Government and all public employees within the meaning of the GME Act.

That is a very broad definition. All references in the report to the word 'Government', unless the context otherwise requires, are references to Government in the broadest sense. Indeed, an examination of the context of the references would show that the references are in the main to the former Treasurer, Treasury officials or both. It is simply a convenient way to refer to the Government as opposed to the bank or other players in the report.

A search of the royal commission report does indicate that the word 'Government' is used over 700 times. This reference includes the Government of Victoria, the alternative Government, namely the Opposition, semi-Government authorities, State Government Insurance Commission and the State Government Financing Authority Act. Clearly these are not references to the Government as such and are not some kind of critical references as have been alleged by both the Leader and the Deputy Leader. And one might well ask about the *bona fides* of the Deputy Leader in terms of his casting the first stone in a debate in which he proved to be, under some questioning by the media, less than able to cast that stone in terms of how much he had read of the royal commission report.

*Members interjecting:*

**The Hon. S.M. LENEHAN:** They do not like that. They are little boys in the playground. They are bullies and they cannot take it. There are 40 or so references in the report's preliminary sections and table of contents. That is 40 references before one is even presented with findings or indeed with discussion. How then can these be taken as criticisms? As the Premier has said, let not the facts get in the way of a good story peddled around this town by the Opposition. There are a number of references in the appendices which do not form part of the Commissioner's discussions or findings. This is simply nothing more than a political beat-up by the Leader of the Opposition; a transparent and fraudulent attempt to lay blame at the Government's feet; an objective that the Commissioner in his own words has said was not the task of the Commissioner and

particularly with respect to this first term of reference. It is also a blatant attempt to embarrass the Speaker when it was the Opposition which insisted on the timing of putting this matter to the House.

I do not intend to refute every one of the pieces of misinformation—and I have chosen my words carefully here with respect to Standing Orders—that have been put to this Parliament both today and last week. However, it is time that the community of South Australia started to ask some questions about the Opposition's morality and motivation. Everybody in this State, and most importantly the Government, is very angry and has been shocked at the results of the State Bank and, indeed, some of the findings of the royal commission. Nobody rejects that. We are concerned, we are desperately upset. What then is the Opposition seeking to do? What it is seeking to do is not to look at how we can avoid this situation ever happening again, not waiting until we have got the other two terms of reference reported on, not waiting for the Auditor-General's Report, but trying to seize some initiative, to try to seize the Government benches, so that it will not have to face what these other reports might say.

One could ask: why has the Opposition not raised concerns about some of the legal attempts to prevent the Auditor-General from reporting to this Parliament? Why has the Opposition not wanted to see the Auditor-General's report fully and properly concluded and not thwarted by legal tactics to try to prevent this happening? Why is the Opposition trying to protect some of the players in the game?

I suspect that, when all the information is on the table and the people who have gained from this disastrous loss by the State Bank and some of the people who support the Opposition and who have played a very interesting role in all of this are exposed, the Opposition will not like those findings. If the Opposition were serious it would have approached this in a responsible and reasonable manner. However, it has not chosen to do so.

Many people in the community, as I am, are asking questions such as: why is the Liberal Party grandstanding to ensure that the attention remains on the State Bank? I will tell you why—it does not want the people of South Australia to know what it is standing for. I suspect, Mr Speaker, that the Opposition does not know that itself. I believe that sooner or later the Liberal Opposition will have to respond to the electorate about the things it stands for. Where does the Liberal Opposition in South Australia stand on the Hewson GST?

**Mr BRINDAL:** On a point of order, Mr Speaker, I ask you to rule on the matter of relevance.

**The SPEAKER:** This is an important motion and amendment. We have suspended Standing Orders to consider it. The points of view are fairly specific and I ask the Minister to be relevant in her contribution.

**The Hon. S.M. LENEHAN:** With respect to the amendment that has been moved by the Premier, my comments are extremely relevant. What I am doing is drawing into the discussion the position that has been put by the Government in relation to this motion. I believe the community of South Australia has every right to know where this Opposition stands on the Kennett industrial relations policies. Where does the Opposition stand on reductions to education?

**Mr S.G. EVANS:** On a point of order, Mr Speaker—

**The SPEAKER:** Order! Will the Minister resume her seat.

*The Hon. Dean Brown interjecting:*

**The SPEAKER:** The Leader is out of order.

**Mr S.G. EVANS:** My point of order is about relevance. The Kennett industrial relations policies have nothing to do with this motion.

**The SPEAKER:** I uphold the point of order and ask the Minister to be relevant in addressing the motion before the Chair.

**The Hon. S.M. LENEHAN:** I will leave my questions for another day. They will be asked and the points will be made, whether or not the Opposition like them. I thank you for your guidance, Mr Speaker. In concluding, I repeat that this has been nothing more than a cheap and cynical political tactic to try to wrest power, notwithstanding the damage the Opposition may do to the South Australian economy and community.

We, as a Government, are getting on with the job. We are going to move forward and ensure that this Opposition does not get its cynical, political way in this matter. I commend to the House the amendment that has been moved by the Premier.

**Mr S.J. BAKER (Mitcham):** I am absolutely astonished. After the bumbling, fumbling effort of the Premier, I expected that there would be a rejuvenation from the other side. I do note—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr S.J. BAKER:** —Sir, that you had to leave the Chamber after the effort, and I note that 10 members opposite—

**The SPEAKER:** Order! Will the member for Mitcham resume his seat. He is reflecting on the Chair. I am sure the occupant of the Chair did leave the Chamber for a while. Is the member for Mitcham indicating that that is not allowed?

**Mr S.J. Baker:** No, Sir.

**The SPEAKER:** I would ask the member for Mitcham to be careful about his reflections on the Chair.

**Mr S.J. BAKER:** I would be the last one to reflect on the Chair, as you are well aware, Sir.

**The SPEAKER:** I suggest that that would be wise.

**Mr S.J. BAKER:** I was reflecting on the performance of the Government. Following the bumbling, fumbling effort, as I was pointing out, all the members went to sleep or left the Chamber. Then, in walked the Minister of Education. I do not know why the Minister of Education suddenly got a guernsey—I expected the Deputy Premier. Obviously members opposite are not confident to line up the Deputy Premier, so they sent along the Minister of Education who spent 10 minutes wandering around in the dark wondering what was Government. I would have thought that the Minister knew what was Government.

Let us get back to the facts of the case. I would like to go over the evidence presented to the House in this motion. It is true that in 1987 Mr Hartley, as soon as he was appointed to the State Bank board, told the Minister of State Development that there were problems and they were three-fold. He said that immediately. He said, 'The board is commercially inexperienced; the board is overly

dominated by Clark; and, the board meetings are ineffective.' They are three things that he told the Minister in 1987.

In 1988 it got a little more hectic than that, and it was pointed out that unless the bank consolidated it was heading for difficulties. The Minister was told that Clark was deemed to be out of control. Mr Hartley reiterated that more experience was needed on the board for two reasons: one was to combat Clark and the other was to widen the business acumen of the board.

I point out to the House that if action had been taken in 1988, when the assets of the bank went from \$11 billion amounting to \$24 billion in 1990, this State would not be facing a \$3 150 million disaster. The Minister, the present Premier, knew. He was told and he sat on his hands. The royal commission talks about smouldering and burning as the information became available. I would hate to have this Premier as my next door neighbour. If he saw smoke coming from my house he would sit there and watch it burn. That is the analogy we are talking about here: he would let the house burn down because he would say, 'It has nothing to do with me.' That is what he would have us believe—but that is far from the truth.

In 1988-89 the now Premier admitted that Mr Hartley had brought to him serious concerns, and what did he do about them—nothing. The Premier of this State says, 'I deserve to be Premier, yet I let this disaster occur despite having all this information at my disposal.' In 1989 the temperature rose even further. Mr Hartley said that there were serious problems but that they were reversible if action was taken. But no action was taken and the Premier sat on his hands. Not only was no action taken but on 1 July 1989, after this long period during which the Minister had presumably been communicating in some form with the Premier of the day, a new board was appointed. This was a new opportunity to change but he did not intervene—he sat on his hands and let it all happen.

**The Hon. Dean Brown:** He left a vacancy there.

**Mr S.J. BAKER:** He left a chair vacant so that Marcus Clark could run rampant a little longer. The accusations being made in 1989 were not only that Marcus Clark dominated the board, not only that he dominated the bank, but that he was quite misleading in the information he was providing to the board and absolutely manipulative in the way he was operating. The Minister, the now Premier, had that information at his disposal. He was told by Mr Hartley, and what did he do—nothing. Then we heard that the two meetings on 3 May 1990 and 2 October 1990 confirmed that the problems were getting worse. Then the Minister (now Premier) said, 'What should I do with all this information? What should I do now? Please hold my hand. I have to get out because the information is quite damning and I am in part responsible.'

But what did he do? The Minister sat here in this Parliament whilst the Premier misled us, and we have already heard evidence on that. That is what the issue is all about: the extent to which the then Minister and now Premier could have intervened in the affairs of the State Bank to change the situation.

If the Minister had had the guts to sort out the matter back in 1988, we would not have a problem, but he sat

on his hands. He has a new theme song if members read the amendment before the House. Our soldiers sing, 'Bless them all, bless them all.' The new song sung by the Premier is, 'Blame them all, blame them all, the long and the short and the tall.' In fact, he blames the former Treasurer in his motion; he blames the former Chief Executive Officer in his motion; he blames members of the bank board in his motion; he blames the former Under Treasurer in his motion; and he blames the management of the bank in his motion. However, he has forgotten a key person to blame, and that is himself, as well as the rest of the Cabinet that stood aside as all these events unfolded.

In his feeble response, the Premier said, 'Look, we had all this information, but it was not until Mr Hartley came back from New Zealand that it all crystallised.' It was all crystallising beforehand, and the Premier knows that. He also knows that even in 1989 the Government could have stopped itself from all those State Bank investments in New Zealand—over \$1 billion of damage even in 1989 could have been saved if the now Premier had stood up and said, 'We have to change the board; we have to get rid of Marcus Clark and take action,' but he did not—he sat on his hands.

We have had some interesting minutes drawn to our attention. It was pointed out by the Deputy Leader that the damning letter has disappeared. The now Premier has suddenly found a replacement, but that was discredited before the royal commission. I cannot believe the gall of the man. Further, the Premier read out the minute of February 1989 when he said, 'The State Bank's performance was excellent, but', and then he started reading the 'buts'. Of course, we know what the 'buts' are. The 'buts' are that the board was inadequate; there was a major reversal problem looming; and there was a maniac in charge at the helm.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr S.J. BAKER:** No, an absolute maniac. I have no difficulty in calling Marcus Clark a 'maniac'. This is a serious motion. It is not about attaching blame to other people associated with the State Bank. This motion is about the Government taking responsibility for what it took part in at the time. This motion is about changing the Government. I support the motion.

**The SPEAKER:** The honourable Minister of Business—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.D. RANN (Minister of Business and Regional Development):** Thank you, Mr Speaker, I am glad that I cause such excitement—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.D. RANN:** Thank you, Mr Speaker. A number of things have been said this afternoon about Mr Rod Hartley. We have heard how we were negligent in not taking the advice of Rod Hartley. We have been told by the Leader of the Opposition that Hartley told the royal commission that, at various times, he seriously considered the removal of Tim Marcus Clark. Well, why did he not act? Why did not Rod Hartley, a board member, act? Did he confront Marcus Clark in the board

meeting? If Clark was out of control, why did he not take control? Did he put his concerns on the record in the board meeting? We are told that Hartley repeatedly questioned the competence of Tim Marcus Clark and his offiders in the bank. Well, did he raise those questions at the bank's board meetings?

**Mr LEWIS:** I rise on a point of order, Mr Speaker. I would be pleased if you could help the Minister understand the meaning of the word 'relevance'.

**The SPEAKER:** Order! The member for Murray-Mallee will resume his seat. I understand the need for relevance, and I will certainly uphold those points of order. However, there is a precedent in this place over many years for both sides to be allowed to build a case. Only one minute has passed. I will not uphold a point of order on relevance after only one minute of a speech.

**The Hon. M.D. RANN:** I would have thought that, since the issue of Rod Hartley's questions have been repeatedly raised by members of the Opposition, it is quite fair for me to ask, 'Did Mr Hartley raise these concerns on the bank board? Did he confront Marcus Clark or did he just talk about it behind the scenes when the bank board was not sitting? What is the duty of a bank board member? Is it to raise those concerns on the board or to talk about it behind the scenes?' They are the critical questions that the Leader of the Opposition has not raised. Did he vote for Tim Marcus Clark's raise in salary in February 1990? Did he turn up to that board meeting? We are told that he did. I am sure he did. How many meetings did he not turn up to? We have to ask these questions repeatedly of board members. Did they do their duty? Did they do their job? Did they confront or did they just squeal?

As to the questions concerning bank members, I look forward to future reports by the Royal Commissioner and the Auditor-General, because I would like to see a number of the senior people who were involved in the bank at that time behind bars because, quite frankly, they make Ronald Biggs look like an amateur. I would also like to see the real spotlight put on the con men, the auditors—these auditors that members opposite have raised high in the past. Let us remember that it was KPMG Peat Marwick that members opposite so often cite which said in mid 1990 that the State Bank was the best run State Bank in the country. Obviously, according to the Opposition, the views of that company are not worth a crumpet, as I said the other day.

I was looking through some of the things that had been said, some of the hubris and hindsight in the debate last week. I heard the member for Coles say, 'We had access to the weekly periodicals, such as the *Business Review Weekly*'. She did not add that it was the *Business Review Weekly* that ran the article by John Hewson recommending Marcus Clark for a position on the Reserve Bank board, and also the six monthly annual reports of the State Bank, and saying that we should have known back in February. She talks about us as brigands, the brigands who should have known better in February 1989.

Also I should point out that last Thursday in this House I challenged the member for Coles to release to this House the 'Dear Tim' letter that she wrote in that very month when we were supposed to have known for years that Tim Marcus Clark was out of control. This

woman of honour, this member of Parliament who stands on her dignity—and we have seen the feigned walkouts—has gone very quiet about the 'Dear Tim' letter. She wonders why she was not taken notice of. She was the girl who cried wolf because, time after time, week after week, month after month she opposed every single development in this State. With respect to the Wilpena development, we saw her lying in front of the bulldozers—

**Mr BRINDAL:** I rise on a point of order, Mr Speaker. We are now more than one minute into the Minister's contribution and I ask you to rule on relevance.

**The SPEAKER:** I do uphold the point of order. Unless the Minister is building a case around the point he is making, I ask him to apply the rule of relevance.

**The Hon. M.D. RANN:** I am certainly building a case, Sir, because people are asking why members opposite did not take notice of the member for Coles. It is because she was dumped as their economic spokesperson, following a number of scenes and following a lot of opposition. I remind members of the bizarre spectacle at the opening of the Bicentennial Observatory. I understand that the 'Dear Tim' letter, which is very relevant to her hypocrisy in this House, talked about how she would value his opinion and advice on issues affecting the South Australian economy. This is the man that we were supposed to have known was a brigand. I am told that the letter goes on to say that she believed that individuals who held key positions could often provide insights and perspectives which are essential if the Opposition is to be well informed and effective. I am told that her letter states:

Your time, Tim, is precious, and I do not propose to hold meetings as such. However, to know that I can consult you at any time would be very helpful to me. Certainly, in the early stages when I will need to be briefed on a wide range of issues, I would very much appreciate it if I could call on you for a discussion on what you see as the key issues and how they should be addressed.

This is the maniac that they knew about. Presumably she will say that she wrote lots of letters like that to people. But I want her to have the guts, the gumption and the honour to acknowledge that she did send her good mate, dear Tim—whose cocktail parties she attended—a letter with every good wish.

Of course, we have also seen the phoney contribution of the member for Bragg. We have heard about him and we heard his grandstanding over the weekend. When we look back at what he said in his contribution to this House the other day we see references to how he read the report thoroughly and we were told of all these things that he found in the report. Then we read in the paper that even though he was up until 4 a.m. he had read only a quarter of the royal commission report. Let us face facts: I am the Minister responsible for State Print, so we will put it out in comic book form to help the member for Bragg. There is an enormous amount of hubris and hypocrisy. There is no doubt why March next year has been mentioned as the time when the Leader of the Opposition would like there to be an election. We know what will happen in April and we know who will be moving for his job. The simple fact is that we have seen an extraordinary display of hypocrisy.

What has really happened today is that the Opposition had to find something because it had built up this momentum in the media that it would move a motion of no confidence in you, Sir, and it then squibbed and backed away from it. Members opposite then said to themselves, 'What the hell do we do to fill in the time?' They decided to pretend that they had some new evidence, which they have not managed to obtain. I am simply saying today that there needs to be a certain finger put on people opposite. The member for Kavel, for whom I have an enormous amount of respect and affection—as he knows—came in here the other night and we heard this vitriolic attack on the member for Ross Smith. All this bitterness and bile welled up. I have some advice for the member for Kavel: we only beat you; your offsidiers betrayed you.

**The Hon. D.C. WOTTON (Heysen):** I am amazed at the arrogance and ignorance of the Minister who has just resumed his seat. The Minister attacked the member for Coles in the same way that he attacked her for what she had to say back in 1989 when she, as a member of this Opposition, brought to the notice of the people of South Australia the problems we could foresee in the State Bank. It is interesting to know that the Minister who has just resumed his seat receives a special mention in the report for the attack that he made on the member for Coles and the Opposition at that time. The Minister referred to Mr Hartley and what he told the board. It is irrelevant what Mr Hartley would have told the board. What really matters is what he would have told the Minister and what he did tell the Minister.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.C. WOTTON:** His Minister at that time—the now Premier—sat on his hands, as we have repeatedly said this afternoon, for some 2½ years and took no notice or action at all. Let us look at these phoney amendments before us at the present time. There is a list of events under the guise of Government action. Let us look at this so-called Government action. What the Government is doing is blaming everyone else but itself. Members opposite are saying, 'Blame everyone else, but do not blame us.' That is the message that it is trying to get across to the community. Who does it blame? The former Treasurer is mentioned, and the so-called Government action is that the former Treasurer has resigned. In relation to the former Chief Executive Officer, the so-called Government action is that he has resigned. Likewise, the board of the bank has resigned and the former Under Treasurer has retired. So much for Government action. There is no Government action in that.

Let us look at what the Opposition's motion is all about. It makes perfectly clear the fact that the Government, the community and the Royal Commissioner recognise to a very significant degree that the current Premier and his Government—and not just the member for Ross Smith—must accept responsibility for the unprecedented losses of the State Bank Group. It points out that the Royal Commissioner's report identifies the Government's failure to strengthen the board and the Government's encouragement of the bank putting 'stability at risk in pursuit of growth' as crucial factors



contributing to the losses of the bank. It also endorses the findings of the report in that at all relevant times the current Premier was aware of the need to strengthen the bank board and for the bank to curtail its rapid growth.

The motion that has been moved by the Leader of the Opposition today shows quite clearly through the evidence of the royal commission that during the two years before the first bank bail-out in February 1991 the now Premier was told the bank board lacked the business and banking expertise necessary to discharge the board's responsibilities, yet no action was taken to give the board this experience. It points out that the Royal Commissioner found that the appointment of board members was a critical power of the Government (page 37 of the report). The Government had a responsibility to 'ensure it was exercised properly'.

The fact is that no member of the Government nor supporting Independent can now say that they are not fully aware that this Government is guilty of gross mismanagement, deceit and corruption. The report of the Royal Commissioner has proven conclusively that this Government influenced the policy and decisions of the bank by political interference to use the bank for electoral gain and without the knowledge of the people but with the full knowledge of this Government. It squandered \$3 150 million, which rightly belongs to every South Australian taxpayer. Never before has Government accountability to the people of South Australia been at such a low ebb, and the people would support that very strongly.

The present Premier would have us ignore the scathing findings of the Royal Commissioner. This Premier would have us believe that the buck stops with the former Premier and not with his Government, which presided over the largest financial disaster in the history of this country. Mr Speaker, this is not a time for you, the member for Ross Smith, who has the gall to continue to sit in this place, or the Premier and his Cabinet to claim a mandate to continue to govern. This State desperately needs a change of direction. The people are demanding a change in administration. Premier, for the sake of all South Australians, give them that opportunity to pass judgment on the performance of your Government. I support the motion before the House.

**The Hon. J.P. TRAINER (Walsh):** The penultimate paragraph of the royal commission inquiry reads as follows:

The saga of the State Bank is thus seen to be a story of inappropriate relationships and unsatisfactory quality in level of communication between the Treasurer and Treasury, between the Treasurer and the bank, between Treasury, including SAFA, and the bank, between the board of the bank, its Chief Executive Officer and its management, between the Reserve Bank and the bank and between the Reserve Bank and the Government.

What does the Opposition motion do to address these problems or to do anything other than try to seek cynical political gain out of our State's misfortune? Rather than opportunistically playing politics with this report, as the Opposition would have us do, this House should be directing its energies to what really needs to be done: getting on with the job of clearing the State Bank debt, and restructuring our financial institutions to ensure that another such disaster can never occur in the future.

Above all, we must deal with those who are really responsible for the disaster—the over-salaried crooks, charlatans and incompetents within the upper echelons of the bank who took it down a disastrous path to near collapse while, in effect, continually lying to the former Treasurer and the Parliament about what they were doing.

Faced with this terrible financial challenge, South Australia has responded admirably. As part of the process of accountability, the sort of accountability that has been mentioned so frequently before, we have seen the former Treasurer, the Under Treasurer, the State Bank Managing Director and all the members of the board lose their positions. The Bannon Government no longer exists: a new Government, the Arnold coalition Government, is in place. Thanks to very careful foresight, the State budget has managed to absorb the colossal State Bank losses without taking the *per capita* State debt significantly above the national average. The fact that the State of South Australia was able to cope with this terrible financial blow is a tribute to the work of the former Treasurer, before his fall from grace as a result of people within the State Bank lying to him.

The State Bank has been restructured and its core business is now operating profitably. Some of the lost funds will return to the community when property values are restored. Furthermore, and most importantly, I hope that the executives or the employees responsible for the losses will be pursued vigorously as a result of the findings of the royal commission when they are complete and the Auditor-General's inquiry. Meanwhile, the Arnold Government is getting on with the job of restructuring the State's economy as recommended in the A.D. Little report commissioned by this Government to meet the challenges of the twenty-first century.

The amendment meets the needs of the people of South Australia; the motion moved by the Opposition does not. The amendment proposes positive action compared with the cynical, political posturing of the Kennett clones whom we see opposite. Let us as a State and as a Parliament get on with the job we are elected to do and stop these political distractions or we may end up letting the real crooks, the get-rich Gordon Gekkos, get away with what they did. Observing the law-makers of the land being preoccupied with debates such as this one here today, the Gordon Gekkos must be laughing all the way from the bank.

*Members interjecting:*

**The SPEAKER:** Order! The Leader.

**The Hon. DEAN BROWN (Leader of the Opposition):** Look at the hard evidence. The evidence is that in 1987, on two or three occasions, this Premier was warned by his Director-General, who was a member of the bank board; in 1988, in the words of that Director-General, he was warned 'throughout the year'; in 1989, he was warned on at least three, four or more occasions.

*Mr Meier interjecting:*

**The SPEAKER:** Order! The member for Goyder will not be ignored.

**The Hon. DEAN BROWN:** In 1990, he was warned on two occasions, and he ignored those warnings. In total, on at least 10 to 12, if not more, occasions, this man here, the man who now purports to be the Premier

of our State and to whom we entrust our finances, is guilty of having been warned about the bank, about its growth rate and about the weakness of its board members and of doing absolutely nothing about it.

**Mr Meier:** He is guilty.

**The Hon. DEAN BROWN:** He is guilty not only of failing in his responsibilities as a Minister but, more importantly, he is guilty because if he alone had acted, if he had put pressure on the member for Ross Smith, he could have saved this State about \$1 000 million or more. If only this man, who purports to be our Premier, had had one ounce of courage to take on the then Premier and insist on an investigation. On two occasions, when I was Minister of Industrial Affairs, senior public servants approached me concerning matters unrelated to my portfolio and warned me that those matters needed to be investigated. I went to the then Premier, discussed those matters with him and insisted that there be an independent investigation. They were minor issues compared with what we are dealing with now. One of them related to potential financial losses—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. DEAN BROWN:** —in Government and the other to a conflict of interest. On both occasions, I went to the Premier and insisted on an independent investigation. Here we have a man who purports to be Premier of our State, a man who was warned on at least 10 occasions, and a man who has been found wanting and is now damned by the people of South Australia.

The only defence that the Government could put up today, from the Premier through to the Minister of Tourism, was to turn on Mr Hartley, attack him and accuse him, as the Minister of Tourism did, of squealing, of not taking action within the board and, at the same time, of not taking action to ensure that the then Managing Director, who was a board member, was brought under control. I point out to the House that only one group could have sacked Mr Marcus Clark as a director of the bank, and that is the group that we look at across the House today. The present Premier, the former Premier and members opposite whom the people of South Australia trusted to look after their bank let them down badly. Premier, you look guilty; you are guilty—

**The Hon. J.P. TRAINER:** A point of order, Mr Speaker.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.P. TRAINER:** The Leader of the Opposition is not directing his remarks through the Chair but is shouting 'you' across the Chamber, and that is definitely not permitted.

**The SPEAKER:** I uphold the point of order. The Leader will direct his remarks to the Chair and will not use the word 'you'.

**The Hon. DEAN BROWN:** Thank you, Mr Speaker. The Premier is guilty; the Premier looks guilty; and the Premier is condemned by the evidence that he and his Director-General (a member of the board) gave to the royal commission and now by the findings of the Royal Commissioner himself. The only defence that members opposite could come up with this afternoon, apart from attacking Mr Hartley, was to move an amendment which, I point out to the House, lists actions that this

Government has taken. I also point out that every one of them involved a person either retiring or resigning on a voluntary basis. This wimp of a Government has never sacked a soul; it just does not have the backbone or the courage to do so.

That is why the member for Ross Smith sits in his present position. He had no courage for four years even to take on the dazzle of Marcus Clark. It was not only the member for Ross Smith who was dazzled by Marcus Clark; it was the present Premier who, for three or four years, refused even to question the board. They refused to put in board directors, even though they had the opportunity to do so on 1 July 1989, 18 or 19 months before the bank finally collapsed. If only they had had the courage to put in one or two people with experience and capability in banking, who were prepared and had the strength to take on Marcus Clark, we could have saved at least another \$1 000 million. It is because of you, Mr Premier, it is because of this man who sits here and purports to be our Premier, that we now—

*Members interjecting:*

**The Hon. DEAN BROWN:** Well, he does purport to be our Premier.

**The Hon. J.P. TRAINER:** A point of order, Mr Speaker.

*Members interjecting:*

**The SPEAKER:** Order! The Leader will resume his seat.

*The Hon. H. Allison interjecting:*

**The SPEAKER:** Order! The member for Mount Gambier is out of order.

**The Hon. J.P. TRAINER:** By making continual references to the person who purports to be Premier, the Leader of the Opposition is reflecting on the Premier, indicating that he is not actually the premier.

**The SPEAKER:** I uphold that point of order. Reflection on any position in this Chamber is out of order.

**The Hon. DEAN BROWN:** This man, who has the name of Premier, has let this State down. All members are shortly to vote on the amendment and the motion. I point out that any member of the House who has taken the time and effort to read the royal commission report will see clearly that the Labor Government of South Australia is guilty, guilty, guilty.

Anyone can see that the Royal Commissioner, on more than 700 occasions, has referred specifically to the Government of South Australia. After all, that was his term of reference. They keep asking as a Government for this to be put off until the next royal commission report or the Auditor-General's report. They know only too well that the second or third term of reference does not refer to the Government whatsoever. That is why they are trying to put it off: they are trying to divert the spotlight from them now to a time when they know that the Government will not be referred to in the royal commission report.

**An honourable member:** How do you know?

**The Hon. DEAN BROWN:** Because it happens to be there in the terms of reference. Mr Speaker, you and other members of the House are about to cast your vote on this important issue. It is very important—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. DEAN BROWN:**—that all members of the House realise the serious nature of what they are voting on and the clear evidence that stands before them, both in the evidence to the royal commission and in the findings of the royal commission. Any person who is rational, logical and who has read the findings of the royal commission cannot help but come to a number of conclusions, and those conclusions are set out in the motion that we have before the House today. I plead with you, Mr Speaker, and with other members of the House to make sure that this Government gives the South Australian public the chance to condemn it and to pass judgment upon it before the polls, and the earliest opportunity that can be done is March next year. I throw out a challenge to all of you: look at your conscience, look at the evidence and make sure you support the motion.

The House divided on the amendment:

Ayes (23)—L.M.F. Arnold (teller), M.J. Atkinson, J.C. Bannon, F.T. Blevins, G.J. Crafter, M.R. De Laine, M.J. Evans, D.M. Ferguson, R.J. Gregory, T.R. Groom, K.C. Hamilton, T.H. Hemmings, V.S. Heron, P. Holloway, D.J. Hopgood, C.F. Hutchison, J.H.C. Klunder, S.M. Lenehan, C.D.T. McKee, M.K. Mayes, J.A. Quirke, M.D. Rann, J.P. Trainer.

Noes (23)—H. Allison, M.H. Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, H. Becker, P.D. Blacker, M.K. Brindal, D.C. Brown (teller), J.L. Cashmore, B.C. Eastick, S.G. Evans, G.M. Gunn, G.A. Ingerson, D.C. Kotz, I.P. Lewis, W.A. Matthew, E.J. Meier, J.W. Olsen, J.K.G. Oswald, R.B. Such, I.H. Venning, D.C. Wotton.

**The SPEAKER:** There being 23 Ayes and 23 Noes, I cast my vote in the affirmative.

Amendment thus carried.

The House divided on the motion as amended:

Ayes (23)—L.M.F. Arnold (teller), M.J. Atkinson, J.C. Bannon, F.T. Blevins, G.J. Crafter, M.R. De Laine, M.J. Evans, D.M. Ferguson, R.J. Gregory, T.R. Groom, K.C. Hamilton, T.H. Hemmings, V.S. Heron, P. Holloway, D.J. Hopgood, C.F. Hutchison, J.H.C. Klunder, S.M. Lenehan, C.D.T. McKee, M.K. Mayes, J.A. Quirke, M.D. Rann, J.P. Trainer.

Noes (23)—H. Allison, M.H. Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, H. Becker, P.D. Blacker, M.K. Brindal, D.C. Brown (teller), J.L. Cashmore, B.C. Eastick, S.G. Evans, G.M. Gunn, G.A. Ingerson, D.C. Kotz, I.P. Lewis, W.A. Matthew, E.J. Meier, J.W. Olsen, J.K.G. Oswald, R.B. Such, I.H. Venning, D.C. Wotton.

**The SPEAKER:** There being 23 Ayes and 23 Noes, I cast my vote in the affirmative.

Motion as amended thus carried.

*Members interjecting:*

**The SPEAKER:** Order! The Leader is out of order. I warn the Leader, because every time we have a vote, this cry of 'Shame!' comes up. Once again I must point out to the Leader and to all members in this place that a reflection upon any member's vote in this place is against the Standing Orders, the custom and the tradition of this place. In future, naming will take place if anyone uses the word 'Shame!' to reflect on any member's vote.

### WORKERS REHABILITATION AND COMPENSATION (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

**Mr LEWIS:** Mr Speaker, I direct your attention to the departure of a Minister from the Chamber while you are on your feet.

**The SPEAKER:** The Minister will resume his seat.

### STATE BANK

**The Hon. JENNIFER CASHMORE (Coles):** I seek leave to make a personal explanation.

Leave granted.

**The Hon. JENNIFER CASHMORE:** Last Thursday, 19 November, in answer to a question without notice and again today in debate on the motion, the Minister of Tourism—

**The SPEAKER:** Order! Members will come to order. If members are going to leave the Chamber, they may leave the Chamber, but I ask them to keep the noise down so that at least I can hear what is being said. The honourable member for Coles.

**The Hon. JENNIFER CASHMORE:** The Minister of Tourism misrepresented me both in case of fact and in casting aspersions on me. In answer to a question without notice about freedom of information, the Minister of Tourism said:

At about the time that I made my speech about the State Bank I understand that the member for Coles, according to members opposite, wrote to Tim Marcus Clark telling him that she would value his opinions and advice on issues affecting the South Australian economy.

It is a fact that I wrote to Mr Marcus Clark on 1 February 1989. The speech on the State Bank by the Minister of Tourism, who was then known in this House as the member for Briggs, took place in this Chamber on 13 April 1989. In suggesting that I was criticising Mr Marcus Clark for his administration of the State Bank whilst at the same time seeking his advice on economic matters, the Minister suggested to the House that I was a hypocrite. The chronology of the incidents is therefore important and I will outline it to the House.

I was appointed as economic spokesperson for the Liberal Party in January 1989. Following that appointment I drafted a letter to more than a dozen leading business people in South Australia advising them that I would value their advice on economic matters. At that point I had no reason to doubt Mr Marcus Clark's administration of the State Bank. I wrote to the State managers of other private banks and to the Managing Directors or Chairmen of Directors of leading Adelaide companies.

*Mr Atkinson interjecting:*

**The SPEAKER:** The member for Spence is out of order.

**The Hon. JENNIFER CASHMORE:** At that stage I had had no responsibility for economic matters until my appointment. My first question on the State Bank was on

14 February 1989, and it was upon questioning at that point that I began to doubt Mr Marcus Clark's capacity to administer the bank as it should have been administered and the Government's capacity to supervise those matters.

*The Hon. M.D. Rann interjecting:*

**The Hon. JENNIFER CASHMORE:** It was indeed. I was quick on the job, was I not, Mr Speaker?

**The Hon. M.D. Rann:** That's why they sacked you.

**The SPEAKER:** Order! The Minister has been spoken to twice; the next time will be a warning.

**The Hon. JENNIFER CASHMORE:** The Minister by interjection has again repeated the error of fact that he made in his speech on the motion this afternoon. He claimed that I was dumped by the Liberal Party as economic spokesperson. I was appointed to that portfolio as shadow Minister in January 1989. I served in that capacity continuously until the State election of November 1989 after which I voluntarily relinquished my position on the front bench of the Liberal Party. At no time was I dumped from the position of economic spokesperson, nor from any other position in the Liberal Party.

*The Hon. Dean Brown interjecting:*

**The SPEAKER:** The Leader is out of order.

**The Hon. JENNIFER CASHMORE:** The Minister of Tourism also stated in his answer to a question last Thursday, 19 November, that he had come by a copy of the letter that I wrote to Mr Marcus Clark from my colleagues. To the best of my recollection I did not provide a copy of that letter to any of my colleagues, nor would there have been any reason for me to do so. I can only assume that a copy of that letter must have come into the Minister's hands by way of leak from the State Bank, and if that is the case I would regard very seriously, indeed, the ethical attitudes of staff who are prepared to leak members of Parliament's correspondence to other politicians.

#### SITTINGS AND BUSINESS

**The Hon. FRANK BLEVINS (Deputy Premier):** I move:

That the time allotted for—

(a) completion of the following Bills:

Dried Fruits (Extension of Term of Office) Amendment

Firearms (Miscellaneous) Amendment

The Flinders University of South Australia (Miscellaneous) Amendment

Public Finance and Audit (Miscellaneous) Amendment,

Construction Industry Training Fund,

Local Government (Financial Management) Amendment

Parliamentary Committees (Publication of Reports) Amendment and

(b) consideration of the Legislative Council's amendments to the Ambulance Services Bill—

be until 6 p.m. on Thursday.

Motion carried.

#### LEGISLATIVE REVIEW COMMITTEE

**The Hon. FRANK BLEVINS (Deputy Premier):** I move:

That the committee have leave to sit during the sittings of the House today.

Motion carried.

#### WINE GRAPES INDUSTRY (INDICATIVE PRICES) AMENDMENT BILL

**The Hon. T.R. GROOM (Minister of Primary Industries)** obtained leave and introduced a Bill for an Act to amend the Wine Grapes Industry Act 1991. Read a first time.

**The Hon. T.R. GROOM** I move:

*That this Bill be now read a second time.*

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

Leave granted.

#### Explanation of Bill

In 1966, legislation was enacted as part of the South Australian Prices Act (1948) which enabled the setting of minimum prices for winegrapes in order to safeguard the incomes of grape growers. Due to problems with the operation of this part of the Act (Section 22a to e), and the fact that it did not offer any real income protection for grape growers, it was replaced in December 1991 by the Wine Grapes Industry Act, 1991.

The main difference between the two pieces of legislation was that, whereas the winegrape section of the Prices Act allowed for the setting of minimum prices (although this provision had not been used in recent years), the Wine Grapes Industry Act only allowed for the determination of indicative prices. Also, this provision only applied to the "production area", which basically meant the Riverland.

Indicative prices are arrived at after consideration of the relevant supply and demand information by a committee representing both grape growers and wine makers. The prices are based on the most accurate data available at the time (December of the year preceding the vintage). The prices can be amended if the basic parameters change during vintage.

Both the SA Farmers' Federation—Wine Grape Section and the Wine and Brandy Producers' Association of South Australia have agreed that the current wine grape legislation should be broadened to allow the setting of indicative prices (or indicative price ranges) in non-Riverland areas of the State, namely the Barossa Valley, the Southern Vales and the Clare area.

Most assessments of the operation of the indicative prices system during the 1992 vintage were that it was successful and an improvement over the previous situation. It ensured that, as far as possible, market signals were conveyed to the grass roots of industry. It is because of the success of the operation of the indicative prices scheme in the Riverland in 1992 that the industry has sought the extension to the existing indicative prices scheme.

Clause 1: Short title. This clause is formal.

Clause 2: Amendment of s. 3—Interpretation. This clause amends the definition of "production area" so that the Governor may add to the listed areas of the State that form part of the production area any further areas declared by regulation. The

definition is used in section 5 of the principal Act to limit the application of indicative prices fixed by the Minister for the sale of wine grapes to processors.

**Mr D.S. BAKER** secured the adjournment of the debate.

#### **DRIED FRUITS (EXTENSION OF TERM OF OFFICE) AMENDMENT BILL**

**Mr D.S. BAKER (Victoria):** This is a small amendment to the Dried Fruits Act which extends for 12 months the term of office of the three representatives. Unfortunately—and this is no reflection on the present Minister—his predecessor was not able to get his act together and have the amending Bill introduced, so that we are now forced—

*Mr Becker interjecting:*

**Mr D.S. BAKER:** That is the present Premier, who we know is having some problems. He was not able to get his act together, because the amendments to the legislation, which dates back to 1934, should have come before this House from 1991 onwards. The Opposition supports this Bill, and we hope that the new Minister of Primary Industries will be able to introduce the relevant measure at an early stage.

**The Hon. T.R. GROOM (Minister of Primary Industries):** The contribution of the member for Victoria is not accurate. Ordinarily the preparation of the Bill would have been well advanced, but there are very important broad questions to be reached in regard to complementary dried fruits legislation with New South Wales and Victoria as well as South Australia. With that in mind, model legislation based on South Australia's white paper was presented at the July 1992 meeting of standing Ministers of Agriculture for consideration by all the States.

Some issues are to be resolved, but there was doubt that the States would be able to agree to complementary legislation before the expiration of the term. Therefore, the preferred course was to extend the term of office. Legislation amending the Dried Fruits Act is now well advanced and I should be able to introduce it in Parliament during the February session so that it can pass early next year. The suggestion by the member for Victoria that there was some omission or fault on the part of the Premier was quite wrong: the only delay has been because it is necessary to have complementary legislation between New South Wales, Victoria and South Australia.

Bill read a second time and taken through its remaining stages.

#### **THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA (MISCELLANEOUS) AMENDMENT BILL**

Adjourned debate on second reading.  
(Continued from 17 November. Page 1469.)

**Mr SUCH (Fisher):** The Opposition supports the Bill. It contains various measures in regard to voting in

university council elections and allows part-time general staff to have representation, whereas currently they are disfranchised. It also changes the definition of 'university grounds' to take into account the fact that the university is in a dynamic and changing environment, and it allows flexibility for the university to deal with changes in terms of property ownership and so on.

The most significant amendment in the Bill, apart from those mentioned and also some relatively minor changes relating to the creation of senior academic positions and changes to the council's quorum and voting procedures, concerns deadlock provisions between the council and the convocation of the university. This has been a matter of concern for some time. Whilst many people see it in the context of recent events, this is an issue that needs to be addressed in any event because the current arrangement is unworkable.

At the moment, convocation has some 27 000 members, and the possibility of having meaningful input from that number of graduates and staff would be very difficult to achieve. The situation at Flinders University involving the relationship between convocation and the council is unique within Australia. Members would recall that recently when we passed the University of South Australia Act a deliberate decision was made not to follow the situation that exists at Adelaide and Flinders Universities, so as to avoid the difficulty that has now become most evident at Flinders University in relation to possible disputes between convocation and the council.

The fact that this matter has not been able to be resolved has caused quite a bit of disharmony within the university. It is something all members of this place would not wish to see continue. I accept that some people would like to see this matter left open for lengthy discussion and debate, but I and the Opposition believe that at some time in the future this matter would have to be addressed anyway. At the moment there is no mechanism for dealing with a deadlock between convocation and council, and a matter including the present one, relating to the structure of the university, could go on *ad infinitum*, creating—and perpetuating—a most unsatisfactory situation.

The Opposition is mindful of the concerns that have been raised by many people within the university who have made approaches to me and other members. We note their concerns and urge the university, as an independent body, to look closely at issues within it that have arisen and may arise out of the restructuring to ensure that, as far as possible, there is a harmonious resolution of those issues.

The Opposition takes the view that universities should be in control of their own destiny and therefore the less interference from Parliament and outside bodies the better. Nevertheless, the reality is that this Parliament is charged with the responsibility of amending the Act, and to that end what is before us today is seen as a reasonable and necessary proposal albeit causing some concern to certain members of the university who would like a lengthy debate on this issue.

I do not believe that it would be in the interests of the university community to drag out this matter any further. I believe the sooner it can be resolved and the deadlock provisions sorted out the better. If the university can go into 1993 with this matter resolved it can get down to the

business of maintaining its reputation of excellence in the area of teaching and research and retain its position not only as one of the leading universities in Australia but in the world. I commend the Bill to the House and urge its speedy passage.

**The Hon. S.M. LENEHAN (Minister of Education, Employment and Training):** I thank the member for Fisher for his contribution and support, and the Opposition for the support it has given in this matter. It is important that matters are successfully resolved, and I believe this will happen in the future. I have met with the executive of convocation and I understand that it will be looking at redefining its role and function in the coming year. I look forward to the university and the council working with the executive of convocation to achieve perhaps a more realistic and relevant role and function to convocation into the 1990s and beyond. I hope that these minor amendments to the Flinders University of South Australia Act will ensure that this process can take place. I concur with the remarks of the member to Fisher.

Bill read a second time and taken through its remaining stages.

#### **FIREARMS (MISCELLANEOUS) AMENDMENT BILL**

Adjourned debate on second reading.  
(Continued from 10 November. Page 1286.)

**Mr MATTHEW (Bright):** The Bill presents me with a number of mixed feelings. Whilst the Liberal Party supports the reasons for the drafting of the Bill and its general thrust, the Government has fallen a long way short of achieving the initial reasons for the drafting of the Bill, being the recommendations of the Police Minister's conference in 1991. The greatest concern of all is that the Bill risks penalising those people in our society who are responsible firearm owners as distinct from those from whom society needs to be protected through the motions moved at that conference.

Media headlines reflected the national outrage that flowed from the events that took place at the Strathfield Shopping Plaza in Sydney early in the afternoon of Saturday 19 August 1991. At some time between 2.20 p.m. and 3 p.m. on that day, a gentleman named Wade Frankum, a 33 year old part-time taxi driver, as members would remember, went on a shooting and stabbing spree in this crowded suburban shopping centre. It is important to recall that the assailant went on both a shooting and stabbing spree. A total of eight people died on that occasion, including Frankum, and six people were wounded in the ensuing massacre.

In August and December 1987, some four years previously, similar outrage swept the nation when, in two separate incidents in Melbourne, 16 people died and 22 were wounded by lone gunmen wielding semiautomatic weapons. These incidents, now known as the Hoddle Street massacre and the Queen Street massacre, led the then Prime Minister in Canberra on 19 December 1987 to convene a gun control summit at which the nation's leaders reviewed the need for uniform gun laws. I do not think that any member of this Parliament would criticise

the reasons or the need for convening such a summit. Indeed, both Liberal Party and Labor Party members from around Australia participated in that event.

It is notable that the summit failed to reach consensus on a national gun control strategy but the Commonwealth, all States and the Northern Territory did agree to establish a national committee on violence which has become known as the NCV, with a broad ranging mandate to study the state of violence in the nation, to examine the causes of this violence, and to propose ways of combating this pervasive problem in the future. The NCV was established on 16 October 1988. Limited resources were allocated to it but, with those resources, it conducted nationwide public hearings, sponsored research and published a wide range of materials on different aspects of violence in Australian society. It held a national conference on violence and submitted its findings to all Governments on schedule. These findings were subsequently published in February 1990 in a report entitled 'Violence directions in Australia.'

A number of important things need to be reflected on at this juncture. The first is that in 1987 the Australian Institute of Criminology reported to the Prime Minister's gun summit as follows:

There are at least 3.5 million guns of all types, registered and unregistered, licensed and unlicensed, in the hands of private citizens in Australia. In 1979 there was one gun to every five or six people in our nation. Today there is one gun to every four people. More than one quarter of all Australian households possess a gun.

That is an alarming statistic. It reflects the number of people in our community who have an interest in this legislation before the Parliament. Most of those are responsible in their ownership of guns, and many of them use those guns to enjoy a recreational pastime, be they sporting shooters, target shooters or something similar. I have never owned a gun in my life. I do not use a gun for any purpose but, like many members in this Parliament, I would defend the right of an individual to do so providing they exercise that right responsibly. It is important that that aspect is not encroached upon by this legislation. It is important that this legislation does not traverse the fine line of putting in place stringent safeguards necessary to protect our community while at the same time not infringing on the rights of law abiding citizens.

More recent information available from the 1989 international crime victims survey conducted simultaneously in 14 nations around the globe, including Australia, suggested that about one Australian household in five owns a gun. Respondents to that survey were asked, 'Do you or someone else in your household own a gun?' By 'gun' I do not mean an air rifle.' From the 2 012 Australian respondents aged 16 and over, selected at random from Australian telephone books, 19.4 per cent answered 'yes' to that question. It is interesting then to look at the demographics of gun ownership in Australian society drawn from that same survey and the available figures in respect of licensed shooters.

The most recent figures indicate that about 809 000 Australians presently have a firearms licence, with the Northern Territory having the highest per capita rate of licensed shooters in our country. We see a large number of guns in our society, concentrated in some areas of our

country and, if we look at the massacres that have received considerable publicity, it is understandable that there will be much debate about gun ownership. Much of the contemporary debate has been focused on the nation's cities where it is often suggested by those who participate in the debate that there is no reason at all for citizens in a city to possess a firearm of any type. However, most people would acknowledge that those who live in rural areas may need a weapon for agricultural purposes.

The international survey carried out in 1989, to which I referred earlier, found that respondents to the Australian survey were almost four times likely to own a firearm if they lived in areas with a population of under 10 000 people. Based on this survey, the best estimate of gun ownership in rural areas was about 41.1 per cent of households. That means the ownership in the city is far less. In Adelaide, it is only 11.7 per cent. It is important to reflect on those figures and the aspect of responsible firearm ownership. So, about 11.7 per cent of people in metropolitan Adelaide own a firearm, compared with 41.1 per cent of most rural communities. I do not believe that we see a greater rate of crime involving the use of firearms in rural areas, where there is a more concentrated use, than we find in the city area. That point is worth reflecting on and must be carefully considered as we try to strike that fine balance between protecting our community and, at the same time, ensuring that those who wish to own firearms and use them in a law abiding fashion are not deprived of the right to do so.

One conclusion that has been drawn from the various findings of such groups as the National Gun Summit and subsequent conferences of Police Ministers and Premiers is that the Hoddle Street, Queen Street and Strathfield massacres have each emphasised serious deficiencies which exist in gun licensing and security procedures. Indeed, our own State is certainly not free from those gun licensing procedure deficiencies. I will come back to that point a little later. Quite apart from the type of weapons obtained lawfully by the killers involved in each of these massacres, each killer also displayed a propensity for violence prior to the commission of the crime. It could be argued that, in theory, the disturbed condition of these killers should have been detected prior to the violent crimes in which they participated. Indeed, mandatory seizure of all firearms in their possession should have occurred. The legislation before us makes provision for that through placing an onus, albeit a limited one, on medical practitioners.

In considering those issues it is important to keep in mind the way these things have happened. Members should look at what has now happened in South Australia in terms of legislation. We had a spate of violence interstate in 1987 and then a further spate of violence and the Prime Minister convened working bodies and groups. However, in this State we have failed to come to grips with the problem. Certainly, in recent weeks we have heard the Government say that it will impose stringent gun laws in this State, and it has referred to its concern to protect the community. But what we have seen over the past couple of years is nothing short of filibustering over gun control in this State. We now have before us a Bill similar to that which was introduced in March 1992 and which seeks to bring into effect the resolutions of the Police Ministers' Council and the Premiers Conference

together with the recommendations of our own Commissioner of Police, paint-ball operators and other interested parties.

In his second reading explanation, the Minister claims that the objective of this legislation and the Firearms Act Amendment Act 1988 is to prevent so far as is possible—and it is important to reflect on these words—death and injury as a result of firearms misuse. This Bill follows the Firearms Act Amendment Bill 1987, which was introduced in the House of Assembly on 3 December 1987. After considerable controversy, the Government subsequently withdrew that Bill on 30 March 1988 following the introduction of the Firearms Act Amendment Bill 1988.

Then, on 6 April 1988 a select committee was appointed to examine that Bill and report back to Parliament. That select committee subsequently reported back to Parliament on 23 August 1988, and with that report was included the Firearms Act Amendment Bill (No. 2), the product of the select committee's deliberations, and it was finally presented to the House of Assembly. That Bill, too, was particularly controversial. A number of the members of that Parliament—of which I was not a part—opposed the Bill. There was a division on the third reading in this House and the Bill was finally assented to on 1 December 1988. However, to this day that 1988 Bill has not been proclaimed.

So, here we are debating a Bill in Parliament—a Bill submitted by a Government that claims it is now putting forward legislation that will do something about protecting our community and that it is doing this in the interests of public safety—but this same Government introduced a Bill in 1987 and withdrew it; it introduced a Bill in 1988 and let it go to a select committee; and it introduced a Bill that was put forward by a select committee and had it assented to, but it has never been proclaimed.

The Bill we have before us today was introduced into this Parliament in March of this year, just before the House was to rise at the end of the session—the Government's knowing full well that we would never have time to get it through the Parliament. Here we are, just before the Christmas break, in the last week of sitting, seeing that Bill introduced yet again. I ask you, Mr Deputy Speaker, how serious is this Government about this Bill? How serious is it about getting something done about gun laws in this State? How serious has this Government ever been about doing something about the administration of guns in this State? I will come back to that point again in far more detail a little later.

We now have a Bill before us. After all this time I would have expected there to have been quite extensive consultation and communication with interested and concerned groups in our community. I have been surprised to find that that has not occurred at all. In fact, I have met extensively with firearms groups throughout our State. I have met with anyone who has expressed a view either for or against firearms ownership. I have been absolutely appalled to find that this Government has continually refused to consult with people who want to do nothing more than contribute towards legislation to ensure that we have responsible firearms ownership in this State. I am absolutely appalled that the previous Minister of Emergency Services (Hon. J.H.C. Klunder)

made three appointments with firearms groups—spokesmen for firearms owners in this State—and on all three occasions those appointments were cancelled just prior to the date the meetings were due to be convened.

That Minister has now gone—the Minister who presided over the Bill which was introduced into the House in March 1992 and which lapsed at the end of the parliamentary session. I had hoped to find that the consultation process had changed, but not so. The same groups that sought to meet with the previous Minister of Emergency Services have been getting no further with the current Minister or the Minister's staff. I have been appalled to find that these groups have been continually told that the Minister does not have the time to meet with them due to the hectic parliamentary schedule. It is all too convenient an excuse to avoid the issue.

The Opposition also participates in a very hectic schedule. The Opposition does not have the advantage of the large staffing force that is behind Government members, but the Opposition has found the time to consult with people who want to do nothing other than ensure that they are treated as people who have a knowledge of firearms and who want to contribute towards responsible gun legislation in this State. I would have thought that any responsible Government would have at least heard what people have to say.

Because those groups have not received a hearing I think it appropriate that during the course of this debate I read into the record just some of the correspondence that has been sent to me. I turn first to a letter I received only yesterday—and I believe all members would have received similar correspondence—from the Antique and Historical Arms Association of South Australia Inc. It states:

The above association is the oldest and largest body of arms collectors in South Australia and we have actively supported sensible firearms legislation that we believe to be of benefit to the general public as well as firearms users. We therefore find Mr Mayes' report on the amendment Bill 1992 quite objectionable and his claims that submissions from interested parties have been considered are, in our opinion, untrue and very misleading. We and many similar organisations have made numerous attempts to meet with Mr Klunder and latterly with Mr Mayes with no success and we have been given no opportunity to make any submissions whatsoever. Despite many inquiries we cannot find any major firearms club or association that has been able to do so. We have had discussions with the Police Firearms Division and many pertinent submissions have been made to them and in principle accepted as reasonable.

Despite this, no alteration has been made to the Bill since Mr Klunder introduced it earlier this year. In fact, Mr Mayes used exactly the same address in his introduction, not unusual, except that it was written by the police officer in charge of the Firearms Branch. The complexity of the proposed licensing system is completely out of touch with all other States, making a mockery of the Police Ministers' conference in their attempts to unify this matter. The section on ammunition and magazine control is unrealistic and will require much discussion with police, dealers and firearm owners, clubs and associations to clarify this, as clarification it will surely require. Commonsense indicates this should happen before the Bill is passed, but regrettably Mr Mayes has made it quite clear he has no intention of listening. The workload on the Firearms Branch is going to be

enormous and we feel a 'them and us' attitude could, for the first time, develop. These matters are of great concern to us and we would welcome the opportunity to discuss them in greater detail with you.

The letter is signed R. Talbot, Public Relations Officer. I have received another letter—from which I will quote only in part—from the Sporting Shooters Association of Australia. It is a personal letter to me dated 20 November 1992, and it states:

We are aware that you have been briefed by executive members of the Combined Shooters and Firearms Council of South Australia Inc., a body with which we are affiliated, and we wish to support the views of that council. In general, we believe that the Bill adds both unnecessary and undesirable provisions to an already cumbersome attempt, in the form of the Firearms Amendment Act 1988, to unreasonably restrict the activities of honest people in the guise of reducing the incidence of violent crime involving firearms.

The letter from the Sporting Shooters Association then seeks to make a number of different points under the following headings: the difficulty and cost of administration and enforcement; the potential for loss of freedoms due to stated and unstated powers of the registrar; and ridiculous provisions. Under the heading 'The difficulty and cost of administration and enforcement', the letter states, in part:

The only apparent way to enforce some provisions will be for members of the Police Force to visit the homes of firearms owners in a preemptive fashion and on a regular schedule. We believe that actions of this type, when there is no evidence that a person has committed an anti-social or criminal act, would be a serious breach of civil liberties. Any attempt to justify such visits on the grounds that a person might be in breach of a technical provision of the Act would surely not be acceptable.

Under the heading 'The potential for loss of freedoms due to stated and unstated powers of the Registrar', the letter states, in part:

The Bill seeks to give the Registrar vast personal powers to restrict the activities of licensed people for whatever reasons he sees fit at the time. Our prime concern is that there is no scrutiny of many of these actions by the Firearms Consultative Committee as is currently the case.

I will come back to that point later. Under the heading 'Ridiculous provisions' the letter states, in part:

As noted above, most of the damage was done in 1988, but a couple of sections of the present Bill would be funny if not for the obvious serious implications. We are puzzled by what problem they think they are solving with the various sections relating to ammunition. It would appear that a friend or family member could pick up a fired case in the bush but could not give it to me unless I had a firearm capable of using it or a permit to acquire ammunition of that type. Many firearm owners have collections of loaded ammunition, cases and projectiles for which they do not own firearms. I wonder what the harm is in that. Surely they do not suppose that a criminal in possession of an illegal firearm would be hindered in obtaining ammunition just because of these restrictions.

The whole neurosis around self-loading centrefire rifles and shotguns is alive and well in the scattergun approach to removable magazines of more than five rounds capacity for these firearms. This whole issue will prove to be a nightmare to administer and will not prevent any crime of violence. We note that dealers would appear not to be able to deal in them and



hence not provide a means of legal disposal of unwanted magazines.

I will return to that point. One other point contained in this letter which it is important to include on the record appears under the heading 'Recognised firearms clubs' as follows:

Various new provisions appear to make it possible for the Minister or Registrar to force us out of existence for any reason which appeals to them at the time, with limited legal recourse available to us.

These concerns, I stress, have been put to me by firearms organisations. Regardless of whether the Opposition agrees with every point or whether some members of this Parliament have different views, I think it is important to highlight the fact that many of these concerns have arisen because this Government continually refuses to make available even the draft regulations associated with the 1992 amendment Bill that is before us. Further, this Government continually refuses to make available draft regulations or the final regulations that were put together for the 1988 Bill, which has yet to be proclaimed. That, in itself, has caused many people anxiety, perhaps unnecessarily, and has continued to protract this debate.

Regrettably, the new Minister has also failed to make the regulations available to those people who seek a copy. I sought a copy of the regulations from the firearms section and also from the Minister's adviser and was advised that they were still being drafted. I have a copy of the draft regulations, which I received in June this year, and I think it entirely inappropriate to be told by either the police firearms section or the Minister's adviser that regulations are not available to me when a draft has fallen off the back of a truck because this Government is not prepared to communicate through proper channels. It has been procrastinating over this Bill for years. It refuses to consult properly, it snubs firearm groups, and it will not negotiate or consult, and that same pathetic record is continued by the current Minister. It is an absolute disgrace to the democratic process and not one befitting a responsible Parliamentarian. I wish to quote from a letter from the Firearms Safety Foundation of 23 November 1992, which I believe might have also been sent to other members and which states in part:

We support the safety training aspects of the Bill. Whilst the Minister stated that this legislation will not eliminate firearms misuse, his introductory report also stated that it will not unduly affect the interests of the legitimate firearms user. This foundation cannot support the latter statement.

The letter goes on to say:

It will be impossible to administer the requirements relative to ammunition and magazines and the workload for approvals to purchase all firearms, the segregation of licence classes and permitted uses for each and every firearm, these being only some of the matters intended to be introduced. The 1988 Act has never been proclaimed because of complexities and unworkability. The Bill introduced in March 1992 lapsed and the current Bill does not contribute to effective, practical and logical control of those who misuse firearms. We have been denied access to the regulations for any of the above legislation. As a skeleton Bill, it is incomprehensible without them. All efforts by this foundation and other responsible bodies to contribute towards more effective legislation (a prime aim of this foundation) have been ignored by the current and former Minister and the Police Department. The Government has not seen fit to implement recommendations

including consultation by the select committee of the House of Assembly of 1988.

We seek your assistance in obtaining legislation which is practical and effective. If deferment of the legislation would prevent implementation of safety training then we would advocate that the legislation would cover only that matter.

That letter is signed by Mr M.F. Papps, Director, and Mr G.F. Tunstill, Director, Firearms Safety Foundation. It is important to place those letters on the record, because I believe they are representative of the letters which have been sent to me and because my citing them at least gives those groups the opportunity to be heard by this House and by the Minister who sits here now but who has not been able to find the time previously to consult with them. Despite the unacceptable length of time over which this Government has procrastinated on firearms legislation, the letters contain a common thread: all the groups feel that the Ministers and the Government have failed to consult. Regrettably, this has become all too common a characteristic of this Government across a broad range of issues.

Because of the length of the consultation period, there obviously has been the opportunity to consult with everyone, and there are signs that the Commissioner of Police has grown very impatient with what has passed. I wish to share briefly with the House a section of a letter sent to me by the Police Commissioner on 13 November 1992 in response to a standard letter that I sent to the Commissioner and other parties inviting them to make the Opposition aware of any matters that should be drawn to the attention of the House during debate on this Bill. The Commissioner said:

...we are of the opinion that given the time factor for the passing of this Bill, I would be pleased for it to be introduced as is in an effort to get it finalised. There may be minor changes in the House to it but essentially it ought go through in its current form. It may be appropriate for a further streamlining in the future after some study.

That last sentence is very important. This Government has had ample opportunity to study the necessity or otherwise of firearm provisions, to look at national and international evidence and to consult with people who have already undertaken an enormous amount of study, but it has failed to do so, despite the fact that it first introduced legislation into this House in 1987, and now, five years later, no legislation has been proclaimed. Those matters aside, I am also concerned, assuming this legislation is passed—and I believe that ultimately in some shape or form it will—at the Government's ability or demonstrated lack thereof to administer the Act. By way of example, I refer to page 129 of the 1991-92 Auditor-General's Report under the section entitled 'Firearms Control' where it is stated:

For a number of years audit have reported to the department regarding the number of persons who have failed to renew their firearms licence as required where they are also the registered owner of firearms. On two occasions audit have suggested that additional temporary resources be allocated to address this position. In 1989 the department provided additional resources for a short period.

That in itself is most disconcerting. Here we have a report of the Auditor-General telling us that, for a number years—indeed, since 1989—he has sought action by the Police Department, by the Minister of Emergency

Services, to do something about the state of the firearms register, but nothing happened. Indeed, that is confirmed by audit's further findings. The Auditor-General then tells us:

In June 1992 an audit report on this issue was forwarded to the department. As at 30 June 1992 there were 16 007 licence holders who are registered as having firearms in their possession but who have failed to renew their required licence.

If the Police Department had been operating its firearms register effectively and efficiently, if the area had been appropriately staffed, if the Government were really in control of the situation relating to firearms, how on earth could 16 007 licence holders fail to renew their firearm licences? The matter becomes even more interesting when we look at the breakdown of the outstanding licences. The Auditor-General tells us that 1 231 of those licence holders are now deceased, that 3 239 could not be found, that in 2 374 cases they do not know where the firearms are—

**Mr Gunn:** The whole thing is going to become a bureaucratic nightmare.

**Mr MATTHEW:**—and that 9 163 have fallen into another category. My honourable colleague the member for Eyre interjects, 'The whole thing is going to become a bureaucratic nightmare,' and I fear that my colleague is right, because the Auditor-General's report indicates that the Government has been failing to control firearms not only under the existing legislation but also for some time, despite the Auditor-General's reporting on problems since 1989. But it becomes worse than that, because in a nutshell 3 600-odd firearms are somewhere, but the Police Department does not know where. It becomes even worse when we look at how this situation could come about.

I hope that the new Minister is aware that the firearms section has been in obvious disarray for some time and has been operating an antiquated computer system that has failed to meet its needs. This is not new news, because it was highlighted as early as 1953. In fact, on 28 February 1983, Touche Ross Services delivered its report on the Police Department's computer strategy to Government, and that report recommended that 22 new police systems be developed, including a new firearm registering and licensing system. But the irony is that, in February 1983, Touche Ross Services, a reputable consulting company which is recognised internationally, estimated a firearms system would take six months to develop—and here we are in 1992 (and the Auditor-General's report indicates this) and the Government still cannot get it right. It has had almost 10 years, and it still cannot get it right.

I am pleased to be able to say that a new firearms system was finally implemented. It seemed to take a lot more than the six months than it should have taken to develop, and that firearms system was finally implemented on 24 February 1992, just four days short of nine years after the Touche Ross report was handed down, that report recognising the need for a new system. It is interesting to see what has now happened, because the new system actually works quite well, but any computer system is only as good as the information put into it, and that is where the Government presently has an enormous problem. As I have said, over 16 000 firearms have gone missing, so it cannot put their location into the

computer system. But, further to that—and it would almost be amusing if it were not such a serious issue—it is interesting to see how the department has been tackling the situation. I have in my possession a letter dated June 1992 that was sent to a number of firearm owners. Indeed, I understand this letter is being continually sent out throughout the year. It states:

Dear Sir, Records held at the firearms section indicate that a—  
and then it indicates a make, type, serial number and calibre of firearm—  
was sold to you on—  
and then it gives the date. It continues:

To date this section has not received an application to register this firearm as required by the Firearms Act 1977 within 14 days of taking possession. If you have overlooked this matter, please attend to it immediately. Failure to register a firearm within 14 days of taking possession could incur a heavy fine. However, if you no longer possess this firearm, please complete the advice slip below and return it to the address indicated.

In other words, the Police Department is sending out letters to people who once had a firearm licence for a particular firearm saying, 'You haven't renewed your licence. Please do so, because a penalty applies if you don't; but if you haven't got it any more, please write down on the tear-off strip who's got it and let us know.' That indicates the level of control that is being exerted by this Government over firearms in this State. For any Government member to stand up in this House and try to tell us that they have been concerned about the use of guns in this community is an absolute nonsense—when they have failed to use even the provisions of the 1977 Act, when they have failed to ensure that they have administered it, and when since 1989 the Auditor-General has been saying, 'But you need more staff in the firearms section' and the Police Department has not done it.

It is also interesting to note the importance that the Government places on something being done about this matter. In Estimates Committee A this year, in response to a question that I asked, Mr Hughes from the Police Department advised me as follows:

It has been a matter of balancing resources between proceeding with the new system and keeping the old system up to date. There are benefits in the new system, and we have been attempting to do the best we can with our resources, considering the total long-term approach as well as the short-term approach.

Mr Hughes said that in response to my drawing his attention to the Auditor-General's statement on two occasions since 1989 he had suggested that additional temporary resources, just two officers, be allocated to the firearms section to get its records up to date. The department is saying, 'But it is a matter of priority; we had to get the new system under way as well as maintain the old one.' I go back to the 1983 Touche Ross report—the new system would take only six months to develop. What on earth has this Government been doing? I will let no Minister stand in this place and try to tell me they were using the provisions already under the 1977 Act. I will let no Minister stand in this place and hypocritically state that they are concerned about firearms legislation in this State, because the Government has shown, by its efforts, that it has not been too fussed about the situation at all and has made little attempt, if any, to monitor firearms ownership in South Australia for

the best part of a decade, indeed since the election of this sorry Government at the 1982 poll.

The ultimate crunch came when the Auditor-General told us that he had received a reply from the Police Department in response to his report as at 30 June 1992 about the state of the firearms register in this State. He says:

The reply also indicated the placement of two temporary data entry staff at firearms section to clear the backlog; however, an audit inquiry in mid August 1992 indicated this had not yet occurred.

Amazing! The Police Department told the Auditor-General, 'It's okay, we have the staff in place now; we know you've been telling us since 1989 that we haven't had enough staff. We think it's there now.' So, the Auditor-General checks in August and they are still not there. I am glad they are now but it is only after the issue has been raised in this Parliament a number of times. I dread to think what state our records are presently in. I know that an awful lot of work needs to be undertaken to locate 16 000 firearms.

I sympathise with the staff who have been working in the firearms section, because their situation has not been helped at all by the attitude of their management or that of the Government, which has refused to give them the support they needed. Indeed, had the Auditor-General been listened to in 1989 we may have had firearms records in this State that reflect the true situation. We may have then had an opportunity to look at proper firearms control using available records. I contest that a lot of the need for this legislation before us today is perhaps brought about by the Government's own failure to properly control firearms under the controls it already had at its disposal under the 1987 legislation.

Before I move from this point there is one other matter that needs to be mentioned. The letter I quoted which was passed on to me by a gentleman who had been asked to review his licence was interesting, because that particular gentleman had received more than one such letter and the letter he passed to me was for a weapon that was his: he freely admitted to that, and he also freely admitted that that gun was no longer registered. There is a simple reason for that: that weapon had been legitimately disabled and is being turned into a military trophy for a group in the army, and there is a police certificate confirming this. I repeat: how good are the records of the Police Department? How much support has this Government given its firearms section staff when information like that is at their disposal? The police are issuing certificates confirming the destruction of a weapon and do not even know about it.

For that reason and for many others, assuming this Bill passes, I cannot see any hope whatsoever of this Government—unless it changes its attitude toward record management—administering the provisions of the Act. Indeed, it has been conservatively estimated by those who are in a position to know that the workload of the firearms section will increase by some 400 per cent as a result of the passage of this legislation. I for one will be watching closely to see what action the new Minister takes to ensure that the firearms section and staff are supported adequately. I will also be watching closely to see what actually is in the regulations when they are finally distributed and to see whether or not any

consultation actually does take place by the Minister with those obviously disaffected groups who have been so ignorantly denied the access that they have a right to, to the appropriate Minister of the Crown.

There are obvious concerns with this Bill that I have outlined and some of those concerns will be covered by amendments during the Committee stage of this Bill. Despite these concerns it is important to place on record that the Opposition does support the recommendations of the Police Ministers' Council. Those are very important regulations which are attempted, but not satisfactorily, to be covered by this Bill.

It is important at this stage to reflect on exactly what it is this Bill is supposed to be covering by way of recommendations from the Police Ministers' Council. That council covered a number of important areas of concern and they agreed to the following measures: to confirm the existing prohibitions on the importation and possession of automatic firearms and handguns; to prohibit, subject to carefully defined exemptions, the sales of military style semi-automatic firearms and non-military self-loading firearms; consistent minimum licensing procedures; to place restrictions on the sale of ammunition as a means of limiting unlicensed shooting; to require the secure storage of firearms; the introduction of obligations on both sellers and purchasers to ensure that the purchaser is appropriately licensed; relevant legislation in all jurisdictions to set out circumstances in which licences are to be cancelled and all relative firearms seized; all jurisdictions to participate in amnesty arrangements to promote the surrender of firearms; and where a protection order is made against a violent offender all firearms and other dangerous weapons in the possession of that person are to be confiscated automatically during the currency of the order.

It is not difficult to comply with all those measures that were agreed to and supported by the Opposition; it is not difficult to comply with those after a period of appropriate consultation with all interested bodies—after a period of negotiation, after putting all the cards on the table and making regulations publicly available. Indeed, if this Government is serious about the control of firearms what does it have to hide? Release the 1988 regulations, release the 1992 regulations and then let us look at it carefully. I issue a challenge to the Minister and I issue that challenge now.

This is the last sitting week of Parliament prior to the Christmas break. Parliament reconvenes in February of next year. The Minister is in a position to have the debate on this Bill postponed until such time as negotiation has taken place. It would be quite appropriate to adjourn debate at the end of the second reading stage, before we get into Committee, to give the Minister an opportunity to consult, and if the Minister is serious I put that challenge to him: for the Minister to adjourn debate on this Bill, to negotiate and consult with all parties, to take advice from people on possible improvements to the Bill and then to bring the legislation back in February and let us get it through both Houses and ensure that once and for all we have responsible legislation that can be administered in this State. This whole legislation reeks of an absolute mess-up by a Government that has failed to administer existing legislation properly and one that can give absolutely no confidence to anybody in terms of

future administration. I look forward to the Minister taking up that challenge, although I doubt if the Minister will because it has not been in the Minister's nature to consult in the past.

The Opposition will be supporting the Bill, but will be closely questioning many aspects of the measure during the Committee stage and also putting forward some amendments which I will detail at that time in an attempt to make the Bill a more workable one but at the same time ensuring that the ultimate intent of this legislation remains intact, that being to protect the safety of our public and in so doing upholding the recommendations that were put forward by the Chief Ministers' and Premiers' Conferences and as also agreed at the Police Ministers' Conference. I support the Bill.

**Mrs KOTZ (Newland):** I last spoke on this Bill when it previously appeared on the Notice Paper of this House in the autumn session. In rising to speak to it on this occasion, I wish to continue on from what were brief comments that I made at that time outlining various aspects of the Bill.

The Bill is a significant and technical measure and the aspect of this legislation that is rather concerning is that the resultant Act will come into operation on the day on which the Firearms Act Amendment Act 1988 comes into operation. I would also point out that in attempting to interpret the intentions of this Bill the Opposition and the community who have an interest in this legislation have been hampered by the fact that the 1988 Bill was never proclaimed; therefore, we are dealing with amendments without the benefit of consolidation on the 1988 Bill into the principal Act of 1977. I would again point out that without the benefit of viewing the regulations dealing with this legislation the true picture of the Bill's intent is not totally clear.

I want to deal with specific concerns that I have with areas of the Bill and concerns which were brought to me during the time that I was consulting with members of the community and members who are involved in firearms and shooting organisations. Those members of the community represent the tens of thousands of people who will be affected by this legislation. I expect that the Committee stage will provide the House with a clearer picture of the expected outcomes and the administrative procedures and their effect on firearm owners and prospective firearm owners in this State.

This Bill provides that the Crown is not bound by the Act. I believe that this was brought about by a decision of the High Court which raised doubt as to when the Crown is bound by an Act. This unqualified exemption under the firearms legislation raises questions of firearms access and use by on-duty police, correctional services officers and national parks and wildlife officers if individual licences have been revoked by the Registrar. I know that this point will be pursued during the Committee stage.

A new obligation is imposed on medical practitioners. A medical practitioner must inform the Registrar in writing of the patient's name and address, the nature of the illness, disability or deficiency and the reason why (in the opinion of the practitioner) it is or would be unsafe for the patient to possess a firearm. That new section applies only where the practitioner's reasons involve not

only the medical condition but also the situation with regard to a firearms licence or possession.

When I last spoke to this Bill I believe I indicated that the AMA would have been happy with an amendment to the previous Bill presented to this Parliament, and I am very happy to see that that has been incorporated in this Bill. Therefore, I have no further concerns about those matters I addressed when I last spoke to that section.

A new provision relates to the paint-ball operation, with a supporting definition and machinery provisions. This relates to war games where a projectile containing paint, dye or other marking substance is fired by means of compressed air or gas. As the projectile is fired from what is technically a firearm, the provision allows the operation to proceed with safeguards.

However, the firearms and shooters organisations had very strong reservations about the incorporation of paint-ball operations into the firearms legislation on the grounds that it was undesirable from a safety viewpoint to associate the sport of target shooting with paint-ball activities. I believe that those concerns are valid and understandable in terms of the principles that apply to the safe use of firearms, the first rule being never to point a firearm in any person's direction. On the other hand, the paint-ball activity requires the antithesis of that rule for participation in war games.

Although I agree in principle with their concerns, I believe that they lie within the philosophical approaches of the respective sports. So, for the purpose of this legislation I believe that it is necessary and correct to incorporate paint-ball operations solely on the premise that the weapon used to fire paint-ball projectiles is technically a firearm and, therefore, should be subject to the same controls and standards set for all other firearms.

A new offence is created where a person has possession of a detachable magazine of more than five rounds' capacity for a centre fire self-loading rifle or shotgun without the written approval of the Minister. The previous Minister suggested that sport shooters would not require magazines of more than five rounds and that this provision would inhibit machine gun type magazines which could only be of use to people who wished to use the weapon for criminal purposes. I suggest to the previous Minister that his premise must be considered a moot point. Sport shooters derive a great deal of pleasure in the handling, use and expertise of all types of weaponry and component parts technically devised and available for those purposes.

The Minister's further premise that magazines of more than five rounds could only be of use to people who wished to use this weapon for criminal purposes is crass in its assumption. There is a transitional provision to protect people already in possession of such magazines provided that, within three months of the commencement of the Firearms Act 1992, notice is given in writing to the Minister of that possession including details such as the purpose for which it is possessed and any other information reasonably required by the Minister. I trust that the Government and the Minister now handling this Bill have included in the budget an expansionary and viable costing to enable the department to administratively handle what would appear to be a nightmare of greater proportions than another return of Freddy to Elm Street.

If my information is correct on the approximate number of owners already in possession of magazines of a capacity of greater than five rounds, I can only trust that the Minister's department does not receive all 15 000 letters of notification of ownership at once. How would the recording of these items—the initial ownership, their sale, purchase, destruction, and so on—be achieved? Again, the workload on the Police Department increases. Whilst it is maintained that this proposal is in line with Customs' prohibited import regulations and was agreed at the Australian Police Minister's Council, the Minister has a duty to this House to answer how this current firearms legislation to control ownership of such magazines can be enforced and administered.

The provisions of some of the regulations are interwoven with the power of the Minister or Registrar to be the sole arbiter on many matters without the right of appeal to any other party or body. This would appear to fly in the face of natural justice, and with the additional provision in some cases of a presumption of guilt unless the defendant can prove otherwise. It is right and proper that an aggrieved party have an avenue of appeal at least to a magistrate sitting in chambers (as is provided for elsewhere) or access to the consultative committee.

I now turn to the area of training, which is inherent within the suppositions of the Bill. I believe that the regulations are to contain a provision for the Registrar to determine qualifications or experience that applicants must have in order to obtain a licence. A training development subcommittee, formed under the guidance of the South Australian Police Department and chaired by Chief Superintendent Hahndorf, unanimously agreed that the training of prospective firearm licence holders be carried out through the TAFE system and authorised firearms clubs.

The previous Minister of Emergency Services in a press statement early this year advised that adequate training through TAFE colleges would be compulsory before the granting of a new licence. This appears not to be included in the new proposals and, as there is a provision for the Registrar to determine qualifications or experience in relation to the safe handling of firearms that an applicant must have, it would appear to be an anomaly that the relevant provisions do not appear in the Bill, or their consideration even addressed.

At a meeting between the Minister and the CSFC, at which the latter requested acceptance of the formulated training proposal, the Minister stated that he was not prepared to put to Cabinet a request for funding to train the trainers for the safety training program. If the Government's credibility on aspects of safety training is to be preserved and there is legislative adherence for the Registrar to determine qualifications or experience, including training, the Government must surely provide adequate support or at least direction for this legislative requirement. Consideration should be given to empower existing firearms organisations which conduct their own very rigid training programs to handle such matters.

With respect to ammunition, the Bill incorporates restrictions on ammunition or components to licensed shooters for several reasons. This move does not consider the needs of ammunition collectors who do not possess firearms and do not wish to have a shooter's licence. Therefore, it is not clear how the acquisition of firearms

for criminal activities will be deterred by the intended controls on ammunition. Again, I make the point that the workload generated in recording and administering this aspect of the legislation could only be classed as horrendous.

In respect of registration, I believe it is proposed to continue with the registration of all firearms. That is in accordance with the press release from, in this case, the office of the Federal Minister (Senator Tate) on 23 October 1991, as follows:

A proposal for registration of firearms was carried by a majority of jurisdictions, with New South Wales, Queensland and Tasmania opposed.

It is interesting to note that those States representing the majority, 53.83 per cent of the population, are opposed to registration. Tasmania has since agreed to adopt registration on a voluntary basis but for no fee. Such a decision was no doubt influenced by the Australian Government's offer to provide and fund a national computer system known as the National Firearms Information Interchange System for the stringent national controls of the availability, possession and use of firearms. This House may be interested in this debate and may be aware—at least, I hope the Minister is aware—that New Zealand abandoned registration some years ago on the recommendation of the then Police Commissioner on the grounds that it was too costly to police resources and, equally important, it was non effective.

Another area addressed by the Bill that causes me some concern is with respect to collectors. The current proposals make no provision for genuine *bona fide* collectors of firearms and associated items including ammunition. Such a category of licence has existed in other States and countries for some time. Therefore, I ask the Minister: will membership of a recognised collectors' association be recognised for the purpose of a licence? The needs of collectors differ vastly from other disciplines which use firearms, but from time to time it is necessary to test and fire such items. In the past, this has been approved by the Police Department. The collection and retention of these items, many having considerable historical value, should be recognised by legislation or, at the very least, should not be prohibited.

It seems unreasonable that such an item is denied to a *bona fide* collector who is prepared to provide adequate security and follow the directions of the law when approval can be given for the purposes of a theatrical production. It is also interesting to note that the South Australian Police Department has on file a legislative proposal to licence collectors, but I am told that this has never been brought to light as it has not been implemented.

I wish to take this opportunity to commend the various sporting shooters' organisations and, in particular, their representatives who made themselves available to consult with me and to discuss the many complex aspects of the principal Act and the amendments which are inherent in this current Bill. I found their attitude and representations to be highly professional and their approach and presentation on behalf of their members extremely efficient. Therefore, I find it most disturbing that the Firearms Safety Foundation Limited, the Combined Shooters and Firearms Council of South

Australia Incorporated, and the Sporting Shooters Association of Australia have cited a common and genuine concern that the previous Government Minister refused to meet with these groups or their representatives. This is a most extraordinary attitude for a Minister whose Government, in what would appear to be almost daily press releases, is touting the importance of consultation with the community and user groups before taking decisions in legislation which will have a direct impact on the individual citizenry involved.

I am told that a meeting requested by the Combined Shooters and Firearms Council with the then Minister and the Firearms Branch of the Police Department was refused on the ground that 'the proposals that were within the amendment Act were cast in stone and were not negotiable.' I trust that both the previous Minister and the current Minister recognise that an immense affront and an indelible insult was delivered through that refusal to tens of thousands of people throughout this State. Once again, the Government reflects its own double standards—a Government that steadfastly supports compulsory unionism but denies the people's representatives the opportunity to speak on their behalf.

I remind the Minister that firearms user groups have been self regulatory for many years, and he should be aware that this is a situation endorsed by the South Australian Police Department and, as such, these organisations have extensively contributed towards cost effective and practical firearms use and control. I do agree with one matter stated by the previous Minister, and that is that this Bill is not a panacea. It certainly is not that. The previous speaker, the member for Bright, made many references to statistics showing the difficulties already inherent within the administration of the Firearms Act. The honourable member correctly placed the current administration of firearms into the disaster basket. This Bill does nothing to alleviate my concern that this Government has finally got this Bill right.

**Mr QUIRKE (Playford):** I rise to support the Bill and to make a few comments on it. First, I do not know very much about the activity of paint-ball and I do not wish to comment on it at great length. It is appropriate that such an activity be regulated. For the protection of those individuals who are involved in it, it is appropriate that it be included in legislation before this House. Whether it should be in the Firearms Act or some other Act I cannot really comment except to say that probably some of the arguments suggesting that it should be part of the general firearms provisions are appropriate.

I declare from the very beginning the fact that, in one week, I will have been a competition shooter for 27 years. I have had continuous club membership since the end of November 1965. Very rarely these days do I have the opportunity to participate in competition shooting activities because I am usually busy seven days a week, but I do enjoy that activity.

Of the numbers of clubs of which I have been a member in those 27 years, responsible firearms ownership has been a number one supported activity. In my youth, when I was a foundation member of the Elizabeth Pistol Club, it was a very good discipline for people who were interested in responsible firearms ownership. Apart from

teaching you which end goes 'bang', it made sure that necessary discipline in the safe handling of firearms was mandatory. In all the short arm clubs in South Australia and nationally, responsible ownership of firearms is part of their charter. In fact, every club of which I am aware has a constitutional responsibility for the proper education of new members prior to those members obtaining full membership of the club.

I turn now to a few aspects of the Bill. It is very hard in a democracy to legislate in a number of areas such as this. I think most members are aware of the difficulties in respect of this pursuit. On the one hand, there is the bulk of law-abiding citizens who partake in the use of firearms—whether it be in the form of recreational use of firearms such as the competition in which I am involved or other forms—and who I believe have the right to entertain those particular activities on the proviso that they do not do anything that will affect the rest of the citizenry. I think that proposal would be accepted by most reasonable people.

On the other hand, however, in the past few years we have had the terrible events that have taken place in various parts of Australia. Thankfully, since 1971 no such incident has occurred in South Australia. It is a fact that a firearm is a means by which the events at Strathfield and others could be very easily duplicated. It is also possible that trucks, cars, knives and a whole range of other items which could be used as weapons could do the same.

However, the fact of the matter is that we have before us a Bill which has a number of provisions, and I will go through them one by one. First, the period of approval to purchase is an important and noteworthy provision. It was introduced before another piece of legislation, which came through this place in 1988, before I was elected.

That provision really can be seen as a cooling off provision in many respects in the sense that a person makes a decision to buy a firearm and, even though they are duly licensed and all the rest of it, the reality is that that is a safeguard for those persons who, for one reason or another, make the decision very quickly to buy a firearm. It gives them time to reflect upon that ownership. The approval to purchase system is something with which pistol club members have no problem and have had no problem for the past 12 years since its inception. The problem now is that this will be extended to long arm ownership and it needs to be seen as a necessary provision in the cooling off process so that we do not have a recurrence of events such as Strathfield in the future, at least not with firearms.

In relation to the other provisions—those that have been mentioned by other members; namely, the question of ammunition and controls over ammunition and the components of ammunition—I think if one accepts that there are controls over firearms then it follows that controls over ammunition must necessarily follow. It may well be the case that there are people who collect only ammunition and, in essence, they are now being caught under the provision of firearms ownership. I would simply say that the building blocks of ammunition—as members who have had anything to do with ammunition, such as I have, would know—are at least as dangerous as many firearms. The inappropriate reloading of ammunition, and in particular priming caps, is such that extreme damage can be done to eyes or worse if it is not

appropriately looked after. More importantly, it is vital that such materials be locked away from children and from those who have no knowledge of the proper use of this material.

In fact, in many respects I think the provisions of this Bill which revolve around controls over ammunition are not before time. I think the clubs, particularly the one to which I have belonged for the past 13 years, have attempted in many instances to have education seminars to ensure that adults who reload ammunition for their own purposes—an activity that currently requires no licence and virtually no control, as the materials can be bought over the counter—enter into that activity safely.

A couple of other issues need to be mentioned in relation to this Bill. First, there is the question of semiautomatic military style weaponry. The reality is that for many years these weapons—and I think 'weapons' rather than 'firearms' is an appropriate term for some of these—caused no great problem. However, some 10 years or so ago—in fact, it may be slightly less that—when Eastern Europe was on the bare bones and needed to get foreign exchange we found in Australia very large consignments of weaponry from China, Czechoslovakia and other countries. Quite often in the early days, before their importation was banned at the Federal level, we found that this weaponry was coming in. A lot of it was defective and I had some concerns about the safety for the user as well as any other potential use, such as the terrible events at Strathfield.

There are a couple of issues to which I need to draw the attention of the House. First, I think it would have been a lot better if this material had never been imported and, in fact, if the Customs Act had been used in the early days. It has led to a number of problems and to an unjustified perception in the Australian community in respect of recreational firearms users. The other thing that should be noted is that in the early days these firearms were amongst the cheapest available. In fact, the ammunition was incredibly cheap. When they first came on the market it was possible to get change from \$150 for one of these weapons. In fact, for the same amount of money one could get something like 1 500 rounds of ammunition for the weapons. Quite clearly, the ownership of these weapons was becoming extremely wide and in many respects it should have been stomped on much earlier at the Federal level through the Customs Act.

However, having said that, the reality is that many of these weapons are now in the legitimate possession of people in the community. I have spoken to the Minister about this particular matter and I have suggested that in many respects people who have legitimately bought firearms, have registered them and done all of the appropriate things as required by the current law should be in a position where, provided all the other things are in place, they can use the firearms in the future with whatever modifications to magazines that is deemed appropriate in the necessary regulations. I have indicated to the Minister that I think the sensible way to go where that is concerned is to draft an appropriate set of standards where magazines can be permanently modified to five rounds or less. This is particularly so with some of the firearms for which it will not be possible to buy five round magazines. I indicate to the Minister and

through him to the police that I think a code setting out how this can be done should be developed.

There are a couple of other aspects of the Bill before us today that I wish to raise. I think it is necessary in a democracy like ours to understand that there are people who get a great deal of pleasure out of the recreational use of firearms. However, I think it is also necessary to understand that there has to be a number of controls on them. The argument about registration is one that I have not discussed publicly before. However, it has come up in this House and it is therefore appropriate to mention it. It is a fact that the registration of firearms in Australia is not universally supported by many firearms groups. It is the case that in some States it is not supported and, as I understand it, every time the argument is mentioned the example of New Zealand is used.

Apparently some years ago the New Zealand Police Commissioner made the statement that he thought that registration was particularly ineffective. I do not share that view and I think it needs to be said that an effective registry of firearms is necessary. I know there are a great many difficulties in it, particularly given that for the past 100 years or so a number of firearms have gone into sheds and cupboards and under beds. When someone dies and a house is cleared out relatives suddenly find, whether or not they like it, that they are the owner of a firearm. Registration is one of the few controls that prevents these modern firearms from falling into the hands of those people who are not duly licensed, educated or trained in their use.

*[Sitting suspended from 6 to 7.30 p.m.]*

#### **SUPPORTED RESIDENTIAL FACILITIES BILL**

Returned from the Legislative Council with amendments.

#### **DANGEROUS SUBSTANCES (EQUIPMENT AND PERMITS) AMENDMENT BILL**

Returned from the Legislative Council without amendment.

#### **FIREARMS (MISCELLANEOUS) AMENDMENT BILL**

Second reading debate resumed.

**Mr QUIRKE (Playford):** As I was saying before the dinner break, the registration provisions that currently apply in South Australia involve a number of problems—and I think we would be honest to say that. However, the argument that all registration should be ended is, I think, a bad one. It is my view that one of the few controls over the proliferation of firearms in inappropriate hands is effected through the provision of registration. I suggest that, when this legislation and the regulations come into force, many of the problems relating to registration will disappear, because a person will have to secure permission to register a firearm in his

or her name. Consequently, many of the problems that currently exist with firearm registration will disappear.

It is essential to make a few more remarks about registration to realise the difficulties involved. Over the past 100 years, firearms have been freely available in South Australia. In fact, many of them have disappeared into cupboards and garages and many have never been registered either pre-1977 (under the provisions of the old Act) or since 1977. A number of people for one reason or another have not sought to do the right thing by way of registration or they have registered their firearms and been in possession of the appropriate licence but have died, moved interstate or gone overseas. The Police Force in enforcing the current laws in respect of legislation has come in for undue criticism in many respects, but it is necessary to say that, no matter what problems we have with our current registration system, the argument that the whole thing should be thrown out the window is a nonsense. In fact, I hope that the provisions in the Bill that allow for registration in South Australia become the law across the whole of Australia so that we can have effective registration of firearm ownership.

In the time left to me, I would like to make a couple of other remarks about the provisions of the Bill. It has always seemed to me, as a member of a club, that the laws that are necessary to prevent domestic violence or to prevent firearms from falling into the wrong hands have needed a great deal of strengthening. With the passage of this Bill, there will be greater demand upon people at the coalface in terms of domestic violence to help in the control of firearms in those situations by notifying the relevant authorities. I also think it is appropriate that the police have the ability to seize firearms in those situations, because I can think of no worse fear for someone where a domestic problem emerges that a person has access to a firearm and that that firearm might be used.

Another comment that needs to be made is that in South Australia the Police Force has done an extremely good job in firearms control. It has not been excessive in the way it has sought to use the powers at its disposal, and it has adopted a responsible approach to the question of firearm ownership. It is necessary to put on the record that the permanent policy of amnesty to encourage people to register unregistered firearms, to obtain licences where appropriate and to aid in the surrender of weapons no longer required by members of the public is to be commended. The attitude of the police has always been to control the problem rather than to be vindictive and, in many instances, to pursue the letter of the law where the spirit of the law is aimed quite clearly at the control of firearms in our community.

As a person who for 27 years has been a competition shooter, I think the world of clubs in which I mix has responded positively to measures of firearms control. At times, members have reacted when excessive demands have been made, but it is my reading of many of the people who are actively involved in competition target clubs that they are happy with most of the levels of control in our society. The passage of this Bill and the necessary regulations that will follow it will place strain upon some of those people that they have not been used to before. Most of the people with whom I have discussed these propositions are happy to have the

cooling off period and many other provisions. Whilst some might have an argument about registration, most if not all members of clubs are responsible firearms owners and see these levels of control as a necessity in a society such as ours. Unfortunately, every year or two we see a terrible incident. We hope such an incident never happens in South Australia. It is my hope that some of these provisions will prevent that from happening in the future.

**Mr GUNN (Eyre):** It is interesting that at this stage the Government has decided to proceed with this legislation. One piece of legislation has been passed by the Parliament but has not yet been proclaimed. We now have this piece of legislation that has been brought in with great gusto in an attempt to allay the fears of a vocal minority of people who have an obsession against firearms. In their wisdom or otherwise, Governments attempt to placate that small minority of people by various means, some of which are unwise and unnecessary, and unfortunately they then give power to certain people within the bureaucracy. There is always the tendency when we give someone power for them to want more—more regulations, more controls, more red tape, more humbug, more nonsense, more fees and more writing of threatening letters if people do not comply saying, 'We have these regulations. If you do not—'.

Society has had enough of that nonsense, and the average law-abiding citizen who owns a firearm does not believe he or she should be subjected to that sort of unnecessary intrusion in their life. Let us be fair and reasonable in dealing with this matter. There are thousands of law-abiding citizens who own firearms, who have never committed an offence in their life but who like to own a firearm so that they can participate in competitions. They are involved in either pistol or gun clubs (small bore or large bore) and they enjoy the sport of shooting. Those clubs are well run, efficient and, from my experience, the people involved in them are highly responsible and good citizens.

**An honourable member:** Like you and me.

**Mr GUNN:** Well, the honourable member was being most charitable. I belong to a couple of gun clubs. I have had some experience in this area, and I have never seen people acting irresponsibly in those clubs. They are not the people who will cause trouble. Why force them to go through this nonsense of a cooling-off period. Mr Acting Speaker, as a primary producer, you would know that, if restrictions, namely a cooling-off period, were placed on the purchase of ammunition, what a bureaucratic humbug that would be and what a lot of nonsense. Members of Parliament will have to stand up in this House and ask questions about why someone was knocked back and why the permit did not come through. A bit of commonsense is needed. But, unfortunately, when Governments get involved, commonsense goes out the window. Then there is the other group of people—

**The Hon. D.C. Wotton:** Except when you are in government.

**Mr GUNN:** No, unfortunately the bureaucracy is a bit like Parkinson's disease: it seems to grow on people. I have had experiences on both sides of the House, and I well recall that, when we were in government in 1979, there were some enthusiastic people in the Police Department and others who tried to impose absolute



nonsense. Some of us had to say to the Government of the day, 'Do it at your own peril; we will not have this nonsense.' On that occasion, they wanted to force every existing licence holder to get a new licence. That was a harebrained scheme. In my judgment, the registration scheme was inflicted upon the people unnecessarily.

Thousands of people involved in the pastoral industry have legitimate uses for firearms. How many of those people have been convicted of committing or have committed serious offences with those firearms? Most would own two or three firearms, for example a shotgun, a .22, a .22 magnum or a high powered rifle of some description. There were thousands of .303s in this community; I guarantee that the registrar has no idea how many .303s are in this community—and never will.

How many other weapons are in the community? The member for Playford indicated that people have them in cupboards, garages and elsewhere; of course they do. When laws such as these as passed, it is guaranteed that there will be more illegal weapons, because people get frightened. They say, 'Well, they might take them away from us. We will not hand them up. We'll make sure that, when we no longer need them, our family has got them; we will just pass them on.' What will we do? Will we have witch-hunts? Will we send the police to people's homes? Society will not tolerate that, and nor should it. What will be the end result?

What will happen with this proposal to have a cooling-off period? I do not know who the enlightened characters were who dreamed that up, but in recent times in this House many irrational proposals have been but before the Parliament, and they have proved to be completely unworkable. From one enlightened Minister, we were going to have a tax on windmills; then we had the wealth tax on water; and now we have a cooling-off period for the purchase of firearms. Will we have a cooling-off period for the purchase of jerry cans? They are terribly dangerous things if they are filled with petrol and someone drops a match. Will we have a cooling-off period for the purchase of chainsaws? In the hands of a madman or foolish person, they are terribly dangerous things if people do not know how to operate them. What about machetes and those sorts of things? How many people injure themselves slipping on bath mats? They are dangerous, too. There is really no end to the nonsense that one could go on with.

What is the purpose of this cooling-off period? If a person already has a licence and one or two registered firearms, what is the purpose of the exercise? I want the Minister to tell me in a clear and simple fashion, or I want his advisers to tell him what he should say, because in my view only a dill would proceed along that line. Do people go into a gun shop and say, 'I need to buy that .223'? What if the chap says, 'There is a cooling-off period'? What do they do? Do they set it aside or do they pay for it? If something goes wrong, do they go back? So, the gun shop owner has the rifle, the person has paid the money and, if a permit does not come through, what happens? Does the owner charge interest because he could have sold the firearm to someone else? What are the facts? It is perhaps a different thing for a first owner of a firearm.

Why should a person who travels a long distance to Adelaide have to wait for a fortnight, or for whatever the

period is? It is a nonsense, and it cannot be justified. I hope that the Upper House tosses the stupid thing out, if this House does not do that, because it is a nonsense, and only a fool would support it. I do not care who supports it. It would take a fair bit to get me to support this legislation; I would not do so unless we amended it satisfactorily. I have had some discussions with people who own firearm shops, and they say it will be an administrative nightmare, as is the current registration system.

In New Zealand, the registration system was abandoned because it was a complete farce, and I will say why it was a farce. I was fortunate enough to have lengthy discussions with a police officer who was in charge of the registration of firearms in New Zealand. I asked him, 'Well, how did the Government of the day manage to accept the commonsense approach to get rid of the registration of firearms?' He said, 'It was very simple. Like most bureaucracies, we didn't know how many firearms there were and we weren't sure who had them and who didn't. We had a brilliant computer system (and I think you have one in South Australia) and it was spitting out the re-registrations on a regular basis. It was only a stroke of luck that a registration form was not sent to Sir Keith Holyoake four years after he died.' Four years after the honourable gentleman had passed away, he was to be sent a notice to renew his registration. The police officer said, 'That proved to me and to the Minister what a lot of nonsense the whole thing was, so we got rid of it. What we do is license the people who will use the firearms.' It is not the firearm that causes the problem but the person who owns it; therefore, if you want to enforce restrictions, you impose them on the individual, but do not harass, interfere with or unnecessarily restrict those people in the community who have a proven record, who are responsible, who are good citizens and who enjoy their sport. It is necessary to use a bit of commonsense.

Unfortunately, the media highlight any difficulties in relation to firearms. But if we adopted the same attitude to motor cars, we would not have any motor cars or motorbikes, which are lethal weapons in the hands of a fool. They can kill people; people kill themselves on a regular basis, but we have not banned them. There is no cooling-off period if people want to buy a motorbike; if they have the money, they can get one. There is no cooling-off period involved in buying a ride-on lawn mower. A person might fall off it. What a terrible thing! Will we have a cooling-off period and a registration system? Of course we will not; the public would not tolerate it. The only reason it tolerates this proposition is that the Government believes that there is a small minority. Let me say to the Government and to those who advise it that it should tread with a great deal of caution with regard to this matter, because the firearm-owning section of the community will not sit by idly and see their rights either unduly impeded or restricted, or life made very difficult or miserable for them, because Government does not understand what it is doing.

It has always been the view of the people who are involved in this industry that, if people use firearms in the committing of offences, severe penalties should apply. Everyone agrees with that; that is the way we handle the

problem—not by having unnecessary, ever-increasing bureaucracy and not by regularly amending the regulations in an endeavour to appease the wishes of a small, vocal, irrational minority who do not understand the problem. Therefore, I say to the Minister and to the House that I believe they should tread with the greatest degree of care and caution in legislating in this area. The greatest thing in any legislation is commonsense: when commonsense goes out the window, people become angry.

The overwhelming majority of citizens who own firearms are decent, hardworking, law-abiding people but, if they are fooled around with unnecessary humbug and nonsense, they will become very angry and take political action; make no mistake about that. We saw what happened in New South Wales, when Premier Unsworth acted in an irrational manner. If any Government sets about unreasonably to restrict or remove firearms from law-abiding people, extreme political action will be taken, because they will have no other course of action open to them.

I look forward to the Minister's accepting some reasonable amendments and giving some assurances; otherwise, it will be difficult to convince me that this legislation is necessary. We had other legislation put through the House some years ago. We were told that was urgent, that it had to be passed through the Parliament and that it would save the nation from those evil people who owned firearms—the irrational ones who were going to attack the community. It is still not the law of the land. It has passed the Parliament and been assented to, but it has not been proclaimed. What a farce! Then they expect us to take this provision seriously when we are told, 'All haste. You must proceed. There is not a minute to lose.' We have to proceed with this legislation because there is a Minister's ego at stake. The Ministers have committed themselves, and they are appealing to a vocal minority.

Of course, many people make comments in relation to firearms who have never owned a firearm, never fired a firearm or have limited or no knowledge of why in this community people need them in their everyday activities. What most people forget is that firearms are a sophisticated piece of equipment. The overwhelming majority of them are well made by skilled people, and firearms hold their value.

I am not talking about those cheap and nasty throw-away Chinese AK47s which this Government and the Commonwealth Government allowed to be sold at field days for \$150, and for another \$100 you got 1000 rounds of ammunition. You could pick them up, walk home with them and spray bullets wherever you wanted down the road. They are highly inaccurate. If you wanted to shoot at anything over a couple of hundred metres, you would not hit it; it would be quite safe. They are accurate at close range because they are an assault weapon; they are not a hunting rifle; and they are not used in sporting competitions. They are an assault rifle, but they will be dumped in this country and no-one will do anything about it. Because people were irresponsible and allowed that to happen, they want to use that as an excuse to penalise the rest of the law-abiding gun owning community; it is a nonsense.

The Federal Government and the customs service are at fault because they allowed tens of thousands of these rifles to come into the country. If you wanted to buy an AK47 in earlier days, they were normally the good quality rifles that came from Finland. They were a precision rifle but they were expensive. If you wanted a semi-automatic rifle to shoot goats and pigs you normally bought the mini-14 Ruger, a good, safe and accurate rifle. In most cases people wanted to use lever action or bolt action rifles with good, heavy and long barrels because they were accurate and you could hit something with them.

That is what has caused the problem. It is not the gun owning community; it is not the people from the clubs but the people who were so irresponsible and allowed these weapons to be dumped in this country. I therefore believe that it is unwise to penalise the community because a few irresponsible people were allowed to purchase these unnecessary weapons and used them irresponsibly. I look forward to this debate. As I pointed out earlier, I am not particularly happy with the need to have legislation of this type.

**The Hon. D.J. HOPGOOD (Baudin):** I wish to speak for only about five minutes on this debate, and I want to start by suggesting to the House that the honourable member who has just resumed his seat, in suggesting that certain legislation was raced through this Chamber because we were given to understand that it was so very urgent, has very slightly rewritten history. When one wants to hasten legislation through this Chamber, one tries to make sure that it is in a scheme of guillotine whereby it will be dealt with in the one week and can then proceed to another place, where it will equally, possibly, be speedily dealt with.

I remind the House that what happened on that occasion when I was Minister was none of that: the legislation was referred to a select committee. That is how much urgency there was. The Government was prepared to entertain the notion of a select committee, not only so that members opposite would have an opportunity to have a better crack at it but also so that members of the general community could come in and give evidence. I do not recall all the members of the committee, but I think that the member for Light and you, Sir, were members. You, Sir, remind me that you were a member of that committee and played an active and constructive role in its deliberations. A great deal of evidence was collected before we reported back to the House.

The other point I want to take up is the suggestion that somehow we are, in this legislation, treating firearms somewhat differently from other devices that are available to men and women, often important in earning their living—that we are somehow treating firearms differently from these other devices which are potentially dangerous. I suggest to members that that is not the case. The honourable member has said that we are not threatening to take motor cycles away from people where a motor cycle can be a lethal weapon; nor are we threatening to remove firearms from the community.

I remind members to inspect the relevant legislation and to consider the sorts of control under which owners of motor cycles operate. One cannot simply willy-nilly walk into a motor cycle shop, buy a motorbike and go

out on the roads. There are certain very basic requirements that one must meet these days in the modern community. Then, once one has registered one's vehicle and is licensed to drive it, there is a plethora of road laws to which the user of that bicycle must adhere. Precisely the same applies in relation to the motor vehicle. Yet, having said all of that, it seems to me that there is a difference between the firearm and a lot of these other devices.

The member for Eyre suggested that one can kill somebody else with a motor cycle; he is perfectly correct, and it happens far too often. But, suppose, to be very fanciful for a moment, somebody went to the member for Eyre and said, 'We want you to kill the member for Baudin, and you have your choice of devices.' Would he choose a motor cycle? Would he choose a steam roller? After all, that is the sort of thing you see in Bugs Bunny and so on, or would he choose a chainsaw? Can one imagine the honourable member racing up and down North Terrace with a chainsaw? The point of the matter is that the firearm in the wrong hands is the most efficient means of killing that we have available to us—far more efficient than these other fanciful examples that have been put before the House.

It is also true that the vast majority of people who own firearms are law-abiding citizens, and the last thing that is on their mind is any suggestion that they would use that firearm in an aggressive manner. I remind members that the vast majority of the legislation which we pass in this place we pass not because we have a community where people try to buck at the law for the most part but because there is a small minority who do so. That is why we have laws for the most part. If you take out 5 per cent of the community and leave the rest of us, you probably hardly need laws. That is what most of our work in here is about, particularly in the area of the criminal law.

When the member for Eyre says that we are responding to some sort of minority, he is correct, but he has got the wrong sort of minority. We are not responding to a minority that is calling for controls on guns. I would have thought that every responsible citizen, including the vast majority of those who are in clubs, want some sort of reasonable control on guns. We are responding to that very tiny minority in our community who misuse guns for criminal purposes. At the same time I guess we also understand that from time to time there are tragic accidents where there is no intent involved at all, and it is not unreasonable that the law should require that people have some reasonable competence in dealing with these weapons.

They are the twin points which underpin this legislation and all responsible legislation in Parliaments to do with firearms control. I agree that there is such a thing as going too far but I do not think this legislation does that, and I invite members to concur in that belief.

**Mr LEWIS (Murray-Mallee):** At the outset I make it plain that the legislation as I see it, unlike the member for Baudin, is entirely unnecessary. It will not save lives and will cost the vast majority of the public involved in the use of firearms for recreational activities of one kind or another and those who use firearms occasionally in the course of their work (whatever that may be) a great deal more than is really necessary. Mr Deputy Speaker, I seek leave to incorporate in *Hansard* a purely statistical table which provides the most up-to-date information about deaths by firearms and explosives in the most recent time period available to me, that is, 1986. I assure you, Sir, and all members of the House that it is purely statistical.

Leave granted.

#### DEATHS BY FIREARMS AND EXPLOSIVES, 1986

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Australia		
									Males	Females	Persons
Accidental, caused by firearm missile.....	12	8	2	2	2	1	—	1	27	1	28
Suicide and self-inflicted injury by firearms and explosives.....	164	115	149	39	32	33	8	9	508	41	549
Assault by firearms and explosives (murder) .....	43	18	27	5	1	3	4	—	64	37	101
Injury by firearms and explosives, undetermined whether accidentally or purposely inflicted.....	4	8	1	—	—	—	2	—	12	3	15
Legal intervention.....	2	2	—	—	—	—	—	—	4	—	4
<b>Total.....</b>	<b>225</b>	<b>151</b>	<b>179</b>	<b>46</b>	<b>35</b>	<b>37</b>	<b>14</b>	<b>10</b>	<b>615</b>	<b>82</b>	<b>697</b>

#### Notes

1. These data are unpublished figures from the ABS Demography Section in Canberra (contact Michael Langan, (062 52 6310). The section has figures for previous years, and can also split the data into Male/Female or age groupings.
2. The figures represent registrations of deaths in each State in 1986, so that a person from New South Wales who was killed in South Australia would be included in the South Australian statistics. The figures include deaths registered in 1986, not those which occurred in 1986, although the difference would be small.
3. The figures include accidental and intentional deaths by explosives as well as by firearms—the ABS cannot separate these two categories but the number of deaths from explosives is likely to be very small.

**Mr LEWIS:** The types of deaths that have been caused are divided into four categories: accidental, suicide, assault and legal intervention (and that means somebody who was shot by a law enforcement officer in that officer's duty). These statistics show us that in 1986 there were 697 people whose deaths came within four categories, involving 615 males and 82 females.

If we look at the figures by State we find that deaths totalled 225 in New South Wales, 151 in Victoria, 179 in Queensland, 46 in South Australia, 35 in Western Australia, 37 in Tasmania, 14 in the Northern Territory and 10 in the ACT. In South Australia there were two accidental deaths, and this legislation will not alter the risk of accidental death. Of the 46 people who died in

South Australia, 39 chose firearms as the means of taking their life.

I put to you, Mr Deputy Speaker, and to all other members, that that figure will not be altered by this Act or the regulations (and I will come to the relationship between the Act and the regulations in a minute). Two people were killed in South Australia as a result of a person using a firearm to assault another person or persons—and it needs to be borne in mind that this includes deaths from explosives as well as from the use of projectiles—and in the whole of Australia that number totalled 101. On a national basis, of the nearly 700 who died, 549 were suicides and 28 were accidental deaths.

Let us look then at legal intervention: there were none of those in 1986 in South Australia, and nationally all four of those people who were shot lawfully and died were men. It strikes me then that what we propose to do here—in the name of public safety and the desire apparently to prevent Hoddle Street type events where there is a massacre of several people by someone who has lost their mind and balance and has used a firearm irresponsibly—will not save one life. It would not have saved one life in South Australia in 1986 and it also would not have saved 15 nationally. It is my sincere belief—and there are no explicit statistics on this but I say this from the examination of data and after discussions with people who have collected it—that most of those deaths were caused by people who were not seen to be unstable and of unsound mind and who lawfully owned the firearm that was used.

This legislation will not change that at all or, if it does, it will change it only marginally. We are establishing a huge bureaucracy that will cost hundreds of thousands of dollars, which we have been aiming to do ever since I have been here. When I was first elected in 1979 during the Tonkin Government, the Police Department installed a computer that cost over \$1 million just for the hardware to register all the firearms in South Australia, to take control of it and to prevent these deaths that would otherwise overtake us and create a social disaster. They spent another \$1 million on the damn thing and it still did not work. It does not work and it has never worked.

**Mr Venning:** It went off half-cocked.

**Mr LEWIS:** If only it had gone off half-cocked, but it didn't go off at all. That is the trouble with it. But the money did; the money has gone—and that was back early in the Tonkin Government's term of office. Six years later we still find that there are people, however few, being shot in assaults. In South Australia in 1986 five people died as a result of assaults, that is, murders—and it was not only firearms. There is no distinction: I make that point. It therefore makes one wonder why we do not do a few other things. We have a Bill of this order with so many regulations—and I think the number of regulations relating to this legislation covers some 30 or 40 pages. I have not seen them yet; the Opposition only got them today.

The Minister at the bench who is responsible for this legislation has broken appointments and dodged his responsibilities to the concerned members of the public. Whenever he has made appointments with representatives and responsible office bearers in clubs and associations involved with the sporting and recreational use of firearms he has either cancelled them or found that it is

inconvenient. In most instances he has simply not made any appointment, saying that his parliamentary duties take up too much time and that he does not have the time to spare to talk to the people who represent the majority of responsible firearm owners in this State. That is a salutary indication to the rest of us as to the extent to which the Minister is committed to any democratic considerations.

Currently, these people who use firearms in our community are very annoyed and disturbed by the Minister's behaviour, wondering what it is that he seeks to avoid. They do not understand his personality as well as I do, otherwise they would simply save the cost of their phone calls and save the trees that they otherwise waste in the paper they use to write to him. He is not the sort of person who can listen to a well reasoned argument, putting a case different from his own subjective, sentimental inclinations. He finds that an impossibly uncomfortable experience and will go to any lengths to avoid it. So, in that respect the member for Baudin was mistaken. Whilst the select committee report was brought down and the legislation finally passed in 1988, and we were told at the time that a measure of haste was needed to protect the public, the legislation has yet to be proclaimed. That in itself says something. Indeed, this Bill seeks to amend that legislation and explicitly provides that it proposes to do so as if it were proclaimed and in operation. There is a bit of a constitutional quandary in that one, no doubt. I am also worried about the legislation because it relies so heavily on regulation. Goodness me, if we have got it right—

**The Hon. H. Allison:** What you see is not what you have got.

**Mr LEWIS:** Exactly. If we have got it right, why can we not put it in legislation? Is it because the Government does not have the guts to do that, recognising that any future changes which may have to be made would bring the legislation back into the Parliament and it would not want to debate it again? Yes, I think that is the very reason. The Government wants the framework giving it the power to establish the real substance of the law in regulation. It wants the power to make law by the fiat of direction from Cabinet and Executive Council. That is not just wrong—it is wicked. It is an abuse of democracy and prevents proper public debate and real understanding of what will happen until it is too late.

Most people who own a firearm of one kind or another now know that it is an extremely expensive hobby or recreational activity in terms of the fees and charges levied on them—just because the Government wants money. There is no other reason for it. It does not spend its money educating people. If you want to learn anything about the use of firearms, you must enrol yourself of your own volition in a course and pay for the cost of that. The Government seems to need the money for other purposes. I cannot imagine what they are. There is no doubt about the fact that the money spent on computers would have been better spent on public education on how to use firearms. There is no doubt at all these days that you would not need more than a \$2 500 computer to keep the entire register of firearms on it and be able to retrieve all the information relevant to the owners of those firearms, the names of the makers and the registered numbers in a matter of milliseconds—anything

you wanted. If the Minister at the table knows anything at all about computers, he would understand the truth of what I am saying.

It is not the need of money for an expensive computer that motivates the Government. It is something else again. It is the Government's inane, subjective fear of firearms and those people who, within its ranks, believe for other reasons in the coalition of opposition that it is bad to let the citizens arm themselves or, alternatively, it is unnecessary for civilised human beings to have firearms. I say that, if it is unnecessary for civilised human beings to have firearms, it is unnecessary for them to have sex for the same sort of irrational argument. I take that one step further, because it is relevant in the context of this debate to consider that we do nothing in 1992 about registering people who want to engage in sex, yet more people die from sexually transmitted diseases than from firearms, whether by accident, suicide, assault or legal intervention. Should we register all people who have viable, hormonally functional sexual organs they wish to use and expect that by doing so we will in some way or another solve the sexually transmitted diseases problem? No. Our decision there is to educate people on how to behave. Then why not educate them on how to behave with firearms? It is a much simpler process and would probably lead to a much healthier society. There would be less fear and greater understanding.

I have even heard members in this place stand up and say it is wicked that anyone should be able to buy a firearm that is automatic or semiautomatic, high velocity, high powered with a silencer and telescopic sights. A more lethal weapon you could not imagine. Frankly, it will always remain in the annals of fiction because you cannot silence any firearm which discharges a projectile that travels at greater than the speed of sound. As for the fool who said that you can put a silencer on an automatic shotgun, that is the height of inanity for anyone who knows anything about firearms. It is simply impossible to silence any firearm that discharges multiple projectiles. They are called shotguns—you cannot take away the bang. There needs to be a single projectile. In consequence of which I am saying we see the silliness of the present argument and the unnecessary intervention by a Government in the legitimate activities of an individual citizen subject to the laws made by the Parliament in which the Government has a majority. We see that in this legislation. That is terribly unfortunate, in my judgement. I draw attention also to another aspect of the legislation which would ban firearms that have magazines of more than five rounds. All members here have seen a war film in which the Lee Enfield 303 rifle has been used. It has been in existence now for more than 80 years.

**Mr Quirke:** Since 1884.

**Mr LEWIS:** Since 1884, after the Crimean War. The Lee-Enfield was designed and developed—

**Mr Quirke:** The Sudanese war.

**Mr LEWIS:** Really? It was first used in the Sudanese war. That rifle is seldom used in the commission of murders. I must tell anyone who does not know that it has a magazine which contains 10 rounds, and has always had a magazine that contains 10 rounds.

**Mr Quirke:** It is not semiautomatic.

**Mr LEWIS:** True, but it has a magazine that contains more than five rounds. The other unfortunate aspect of

the legislation is that the information I have been given suggests there are only about 15 000 such firearms in Australia. If that is the case, I do not know what has happened to the other more than 360 000 that I know of that have been sold.

*The Hon. P.B. Arnold interjecting:*

**Mr LEWIS:** Bolt action or not, there you go. They are very effective and accurate firearms for the purpose of bringing down large game at long distance. I would also point out that clearly we have our priorities wrong. We are going to a great deal of trouble and expense to make criminals out of honest, diligent people by making it so difficult to own firearms, as we propose in this legislation. By comparison, if we look at the deaths that occur on the roads, we find that, in 1991, for instance, there were 2 221 deaths nationally and 214 in South Australia.

I do not have the 1986 figure for Australia, but the 1987 figure was 2 800 plus. Of course, in the years since then that figure has been lowered as a result of public education in respect of the safe use of automobiles. I suggest to the Government and the Minister that the solution to the problems that have been identified as the concern of the people he supports in this argument would be better addressed by public education than by this crazy legislation and this unnecessarily bureaucratic attempt to try to identify every firearm in existence. It is not there.

**The DEPUTY SPEAKER:** Order! The honourable member's time has expired.

**Mr VENNING (Custance):** I rise to speak briefly to this Bill and to oppose much of it. Emotion is getting in the way of commonsense. I would like to declare my interest in this Bill as an owner and small-time collector of firearms. In my younger days I enjoyed target shooting, particularly at the Dean Range—which has been in the news of late in relation to the MFP—and I was a participant in the Queens Shoot. I was awarded my crossed rifles, so I was not a bad sort of shot and probably should still be doing it rather than being in here. I have many firearms at home, some of which I use very occasionally and some I just look at. I heard one of the other speakers refer to the famous .303 rifle. I wonder how many of those rifles are in cupboards as part of dad's collection of old war relics and so on. I know of hundreds and I do not think that very many of them are ever used, and very few of them would be registered. We all know of cases like that.

I am also privileged to hold a private pistol licence, which I cherish very much. As a national serviceman I was trained in the use of that firearm and I had a personal reason to have one. I still have the licence and I count that as an honour. I am also patron of the Balaklava gun club and I have many friends heavily involved in gun clubs and also in the collection of firearms. One particular friend of mine—Reg Chapman, whom many people would know—is involved with the State organisation of collectors and has a marvellous collection of firearms; in fact, it was one of Australia's best. He is a great enthusiast. People involved in these activities are very agitated, frustrated and worried about legislation such as this, because they have the use of firearms and their collection at heart. When we meddle

and make legislation incorporating rules such as this it really upsets them greatly.

As my colleagues have said, firearms are part and parcel of rural life. It is common on farms to have a couple of firearms—an old side by side double-barrelled shotgun and a .22, usually a single shot. That is usually the extent of it. Those firearms are used on things like foxes and rabbits and also for personal protection. They may not be used, but it is nice to know they are there should people be harassed. It is a comfort in that a farmer knows he can defend himself, and his family if necessary. I use my firearms for all sorts of things, particularly the humane killing of sick animals, foxes and rabbits. I also use my firearms for the pruning of trees. One might wonder how one would prune a tree with a high-powered rifle with a telescope. However, I have been called in to do a job on mistletoe in some of our parks and gardens. Mistletoe usually grows at the highest part of big gum trees. We found it very effective to use a high-powered rifle with a very powerful telescopic sight and firing soft bullets. It does a marvellous job with mistletoe. I have done that at Bowman Park, of which members may have heard, and also in the Clare area. As people drive through the Clare area they can see the problem we have with mistletoe in those lovely gum trees.

So, firearms have their uses apart from being weapons of terror. Most farmers find them to be essential equipment on their farm. There are other things on farms that I would class as far more dangerous than firearms, particularly circular saws. I have one and I use it with great care. In fact, I have had an injury from that saw. There are also chainsaws, knives and machetes. Anyone can go into an army surplus store and buy a machete. They are a potentially vicious instrument; they are long and very intimidating, but they can be bought at any army disposal store. However, we choose to overlook all these things and pick on the gun because it is instantly recognisable and it is frightening. The timing of this Bill has me a little concerned. We had the second reading only last week and basically I have had only two days to gather together the argument that I had prepared before. I know that I have not been able to recollect many of the representations made to me by my constituents and members of clubs because of the time constraint. I hope that we can do justice to this.

Firearms legislation has had a chequered history in this House. There have been many attempts to control firearm ownership, primarily because of the emotionalism involved in the topic. This issue has been pursued as a result of continual noise and a push from the anti-gun lobby. However, there are many more people in the gun lobby than there are in the anti-gun lobby. Those in the gun lobby choose to be quiet. Members should never underestimate the force and the presence of people in this State who have a very strong feeling on this issue. The Government has messed with the Firearms Act since 1988. However, that legislation was unworkable.

This Bill follows a long period of indecision by the Government. The Firearms Act Amendment Bill was introduced in the House of Assembly on 3 December 1987. After considerable controversy, the Bill was withdrawn on 30 March 1988 following the introduction of the Firearms Act Amendment Bill 1988. On 6 April 1988 a select committee was appointed, as the member

for Baudin pointed out, to examine the Bill and report back to the Parliament. On 23 August 1988 the Firearms Act Amendment Bill (No. 2), the product of the select committee's deliberations, was presented to the House of Assembly. The Liberal Party unsuccessfully opposed the Bill and divided on the third reading. The Bill was then assented to on 1 December 1988, but has never been proclaimed.

That legislation was never proclaimed because it was unworkable. The Firearms Act Amendment Bill 1992 will come into operation on the day on which the Firearms Act Amendment Act 1988 comes into operation. That is pretty confusing. We really have a bit of a muddle in talking about the 1988 and 1992 legislation. I do not know why it was not done properly in the first place but, more importantly, why was it done at all? The Government has refused to make available either the regulations to the 1988 amendment Act or the regulations to this legislation. The Minister claims that regulations to cover both pieces of legislation are still being drafted. How can we discuss a Bill when the regulations are still to be drafted? I know my colleague the member for Bright mentioned some of these regulations that he has on a piece of scrap paper that he received today. It is just not good enough at all. It goes on and on.

I am very concerned about collectors. I ask whether they will be recognised. Another Bill mentions the collectors, and I hope they will be recognised. Some weapons in this State have considerable historic value. We have many *bona fide* collectors in this State who are very good and upright citizens. It is not very hard to recognise these people and to target them in the community. I cannot see that anyone would set themselves up as a fly-by-night collector. These people have been with us for many years and are well recognised in the community. I cannot see any problem with that.

I cannot understand why collectors have not always been licensed and granted immunity from many of these laws that we are trying to pass. If a collector was granted a straight-out licence, that would make it so much easier. I have had a fair bit to do with sports shooters. A couple of days ago, a sports shooter telephoned me to say that he could not get an audience with the Minister. He tried on four or five different occasions and was told that the Minister was too busy with his work in the Parliament. That is not good enough; in fact, it is a disgrace, because the Minister should always be available to the electorate, particularly in a portfolio such as this.

I support parts of this Bill, particularly clause 11 which provides for the suspension of a licence and the obligation of medical practitioners under clause 12. It is commonsense that a doctor who realises that a person owns a firearm or is about to purchase one has the responsibility of telling the Registrar if that person is not fit to have a licence.

I find the provisions in relation to paint-ball operations a little incongruous; in fact, they are almost contradictory. The Minister of Health is involved in the paint-ball scene in a fairly big way, and I understand that for an ex-military man it can be a lot of fun, but I would have thought that in this State we were trying to say that firearms are there for certain reasons and should not be pointed at anyone and that this sort of activity should not

be promoted. I have great difficulty in understanding why in this Bill of all Bills we make exemptions for this hobby or sport called paint-ball shooting. As I said, the member for Elizabeth is into this sport in a big way. One day, he might invite me along and enlighten me as to the pros and cons of it, and I might be inclined to change my mind, but at this stage I think not. I think it is wrong to encourage people to point weapons at others and I do not think that is what the Bill is trying to do: in fact, I think it is trying to do the opposite.

I have great difficulty with the provisions relating to detachable magazines, because when a law is passed it must apply to all firearms right across the board. There are 15 000 such magazines in South Australia. I do not know how they can be gathered together and rendered useless or cut down to size, but what good is a collector's piece without a magazine? I refer, for instance, to the Owen gun, which is a unique Australian firearm and which was made in a backyard shop at Lithgow. It was probably the one gun of which we made the most during the Second World War, and there are still thousands of them around. They fire a little dum dum bullet and they have a long magazine. An Owen gun without a magazine would be like a Speaker without a wig: it would be unrecognisable.

**Mr Matthew:** The Speaker doesn't wear a wig.

**Mr VENNING:** The Speaker wears a wig on auspicious occasions. I have trouble with those provisions, because most guns, for instance the Enfield, have a magazine with more than five shots. Clause 20 allows the police to seize firearms where they suspect undue danger to life and property. I have no hassle with that provision. I think the police ought to be given the power to seize firearms when it is obvious that a person is a threat. I agree also that a person should not be able to walk in off the street and buy a firearm over the counter: that is absolute commonsense. There should at least be a cooling-off period in which a person should have to apply for a licence and be checked to see whether they are fit and sane and can own such a weapon. It would matter what sort of a firearm a person intended to buy. If a young person living in Adelaide wanted to buy a gas operated or pump action shotgun, one would wonder why. However, I am sure that commonsense would suffice.

The Bill does not mention replica firearms, although I gather they will come under the regulations. What do these regulations contain and why have they not been widely circulated? I ask those questions, because I know there is some concern about replica firearms. Ammunition, particularly as it relates to farmers, should be supplied to any person who can give the name of the person who will use the ammunition and the type of firearm in which it is to be used. I have no hassle with that provision, otherwise a person would have to purchase their own ammunition. My wife often purchases my ammunition for me, because quite often I do not have the time.

This Bill differs from the original Bill that was put before this House 12 months ago in that miniatures are now to be exempted. I am pleased about that, because South Australia has one or two fantastic miniature collections, one of which is probably world class. It is great to know that that collection is now safe and legal;

otherwise, it would have gone underground and no-one would have been able to look at it and be amazed. The cost of registration, at an average of \$80 for three years, in general has been too high for the average farmer. I have a problem with that provision, because it penalises only the honest people. How many firearms are not licensed with the owner not paying anything? A high penalty should be imposed on anyone owning an unregistered firearm, but the fee should be small for those who declare them.

**The Hon. JENNIFER CASHMORE:** I rise on a point of order, Mr Deputy Speaker. I draw your attention to the fact that, apart from the Minister, there is not one Government member in the House and I believe that there is not a quorum present.

**The DEPUTY SPEAKER:** Is the honourable member drawing my attention to the state of the House?

**The Hon. JENNIFER CASHMORE:** I am doing that, and I am also pointing out that there is not one Government member on the benches opposite.

**The DEPUTY SPEAKER:** I have no control over whether Government members are present. If the honourable member wishes me to ensure there is a quorum, I can do that.

**The Hon. JENNIFER CASHMORE:** I believe a quorum should be present when a Bill of this importance is being debated.

*A quorum having been formed:*

**Mr VENNING:** It was good to see half a dozen of my own colleagues listening to and taking interest in this debate. It is a disgrace that there was no member visible on the other side, although I believe a member or two was present in the back corners. As I said, the cost of registration ought to be lower to encourage people to be honest. In this way, the regulatory body would have control and would know where the firearms are. The fee ought to be an incentive rather than a disincentive—a high cost, as applies at present. I do not think that this Bill will save any lives. The Hoddle Street massacre, as shocking as it was, would not have been prevented by a Bill such as this. It would still have happened: a knife or something else would have been used.

*The Hon. H. Allison interjecting:*

**Mr VENNING:** He had an illegal weapon and it did not make any difference. This Bill will not save lives and it will not save the nation. In closing, I wonder why we make so many unnecessary laws. This place is a law-making machine: it spits them out the door as hard and as fast as it can. They are not necessary. I did not come into this House to sit here and make laws *ad nauseam*. I hoped that we would come in here with commonsense. If we can get away without making laws, I think it would be a great idea, and we should also repeal the old laws. We should let the public make up their mind on many of these things. This legislation is unnecessary, and I will not support many of the provisions.

**The Hon. P.B. ARNOLD (Chaffey):** I appreciate the great fear that many people in the community have about firearms. Much of that fear is brought about by the fact that many people, particularly in the metropolitan area, have never had any contact with or used firearms, because there is not the opportunity to participate in

sporting clubs and, if they have not lived on the land and been involved in agriculture, there is less likelihood that they would have been involved. In the main, the Government is legislating to try to stop some of these horrendous happenings, such as the Hoddle Street killings. Of course, with all the best will in the world, legislation of this nature, and as far as I am concerned legislation of any other nature, will not stop those occurrences. I believe they are brought on by people in a deranged state of mind, and all the legislation in the world will not have any bearing on that.

The member for Baudin commented about an honourable member from this side saying that motor bikes and cars are probably just as dangerous as are firearms and, in many respects, that is perfectly true, although the member for Baudin said that no-one uses a motor bike to go out and kill someone: if that is their intention, they use a firearm or some other weapon of that nature. Of course, there are other effective weapons and killing machines besides firearms. An underwater spear gun or a bow and arrow are terribly efficient killing devices at close range; they are deadly indeed. Many of the killings to which we have referred actually happened inside households at close range. So, many of these sporting weapons, if you like—the bow and arrow and the spear gun—are efficient killing machines at close range.

I appreciate what the Government is trying to do with this legislation: it is trying to do what other Governments throughout Australia and in many other parts of the world have sought to do, that is, to come up with laws that effectively will reduce the loss of life through misuse of firearms. Firearms in themselves are not dangerous: they become dangerous only in the hands of human beings when they are misused or used for purposes for which they were not intended, other than during times of conflict between countries—and certainly in our lifetime we hope we will not see too much more of that.

I am firmly of the belief that we have a better chance of reducing the number of deaths as a result of anger and other reasons where a firearm is turned on another person if people are trained from a very young age to respect firearms for what they are. I go back to the days when students from the age of about 13 years could join the school cadets; they had an opportunity to spend time at places such as the Dean Range, where they were under the control and instruction of regular army personnel, who would teach the students how to effectively, responsibly and safely use a firearm. Unfortunately, those days have gone, so many of the young people growing up do not have the same opportunities that we might have had 40 years ago.

Governments should encourage and actively support the use of sporting and gun clubs as training grounds for young people. Many young people in the country have a far better opportunity to gain those skills purely because of the area in which they live. I realise the great restriction that is placed on young people growing up in the metropolitan area, and for that reason I believe that the Government should encourage every form of gun club, whether pistol, rifle or whatever, to assist in every way possible. I know that they do what they can, even as things are today, but there is an opportunity for the

Government to encourage clubs, particularly in the direction of young people.

My comments will be broad, and I am not concerned about getting into the fine detail of the Bill, because I do not think that the fine detail will solve anything. It does not matter whether this legislation goes through, it will not alter the situation in this State one little bit: it comes back very much to the attitude of people. So, the registration of firearms has no real bearing on the situation. The licensing of people to use firearms is probably far more important and the key to the whole issue of the problems that will arise from time to time. Many people have a firearms licence and, if they were examined by a medical practitioner, in many instances that medical practitioner would strongly advise against that person holding a firearms licence.

All the regulations in the world will not stop the sort of incident that occurred in Hoddle Street. It will not stop the criminal element above all else, because they are not interested in registering guns, and they are not interested in having licences or anything else. Of course, it is too late to say that, by registering or controlling guns in this or any other country, we can gain control of this issue, because there are literally millions of guns in Australia. I would hate to think what the total number would be. Certainly, after the Second World War most of the old Lee Enfield rifles that were surplus to the Army's requirements were sold off for next to nothing; almost every second person in Australia purchased one just for the sake of putting one away in the cupboard. There is no way of turning back the clock.

Those guns are in existence, and they will be for a long time to come. But it is a matter of training, particularly our young people, from a very early age, in my view, and all the legislation in the world will not resolve the problem with which we are confronted. I only hope that the Government will look seriously at supporting and encouraging all forms of firearms clubs, whether gun, pistol or rifle clubs, because those organisations have a far better chance of coming to grips with the problems with which we are confronted not only in South Australia but in the whole of Australia. I trust that the Government will give some consideration to that approach, because I do not believe that the legislation we have before us tonight will do anything to solve our problems.

**Mr BLACKER (Flinders):** I do not wish to detain the House for very long. As the member for Baudin indicated earlier, I was on the select committee some years ago when this matter came before the House and there were lengthy debates at that time. I guess one of the questions that must be asked is why the legislation recommended by that select committee and subsequently approved by the Parliament was not approved and gazetted by the Government of the day, and more particularly why the regulations accompanying that legislation have been so long in coming to fruition, thereby denying us the ability to assess this legislation thoroughly.

There are some areas of concern that I have and they are principally about the Government's consultative process. I have been concerned to receive in the past couple of days letters from recognised firearms organisations, including collectors' organisations, strongly



protesting at the lack of consultation by the former Minister and the present Minister over these proposals. We all know that when Premier Lynn Arnold was first appointed he made an explicit promise to the people of South Australia and publicly indicated that he had directed his Ministers to get out in the field and consult with their constituents. On this occasion it would appear, from the correspondence I have received, that that is not the case.

I would like to quote a letter I received from the Antique and Historical Arms Association of South Australia. Obviously the letter has gone to all members of Parliament, but I believe it needs to be placed on record that the undertaking given by the Premier of the day has not been honoured, and for that reason I want to know why and, more particularly, whether some answers to these questions can be forthcoming. The letter states:

Dear member,

The above association is the oldest and largest body of arms collectors in South Australia and we have actively supported sensible firearms legislation that we believe to be of benefit to the general public as well as firearms users. We therefore find Mr Mayes' report on the amendment Bill 1992 quite objectionable, and his claims that submissions from interested parties have been considered are, in our opinion, untrue and very misleading.

We and many similar organisations have made numerous attempts to meet with Mr Klunder and latterly with Mr Mayes with no success, and we have been given no opportunity to make any submissions whatsoever. Despite many inquiries we cannot find any major firearms club or association that has been able to do so. We have had discussions with the Police Firearms Division, and many pertinent submissions have been made to them and in principle accepted as reasonable.

Despite this, no alteration has been made to the Bill since Mr Klunder introduced it earlier this year. In fact, Mr Mayes used exactly the same address in his introduction, not unusual, except that it was written by the police officer in charge of the Firearms Branch.

The complexity of the proposed licensing system is completely out of touch with all other States, making a mockery of the Police Ministers' Conference in their attempts to unify this matter. The section on ammunition on magazine control is unrealistic and will require much discussion with police, dealers and firearms owners, clubs and associations to clarify this, as clarification it will surely require. Commonsense indicates this should happen before the Bill is passed. Regrettably Mr Mayes has made it quite clear he has no intention of listening.

The work load on the Firearms Branch is going to be enormous and we fear a 'them and us' attitude could for the first time develop. These matters are of great concern to us and we would welcome the opportunity to discuss them in greater detail with you.

(Signed) R. Talbot

Public Relations Officer.

I also received a letter today from the Firearms Safety Foundation Ltd, making many similar statements and dealing at great length with its proposed or suggested amendments and explanations. This documentation runs into some 12 or 15 pages and is too lengthy to read into *Hansard*, but it is something I want to draw to the attention of the House inasmuch as the Minister has not been consulting in the way in which he was requested to do and as the Premier undertook to do.

This legislation seems to be going against the general principle of deregulation by Government. It is a measure which no doubt will tie people up with all sorts of regulations which they will find frustrating and the necessity for which they will question. My greatest fear is that the net result will be a greater number of firearms that will be forced underground and not registered; many of those firearms will basically disappear from the face of the earth. We know already that tens of thousands of firearms have effectively disappeared from the records since we first started talking about firearms legislation some six or seven years ago. That is a very real problem.

As the member for Murray-Mallee indicated in the earlier part of his contribution, the number of fatalities caused by deliberate misuse of firearms is indeed very small. We could probably discount that number by saying that in the vast majority of cases firearms used for illegal and improper purposes (in cases as extreme as murder) have been unregistered or stolen firearms. I understand that, in respect of the massacres that have occurred over recent years, only one of those firearms was registered and, in fact it was a stolen firearm registered in another person's name. Clearly, this type of legislation will not solve that sort of problem.

I do not believe that sufficient consideration has been given to the legitimate firearms users, particularly those involved in the rural community. As the member for Eyre said, most farmers would have a requirement for at least three different types of weapon: usually a .22 single shot—something that would be used for the destruction of diseased and injured stock; and quite often a higher powered rifle would be used for foxes and vermin of that kind. In addition, for people who have property flat enough for spotlighting, the shotgun is usually the preferred firearm. But in all three instances there is a legitimate use for those firearms. In fact, almost every property in this State would have a legitimate use for a firearm and in many cases would have two or three properly acquired firearms for the purpose. Of course, many people are concerned about that.

I understand the need for some perceived restriction to be placed on the purchase of firearms. The member for Eyre had some concerns about the cooling off period, but I do not personally have a problem with that. If a person has a genuine requirement for a firearm then it is not unreasonable that that person should give some notice; before he takes delivery of the firearm, at least a few days notice can be given. I do not see that necessarily as being a problem. I do see a practical problem, however, where station owners, having driven several hundred kilometres to their nearest store in order to take home a couple of cases of ammunition, are restricted from doing so because of this requirement of having to give notice regarding ammunition over a certain number. However, they are problems that I believe commonsense can overcome. I certainly hope that commonsense will prevail.

My concern has been the attitude of the former Minister and the present Minister, as indicated in the letters received today. If that attitude is going to prevail, the Government is merely reinforcing the argument of those people who are running around the countryside saying it is a deliberate attempt by the Government to disarm the community. If the Government wants to get

away from that attitude and that perception, it needs to cooperate much more with the general public than it is doing at present.

This legislation, in the main, has been around for several years. The Government did not deem it necessary for the previous legislation to receive royal assent, and with the current legislation has not provided us with the regulations so that we can discuss them. We are considering this matter now, several years since the legislation was first introduced, not knowing the fine print of the regulations. As I have been informed, one member of the Opposition received a copy of the draft regulations only today. It is unreasonable to expect this House to debate—

*Members interjecting:*

**Mr BLACKER:** If those regulations fell off the back of a truck, that makes it even worse. It indicates that the Government is trying to hide those regulations from the Opposition and, more particularly, from those organisations that have a legitimate need to know what they are. I can say that all the organisations, without exception, have been cooperative in trying to develop legislation and regulations that will provide maximum safety for the user and the general public. I do not believe we need fear legitimate firearms organisations because, in the main, their safety requirements are very stringent. They do not want to be the organisation that has an accident and their safety requirements and training are, if you like, almost over-zealous, so much so that it is very difficult for a person, first, to become a member of a club and, secondly, to maintain that membership with the responsibility and decorum required.

I look forward to the Committee stage of the Bill when no doubt a series of amendments will be moved. My concern is that now, some years down the track, we are considering this Bill and have such limited knowledge of the regulations that we cannot really debate the matter so as to convey its full import to the general public. I support the second reading.

**Mr De LAINE (Price):** The member for Eyre advanced stupid arguments in this debate, although one of his comments is quite right—that most people who own guns are very sensible and responsible. I know a lot of them and they are indeed very responsible people. However, as most members in this place would know, laws must be made to protect people in general. All our laws, whether they be civil, road traffic or anything else, are made to protect the general community against the crooks in the community. Most people in the community are law abiding and responsible, and we do not make the laws for them. If that were the case with all people, we would not need any laws at all. However, the fact is that we have to make laws to cater for the lawless and irresponsible minority, whether they be gun, road traffic or other laws.

It is easy to take the line of the member for Eyre because he is in Opposition. If he has a long enough memory to remember back 10 years ago to when he was a Government member, he should know that Governments do not have the luxury that Oppositions have in being popular and in taking the line of least resistance and catering for a certain lobby group in the community. Governments do not have that luxury and

have to take the hard line and try to please everybody—but that is an impossibility. On the one side, there is a very strong group lobbying the Government to outlaw and totally ban guns and, on the other side, there are very responsible people who want to enjoy owning and using guns. These are the conflicting views and lobbies that responsible Governments have to contend with, and on this occasion I think the Government has acted responsibly and taken everyone's views into account.

Gun users who belong to clubs are very genuine, responsible and law abiding people, and look after their weapons. I was one of those people. I could be classed as a gun lover although I do not own a gun at the moment. I am a former competitive shooter and I know many competitive shooters—friends of mine—who belong to clubs; they are very responsible and law abiding people. Last month I was given the honour of opening the Queen's centenary shoot at the Dean Rifle Range. In fact, I was honoured to put down the first shot as a sign of appreciation that I am a former shooter. I enjoyed that and in fact have taken part in the presentation of trophies over the past several years in the Queen's price shoot each year.

When the original Bill was introduced several years ago there was widespread criticism. In relation to contact with my electorate office it was second only to the poker machines debate. Many shooters who contacted my electorate office were up in arms about what was happening. It was a very emotive issue and it was quite obvious they were all fearing the worst and looking at the draft legislation that was put up by the then New South Wales Government. They came to my office and accused me (as all members of this place would themselves have experienced) of not knowing one end of a gun from another. I let them talk for 10 minutes and when they ran out of steam I told them I had been a competitive shooter, and that took them back a peg or two.

After showing a lot of patience in explaining the legislation, giving them a copy of the Bill and the second reading explanation, I asked them to go away and read it and come back with comments. Most did not come back but some of the more hard liners did, either by telephone or in person, and in each case said that they were satisfied with the legislation, that it was good, that they had gone off the deep end looking at the New South Wales legislation and that they were quite happy with it. No-one remained opposed to the legislation at that time.

There is no doubt that legislation and regulations will cause inconvenience to some people, but that is part of democracy. In the final analysis, these laws are needed. Maybe they are not perfect this time, but it is a start. They can be put in place and, if necessary, amended later. There is always that option. I would say that there would be no problem for legitimate gun users and that they will be quite adequately catered for. This legislation is certainly better than having a total ban on these weapons. I fully support the Bill.

**Mr MEIER (Goyder):** I oppose the Bill, principally because it was introduced two weeks before the end of this session and we are asked to debate it this week, the last week, so hopefully the Government can push it through another place subsequent to its passing this

House. However, that in itself is not a reason for opposing the Bill. When I study some of the information that has been sent to me by gun enthusiasts I find that the amount of consultation has been minimal, if there has been any at all, and that their concerns are voluminous. The Antique and Historical Arms Association of South Australia states, among other things, that it finds Mr Mayes' speech on this legislation quite objectionable and that his claims that submissions from interested parties have been considered are, in its opinion, untrue and very misleading.

They are serious allegations that concern me. This and many similar organisations made numerous attempts to meet with the then Minister (Hon. Mr Klunder) and more laterally the present Minister (Hon. Mr Mayes) with no success. They have been given no opportunity to make any submissions whatsoever. Despite many inquiries, they cannot find any major firearms club or association that has been able to do so.

Here we have before us important legislation that the Government wants passed, but obviously legislation that has not had appropriate discussion out where the people will be most concerned. In fact, the letter states, amongst other things, that the second reading explanation was exactly the same explanation used when the Bill was introduced in the last session. I have not taken the time to examine it word for word, but I am well aware that this Bill has some differences, so I am amazed to hear that the Minister should provide an identical second reading explanation. That is another cause for concern and another reason why I am not prepared to support the legislation this week.

In addition, I have had representations from the Firearms Safety Foundation Limited, which expresses a variety of concerns. In fact, amongst others, it states that the current Bill does not contribute to the effective practical and logical control of those who misuse firearms. We have heard from the Government side this evening, and on previous occasions, that it is essential to have proper legislation in place so that people who seek to misuse firearms are properly controlled, yet a very reputable organisation, the Firearms Safety Foundation Limited, says that this piece of legislation will do nothing for that. Again, the foundation indicates it has been denied access to the regulations for any of the above legislation and, as a skeleton Bill, it is incomprehensible without them. I certainly agree with the foundation on that score. We have heard from other speakers on this side that they, too, have not seen the regulations. It appears that a copy has fallen off a truck into the hands of the Opposition, but I have not had a chance to read a copy. Whatever the case, I think it is—

**Mr Ferguson:** Why didn't you ask the Minister for it? He would have sent you a copy.

**Mr MEIER:** I think it is totally unsatisfactory that the Minister did not make those regulations freely available well before we debated this legislation in the Chamber.

**Mr Ferguson:** Well, why didn't you ask for a copy?

**Mr MEIER:** I am happy to ask for it. I hope that the Minister will give me a copy, but it is a little late now. If I could have an extension of time or perhaps seek leave to continue my remarks—

**The SPEAKER:** Is the honourable member applying for an extension of time? His time has not yet expired.

**Mr MEIER:** I am seeking your guidance, Mr Speaker, as to whether I can seek leave to continue my remarks so that I can have a look at the regulations if the Minister has a copy with him.

**The SPEAKER:** I would suggest that you finish the time available first. Is leave granted?

**The Hon. T.H. HEMMINGS:** No, Sir. On a point of order, Sir; I do not often sit in this Chamber somewhat baffled, but I would like—

**The SPEAKER:** What is the point of order?

**The Hon. T.H. HEMMINGS:** The member for Goyder was incorrectly responding to an interjection from this side of the Chamber and is now seeking leave to continue his remarks.

**The SPEAKER:** Did the member for Napier deny leave?

**The Hon. T.H. HEMMINGS:** Yes, Sir.

**The SPEAKER:** Leave is denied. The member for Goyder.

**Mr MEIER:** I am very disappointed that the member for Napier should deny me leave to continue my remarks later because, unless my ears deceived me, I believe it was the member for Napier who suggested that I should seek a copy of the regulations from the Minister. This shows the hypocrisy that, on the one hand—

**The SPEAKER:** Order! I would remind the member for Goyder of the need for relevance in the debate.

**Mr MEIER:** Indeed, Sir, and I am building up my argument towards that. On the one hand he seeks to assist me, and on the other hand he seeks to deny that right. It appears that I will not have the regulations with me in this second reading debate. That disappoints me and will continue to disappoint me. It is not only me who is denied access to the regulations but the other members of the Opposition and, for all I know, members of the Government, although I know they often receive privileges that we the members of the Opposition do not receive. Maybe they have had the privilege of reading the regulations. Whatever the case, it makes my situation almost impossible if I am asked to support a Bill when I do not have all the facts before me. That is another reason why I do not support the Bill in its present form.

If we consider further some of the concerns of the Firearms Safety Foundation Limited, contained in seven A4 pages, it refers to a whole variety of problems that it sees in this legislation. Amongst others, it states that, apart from being unnecessary and restrictive, in its opinion such a proposal would no doubt become a costly administrative nightmare. I find it quite remarkable that the Government should be seeking to bring in more administration when it is obviously not necessary. Why do I say it is not necessary? As was pointed out by the member for Newland in her contribution, Tasmania has a system of registration of firearms, but at what cost? At zero cost. How does that compare with South Australia? I believe that the fee in South Australia is now about \$82 for a three year permit. That is a considerable amount, a very significant amount, for a licence.

One can understand why the Government is pushing ahead with increased regulation—it needs more revenue, and it is using this as another means of gaining that revenue. That both disturbs me and disappoints me greatly. In looking at the Bill, my colleagues have identified many of the concerns, and I will not repeat

them unnecessarily. I commenced using a firearm at a very early age—I think I was about seven or eight when I received my first air rifle. I graduated to a .22 later on and, in later days, with my military service, I used a 7.62mm self-loading rifle. Throughout the whole of those years, I had impressed on me gun safety—the essential elements that are so important to avoid accidents. The most important element is to never point a weapon at another person. Equally important: always handle a weapon as if it were loaded. That is something I have endeavoured to instil into my own children even from the time they were using toy guns, to make sure they realised the seriousness of carrying any sort of firearm, be it real or toy.

The Bill provides for the licensing of paint-ball operators, who deliberately point weapons at each other in what could be described as a semi-sporting capacity. Personally, I would question that. To include that in this legislation is most inappropriate. It shows a lack of understanding of the seriousness of having any firearm. It shows that people do not distinguish between a loaded rifle (I always handle a rifle in the belief that is loaded) and a paint-ball gun which obviously is loaded, and it is allowed to be shot at or towards someone else. It is certainly something with which I do not agree and I am disappointed that it is in the Bill.

I believe that the ultimate aim of this legislation and the previous Act is to endeavour to take firearms off people wherever possible. The argument could be well and truly made now that that is not the intention of this Bill, and I would acknowledge that. However, it is a wedge in the door. It is the commencement of the ultimate aim of disarming the population. There is no doubt that some people should not have firearms in their possession. There would be strong argument for that. The Hoddle Street massacre is a classic example of what can happen, and there have been many examples since then. However, as with all tragedies, the public over-react so often. Unfortunately, we cannot prevent accidents happening, be it a bus crash, a car accident, or a simple accident where a person, simply because of their own carelessness, seriously injures or even kills himself. That will continue to happen for all time.

I acknowledge that we need some controls—there is no doubt about that. However, for the Government to go as far as it has and for it to endeavour to use it as a revenue raising method is not in the best interests of the community, and it is a serious and great penalty on all legitimate firearm users and those people who do use their firearms responsibly and who take their responsibilities in having a firearm very seriously. So, for those reasons I do not support this legislation.

It concerns me even more to see proposed amendments from the Minister, one of which provides that the owner of a firearm that is not registered in the name of the owner is guilty of an offence. Again, that simply highlights how the Government wants to get more revenue. I would have thought that, on a farm where a man and his two sons all own firearms, it would be commonsense to register all the weapons in one name. In other words, all the weapons, including those belonging to the two sons, would be registered in the farmer's name. They would be in the same household and used on the same property by, in this case, three people.

However, under the Minister's amendments the owner of a firearm that is not registered in that person's name will be guilty of an offence. The Minister will not allow one person in a household to be the licensee for all weapons in that house. The Minister wants to ensure that, if three members of a household own weapons, he collects three lots of \$82, and we know that that will continue to increase. So, to say it is not a revenue raising measure is indefensible.

It is a pity that more time has not been given for this House, first, to consider the Bill but, more importantly, so that various bodies—such as the Firearms Safety Foundation Limited, the Antique and Historical Arms Association of South Australia Incorporated and the many other bodies which have a very real interest in firearms and their controls and which have a lot of sensible ideas and suggestions as to what can be done in a proper and sensible way—can have their views considered. Unfortunately, we are being asked to debate this tonight rather than waiting until next session.

Debate adjourned.

#### **CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL**

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

**The Hon. R.J. GREGORY:** I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Brindal, Ferguson, Gregory, Ingerson and McKee.

**The Hon. R.J. GREGORY (Minister of Labour Relations and Occupational Health and Safety):** I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

#### **FIREARMS (MISCELLANEOUS) AMENDMENT BILL**

Second reading debate resumed.

**The Hon. T.H. HEMMINGS (Napier):** After listening to the member for Goyder, and knowing that he is a well-known man of peace, I have come to the conclusion that he spreads peaceful gospel only on odd days. Today is an even day and there he was acting as a vocal advocate for the gun lobby. In fact, all members opposite are acting for the gun lobby. With the exception of the contribution of the member for Flinders, I have not been impressed one iota with what I have heard so far from members opposite. The member for Flinders did not hide anything. He gave us his arguments and his point of view as a farmer. I must say that I was impressed with

what he said; he put forward a valid argument. But it was a valid argument that is quite easily accommodated within the legislation that the Minister has brought before the House.

If one has three types of firearm, it might mean one has to have three individual forms of licence and conform to three different types of regulation. So be it. That is what this legislation is all about. The member for Chaffey gave us all a lecture. He said that not many members on this side have had contact with firearms. He went on to say that people who live in the metropolitan area do not know what firearms are all about. Well, I have news for the member for Chaffey and for many members opposite who wish to listen. The member for Playford described his experiences as a competitive shooter. I will tell the House about my experience now, and whether members opposite like it or not they will listen.

I was taught to kill with a gun; I was taught the fine art of killing and maiming with a gun. Despite views that people might have of me in my present position, I have been in a theatre of war and I have been expected to kill and do all the things that people do with a gun in order to kill and maim. I have seen how people react to a gun. I have seen how people who have killed with a gun react. I have seen people wake up in the night screaming because of what they have done with a gun when they have taken someone's life. So, do not members opposite tell me that, because I have never shot a rabbit or a fox with a .22 rifle, I do not know anything about guns. That is the sort of hypocrisy we get from members opposite. The real truth is that members opposite and the Liberal Party in general have become the collective captive of the gun lobby.

*Members interjecting:*

**The Hon. T.H. HEMMINGS:** Members may laugh but, if we follow the Liberal Party's tactics generally, we see that, if a vocal lobby has a quid or a dollar to put into a Party political campaign fund, the Liberal Party will react in the way in which that lobby wants it to react. I do not know what was the asking price or what price was offered, but I can assure you, Sir, and the public of South Australia that a deal has been struck and the Liberal Party will be following slavishly—

**The Hon. H. ALLISON:** A point of order, Mr Deputy Speaker.

**The DEPUTY SPEAKER:** Order! The member for Mount Gambier.

**The Hon. H. ALLISON:** The honourable member is obviously attributing improper motives to any correspondence received by this side of the House from the gun lobbies.

**The DEPUTY SPEAKER:** I cannot accept the point of order on the basis of improper motives.

**The Hon. H. ALLISON:** The honourable member said that a deal had been struck. That is quite improper.

**The DEPUTY SPEAKER:** Order! I cannot accept the point of order in respect of an individual as the comment was directed on a collective basis. However, I ask the member for Napier to come back to the proposition before us. The member for Napier.

**Mr MATTHEW:** A point of order, Mr Deputy Speaker.

**The DEPUTY SPEAKER:** Order! The member for Bright has a point of order.

**Mr MATTHEW:** I believe that the honourable member reflected on me. In my second reading speech, I volunteered that it was I who negotiated with the firearms lobby on behalf of the Liberal Party.

**The DEPUTY SPEAKER:** Order! There is no point of order. The member for Napier.

**The Hon. T.H. HEMMINGS:** If the member for Bright wants to plead guilty, so be it. But I will go back to the legislation.

**Mr MATTHEW:** On a point of order, Mr Deputy Speaker, that comment most certainly was a reflection. The member for Napier said, 'If the member for Bright wants to plead guilty, so be it.' That was a straight-out—

**The DEPUTY SPEAKER:** The honourable member is offended by that remark. I request the member for Napier to withdraw it.

**The Hon. T.H. HEMMINGS:** Of course, I will withdraw, Sir; I am always willing to withdraw. Getting back to the legislation, we have heard the old chestnut tonight that it is not guns that kill but people. We have heard that time and again. This legislation is about the effective control of people who own guns. *Bona fide* shooters should have nothing to fear whatsoever from this piece of legislation. We have heard about the unfortunate incidents in New South Wales, Victoria, New Zealand and overseas. There is always shock, horror and crocodile tears from members opposite about the fact that that should not happen, but they allege that this legislation is being rushed through the Parliament and that there must be some underlying reason why we want to get it through before Christmas.

The member for Goyder accused this Government of using this Bill as a revenue raising measure but, if the honourable member read the Minister's second reading explanation, he would see that this legislation has not been dreamt up by the Minister on the front bench or cobbled together in Cabinet by the picking up of a few hints here and there from interested parties: it is the direct result of meetings of the Australian Police Ministers Council, the Premiers Conference and all other law agencies in Australia to try to achieve uniform legislation that will be acceptable to all Parliaments.

I do not know what went on in other Parliaments. I have not asked the Minister about the debate at the Police Ministers Council; I could ask the member for Baudin what went on. However, I suggest that the standard and tone of the debate at those ministerial meetings was a sight higher than the kind of argument we have heard from members opposite. We have heard the great champion of deregulation, the member for Eyre, who put forward the foolish argument that, as we want to regulate firearms because they kill, we have to regulate motorcycles, lawnmowers and chainsaws. The member for Baudin effectively dealt with that argument.

I would not think that, as a result of the public outrage that erupted after those mass killings, when Governments and Parliaments were told by the people of Australia to do something to come up with uniform legislation, in other Parliaments we would have heard the kind of stupid waffling that we have heard from members opposite. I would like to think that even in New South Wales, where there is a most effective gun lobby, which has even said it will campaign and nominate candidates to stand against anyone who has the temerity to vote into legislation any

form of regulations, the standard of debate was not as low as we have heard from members opposite.

Talk about 30 pieces of silver! The gun lobby might be getting support, but it is not getting quality for its 30 pieces of silver. I would have thought that it was clever enough to tutor members opposite to produce effective debate against this piece of legislation. As an individual member of this Parliament, I think the Government and the Minister in particular have been far too lenient with the present owners of some of the more lethal weapons, such as repeating firearms, which, even with the wildest imagination, cannot be said to be there for sporting purposes. However, the Minister and the Government have decided that those people will not be penalised. Whilst I do not necessarily agree with that, I will accept it, because effective controls are being introduced. If this piece of legislation is passed not only in this House but in the other place, it will be a signal to other State Governments that this State agrees with the resolutions passed at the Police Ministers Council and the Premiers Conference.

That is all we are doing: we are not going one step further than the agreement at those meetings. Yet, as usual, all kinds of stories are emanating from those people who have a vested interest in there being no effective control, and I wish that someone would write to me and tell me why they oppose this piece of legislation. It seems that, also for the 30 pieces of silver, we were exempted from any form of correspondence. Perhaps they thought that we on this side cannot be bought and that only elsewhere—

**Mr MEIER:** I rise on a point of order, Mr Speaker.

**The SPEAKER:** Order! The member for Napier will resume his seat.

**Mr MEIER:** I believe that the member for Napier has reflected on all members on this side of the House, and I ask him to withdraw that imputation.

**The SPEAKER:** I understand a ruling was given earlier this evening by the Deputy Speaker—and I uphold it—that reflections generally on a group are not taken as reflections on individuals. The member for Napier.

**The Hon. T.H. HEMMINGS:** I will not use the time of the House any more. I will finish with the Minister's opening and closing comments, because they sum up this legislation in a nutshell. The Minister started off with these words:

The violent and tragic use of firearms in August 1991 in New South Wales and in 1987 in Victoria focus public scrutiny on firearms legislation throughout Australia.

The Minister closed with these comments:

The Government has taken into consideration the rights of ordinary citizens and shooters and believes that this Bill will not unduly affect the interests of the legitimate firearms user. The community expect the Government to ensure that only fit and proper persons own firearms, that those persons be held accountable for the use of their firearms and that there are proper controls over the proliferation of firearms in this State.

That says it all and, if members opposite disagree with those two statements, they must come up with a better excuse than they have come up with so far.

**Mr S.G. EVANS (Davenport):** I am not enthusiastic about the whole of the Bill. I want to state at the beginning that the clause that strengthens the power of

the police to take guns from those licensed to have them where a restraining order is made is important. If that clause had been part of an Act over the years, some of the tragedies that have occurred might have occurred not through the use of a gun but through some other method of destroying people. I understand that people such as the member for Napier and others were trained to use a gun and to kill. I understand that members of the Police Force are trained to use a weapon to protect themselves if they are in danger, first, by injuring the attacker if they can or, secondly, if it is inevitable that it is either them or the other person, by resorting to the use of a gun to take out the other person. I accept that, if the choice involves an aggressor who wants to destroy not only the person they confront but many others, in the main society will accept that action. Not all in society will accept that, and they never will, because many are the strictest of pacifists, and they believe that, if a person pleads and tries to win the point, the other person might not go any further. That is pretty hard to live by if one is, or is likely to be, on the receiving end of the lead missile.

I support strongly the power to take a gun where a restraining order has been issued. I wonder why the Bill provides that people such as wildlife officers are able to have dangerous weapons. I do not think that wildlife officers have any greater credibility in using commonsense: if their mind cracks or if they are in a difficult personal situation, they might be just as likely as anyone else to use that weapon on themselves or on others. We know how many suicides are committed through the use of a firearm. If a person is determined to take their life, they will use a firearm and, if one is not available, they will think of some other method. Unfortunately, four times as many males commit suicides as do females, using different methods. I do not believe there is any greater need for wildlife officers to have a dangerous weapon than there is for credible sporting shooters. I would not mind—

**An honourable member:** Out shooting cats.

**Mr S.G. EVANS:** The honourable member said, 'Out shooting cats.' Some in society believe that that is an acceptable practice now. However, the wildlife officers would be looking to use firearms mainly to kill goats and that kind of thing. Some of our important parks have been destroyed by such feral animals. Consideration must be given to allowing sporting shooters to use such a firearm; perhaps they could be given a permit, or they could go out with wildlife officers, to control those feral animals that do so much damage. We could look at having the legislation drawn in that way, although I will not attempt to amend it. I know that, down the track, if this Bill becomes an Act, there will be changes, because commonsense will prevail. I told my colleagues that I would not speak for very long, but I want to make this final point.

**An honourable member:** Keep talking.

**Mr S.G. EVANS:** The shadow Minister said, 'Keep talking.' He should not tell me that, or I might. For 10 years some members of this House have laughed in the belief that my plea and my claim had no credibility: that was the attitude of not all members but of the majority. Before the beginning of the 1980s, I said that, if members of society wanted to use violence as a form of entertainment in the films they watched, the plays they

produced or the books that were written for people to read, we need only a small percentage— .5 per cent, five in 1 000, 50 in a million—who think it is the normal thing for a person to carry out such aggressive acts before we have a problem. We will never eliminate it altogether; that is not possible. But this attitude of aggression can be traced back to our childhood state. It has not changed; the female cared for the family, in the main, while the male went out to hunt for the food or to hunt the aggressors who were trying to intrude on the tribe. Over the years, over the centuries, for thousands of years, that has been adapted to modern society.

Through SBS in particular, but also through other television stations, that has protruded into every home in recent years—since 1956. We have had violence and aggression every night of the week. It is strange that in that period we have had a massive increase in the amount of aggression and violence towards our fellow people. Is there a connection? I give credit to the present Prime Minister and the present Federal Leader of the Opposition that they now have the courage to say, 'We have a problem in this area', involving not only violence but also pornography, language used, and the attitude that is displayed in a way that people are expected to accept as being the norm.

Immediately we talk about trying to control or restrict violence that is depicted on the television—and I stick to violence because we are talking about firearms—the lobby then comes out about the freedom of individuals to see and read what they wish. I understand that, but which is the worse of two evils? If they took every gun out of our society now there would still be people destroyed through aggression. In fact, there may be as many—I do not know. It cannot be proven; it is a hypothetical question. But the truth is, in my mind, that we have allowed violence to become a significant part of entertainment.

Mr Speaker, you had a profession, which I like watching, of boxing. That was a form of aggression, as are some of our sports and other areas of competition, but only on rare occasions was somebody harmed seriously, either with brain damage or totally destroyed. More people have been killed in horse-racing than in boxing. That involves the aggression to which I have referred, but it is not the activity that involves the real violence where weapons are used.

I had six guns until six months ago. Two of them were quite high-powered and the authorities wrote to me and said, 'Aren't you going to re-register or take out a licence?' I have not responded yet because the guns are held by me only because the husband of a lady I know was killed in a motor accident and she has a 14-year-old son. She has asked me to hold the guns until her child is 18. Perhaps she feels he will have a responsible approach at 18 even though he was not irresponsible at 14. In any event, she did not want them in the house, and I think that was a wise decision. They have now been returned and I believe they are being used responsibly. That is just one example of how some people take the responsible and sensible approach, a parent being very concerned about a person in the family but not wishing to deny that person the opportunity to use those weapons.

We have established and maintained over the centuries the male as the role model of aggression and violence. If

we changed tomorrow and made it compulsory that half the number of aggressive and violent actions on television and in films, etc. be carried out by women (and the other half by men), within 40 years it might be an even number perceived as being the role model in this regard. If every politician in the country decided to tackle this problem and brought the film industry into line, we would not have to worry so much about young children viewing the films in question and possibly becoming violent and using guns or some other means to attack others.

I have some concerns about the provisions in the Bill under which huge fees will be charged for registration, while at the same time legitimate people are put through a lot more humbug to carry out their sport, merely because of the activities of a few irresponsible people, but more particularly because it is an emotive thing. Society gets excited when somebody goes berserk with a firearm, and I can understand that, but I am not sure that reactionary politics or legislation is the sort of thing that will bring about a just, fair or sensible system in the long term.

In the end, if you make laws to cater only for the minority without considering the position of the majority, you have a society that is over-regulated. The shadow Minister tells me that there are 32 pages of proposed regulations. What sort of legislation is it when we have 32 pages of regulations in addition to some we already have? I think it is scary: it is draconian. I think they are taking control of this area of recreation to the extreme; time will tell. We will see what happens with the Bill when we reach Committee.

**The Hon. M.K. MAYES (Minister of Environment and Land Management):** It has been interesting sitting here and listening to members of both sides address this issue: of course, there have been some good contributions and some fairly ordinary contributions. I will keep my comments as brief as possible in order to proceed with the Bill to the next stage. I do want to make some opening remarks and some comments about this because a number of Ministers have had the carriage of this issue over the years.

The former Deputy premier, the member for Baudin, would have had the initial carriage of the Bill back in 1987-88. He was Chairman of the select committee which made recommendations leading to the construction of the Bill in 1988. As a consequence it has gone from the Deputy premier to my colleague the Minister of Public Infrastructure—he was then Minister of Emergency Services—and he had the carriage of the matter up until four weeks or so ago, when I inherited this responsibility. We have been accused by the member for Bright of dilly-dallying, or this farrago of delay. It is very unfair of him to say that, because in fact the ground has been moving so rapidly, whether it relates to events that have been happening interstate (for example, a massacre that has occurred) or to an activity associated with an election process such as happened in New South Wales, involving the reaction of what is popularly called the gun lobby.

There has been constant movement with regard to the proposed regulations to control firearms in this country. We are now at the stage where this Government wants to see these provisions brought into the 1977 Act so that,

for the public's safety, we can manage, maintain and audit the control of firearms in this country, particularly in this State. That fits in exactly with what the Australian Police Ministers' Council resolved. The Bill seeks, together with the regulations, to cover all the resolutions that were put before the Australian Police Ministers' Council. Other States have already moved to ensure that these provisions are in place within their statutes. It fits in with what is happening in the rest of Australia and with the thrust for community and public safety.

Several members on the other side said that a minority was pursuing this legislation. Let me disabuse the House of that—and I think the member for Baudin referred to this. In fact, an overwhelming majority of the community support this legislation, and probably even tougher legislation, given the results of polls conducted around the country by various polling organisations. I think the most recent one in South Australia showed that 83 per cent of the population supported far greater restrictions on access to and use of firearms in our community.

We are servicing, as a Parliament and as we should, the views of the overwhelming majority of the community. The emphasis that some members of the Opposition have placed on our servicing a minority must be refuted, because we are servicing what the majority of the community wants. Telephone calls to my office over the past four weeks have been from people seeking to know when this legislation will be in place. Some fairly tragic stories are associated with some of those inquiries. There have been accounts of family friends who have been involved in tragedy. It is real and it is something the community is pushing for.

In relation to looking at comparisons in the community, quite clearly there is enthusiasm in some cases for far greater restriction. I think the member for Murray-Mallee made an accusation and not unusually he got his wires crossed and confused me. He accused me of not consulting with respective gun clubs, and he was fairly unkind. I guess I can live with that: I will not lose much sleep over his comments. In my time as Minister of Recreation and Sport I would have met with every pistol, gun and rifle club or association on many occasions. I am sure that if people had felt that I was not giving them access, having inherited this Bill, most who know me personally would have picked up the telephone and called me at home or in the office.

I am surprised that the member for Murray-Mallee has accused me of failing to consult because I think I have been to virtually every gun, rifle and pistol association in South Australia, to one or other event, function, dinner or luncheon. Over the years I have probably seen more recreation and sport organisations than any other member of this House. I reject the accusations of the member for Murray-Mallee and only wanted to set the record straight.

This Bill has been around in its substantive form since March this year, so there has been plenty of time for people to raise their concerns. There are amendments before the House which we will consider in Committee, when I shall be open to hearing the Opposition's views on them. I have not closed my mind: if there is a sensible amendment I am more than happy to listen to the argument in support of it. The member for Murray-Mallee suggested that I have had a steel cap of a mind as a Minister over the years, but I can prove that

wrong, because on many occasions I have accepted amendments from the Opposition in relation to Bills before the House.

**Mr Ferguson:** You've got the numbers this time.

**The Hon. M.K. MAYES:** That is an important factor, I guess, but one has to sell this to the community as well. It is very important that the community know the intention of the legislation. I stress again that its purpose is for public safety. I have heard the arguments over and over again that it is the individual not the weapon. I heard it very succinctly the other day when interviewed by Ray Fewings about this firearms legislation. He posed to me the fact that it would take a very active and fit person to inflict with a machete the sort of injuries that were sustained in Queens Street or Hoddle Street.

That argument does not hold water and does not stand the test. It depends on the sort of weapon the person has. If it is a high-powered, rapid fire firearm it makes the situation a whole lot worse. The individual has a major impact and their mental health reflects directly on what occurs as a consequence. I think the member for Baudin referred to the impact of other weapons that can inflict serious and fatal injuries on individuals, but they are not in a class of this sort. Dangerous firearms are in a class of their own and that is why this Bill is before the House.

Due to recent events in New South Wales, I was told by my ministerial colleagues that at the Australian Police Ministers' Council the New South Wales former Minister was one of the strongest advocates of this legislation, although what he said outside I am not sure. When attending my first ministerial meeting last Friday in Melbourne, I was told that he was the most vehement supporter of Liberal Ministers from other States. This legislation cuts right across political lines. I think it is very important that we recognise that it comes into a national framework.

I enjoy the member for Eyre as a member of Parliament. I think he has a great deal to offer this House in a practical sense. There is no question he is a very practical person. I think his submission to the House tonight was very simple—far too simple. It could be described as almost philistine because it goes back too far in the sense of viewing what is in fact happening in our community. It does not look at the present contemporary environment. He treated this matter as 'Let's have no regulation and no licensing. This is a bureaucracy that will potentially go mad.' We know that the member for Eyre often raises issues with regard to the bureaucracy; I guess that is one of his preoccupations. This legislation is a solution for the long term. The other day when I was talking to the Commissioner of Police he made that very point: that it is very important to look at this Bill as a step towards providing community safety in the long term.

People who expect short-term solutions or some sort of miracle when the Act is proclaimed will be disappointed. It is a major step by the Australian community in the right direction in that it will provide overall public safety. The American Rifle Shooters Association is a very powerful and influential lobby group in the United States, and looking at comparisons in terms of homicide rates between Australia and the United States of America we see some startling information. The Australian Institute of



Criminology indicates that the Australian homicide rate in 1990 was 1.9 persons per 100 000, with 25 per cent related to firearms. From the FBI figures, the homicide rate in the USA was 9.4 persons per 100 000, with 64 per cent, or nearly two-thirds, as a result of firearms. It is a very significant statistic which highlights this attitude held in the United States, and that is that it is an individual's right, not a privilege, to carry a firearm.

I have experienced that, and I know that other members have experienced it also. The Whip told me that, when he was in the US on one occasion, most people carried some sort of pistol or firearm on their person or in their car's glovebox. I will not mention the name of the individual, but a very prominent member of Government, whom the honourable member and I visited in Georgia on separate occasions, stated that it was standard practice to carry a high-powered firearm in their vehicle. I do not believe that that is necessary or essential for community safety. From the point of view of the community's well-being, it is important that we look at what has been provided in terms of this legislation for the community's safety in this country. I want to correct a couple of points made by members in their contribution to this debate. There was an accusation that the regulations to the Bill have not been made available. According to past practice, it is highly unusual to provide the regulations before a Bill is presented.

*Mr Matthew interjecting:*

**The Hon. M.K. MAYES:** My experience is a bit longer than the honourable member's. In terms of custom and practice, the intention is that the framework of the legislation be provided, and the process is available whereby the regulations will be brought into the House. To be accused of not following a particular practice in this place seems to be quite unusual and certainly out of kilter with what has happened in the past. There is a process by which those regulations are dealt with. That past custom and practice has been followed in this instance, and I suggest that it should continue. If we were to change it, we would be damned for other reasons.

The member for Playford raised the issue of 10 bullet magazines and the provisions with respect to that. He has raised a very good point. Obviously it will come back as part of the regulations but, for the member's interest and that of his constituents, I endorse the term 'sensible regulations' that was used, and it would be my intention to issue that instruction. As a member of this House, the member for Playford will have an opportunity to review the regulations and determine whether they are sensible and practical. In relation to the current situation, the member for Bright made some fairly extraordinary comments about the current operation of the legislation and how it is practised by the firearms division of the Police Department. I thought that was a somewhat unnecessary reflection on the operation of the organisation—

*Mr Matthew interjecting:*

**The Hon. M.K. MAYES:** In fact, it is a reflection on the Commissioner.

**Mr Matthew:** No, it is not.

**The Hon. M.K. MAYES:** Well, it is indeed.

*Mr Matthew interjecting:*

**The Hon. M.K. MAYES:** I suggest the honourable member reads what he said when he has the opportunity

to read *Hansard*. A number of other members felt the same. I suggest he looks at it very carefully, because it does reflect on how the Commissioner administers the legislation that is within his charge and care.

**Mr Quirke:** If another member made it, it would be taken more seriously!

**The SPEAKER:** Order!

**The Hon. M.K. MAYES:** In relation to those firearms which are out in the community, some 18 000 are identified in the current firearms computer system as having been sold by the previously registered owner and have not been registered by the new owner. It is not a question of inadequacy or lack of administrative vigilance on the part of the division—on the contrary, the onus and responsibility is on the new owner to register their firearm. The firearms computer system is now generating letters to be sent to those persons nominated by the previous registered owner as the new owner. The onus is on the current owner of a firearm to register it in his or her name. The provisions were previously included in the regulations under the 1977 firearms legislation and it is now proposed to be part of the provisions of the Act in accordance with these amendments.

Just so the record is straight, it is a reflection by the member for Bright on the way in which the division operates. He suggested very clearly that there tends to be some lack of control. That is not the case. The system is operating in accordance with the 1977 Act, and it is being administered very effectively by the officers concerned. Again, I want to straighten the record for history and for the benefit of those members or those in the community who may be listening or who will read this debate—

*Mr Ferguson interjecting:*

**The Hon. M.K. MAYES:** I am sure that people will be interested. I will come to my final point in relation to the attitude of the member for Bright. He seems to have questioned whether or not we have included all the resolutions from the Australian Police Ministers' Council. I assure him that we have done so in the body of these amendments to the Act or as part of the regulations that will be part and parcel of the provisions of statute and applied by statute when the legislation is passed by the Parliament. In fact, it seems to me that the member for Bright was questioning the need for the restriction on the number of bullets per magazine, and whether or not we were getting into a situation where we had a restriction on those magazines with 10 bullets or whether this was unnecessary bureaucracy, and that it was coming into an area where we would be providing some sort of gross bureaucracy restricting those magazines to five bullets.

From what the honourable member said, I believe he was trying to have two bob each way. We have to look at the overall picture of what we are trying to achieve. It is a complex process, because we have a 1988 Bill which was passed by both Chambers; we have the 1977 Act; and we have the amendments in the form of the Bill before the House plus amendments to that Bill from both sides. If one looks at what we are endeavouring to achieve, I hope that the resulting legislation accommodates the Australian Police Ministers' resolutions and also adopts a very clear message to the community that this is about community safety and well being. With those words, I think I have canvassed most

of the issues that have been raised, and I hope we see this Bill become law.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

**The CHAIRMAN:** Before calling the honourable member, I point out that I am not in favour of expressing amendments in terms such as these, where the proposal is to leave out certain words and reinsert some of them. The correct way to express the member for Bright's amendment is to say, 'by striking out from the definition of ammunition in subsection (1) all the words after "firearm"'. In this particular case the amendment should be moved in that way because I will need to put the question on it in the form: 'by striking out from the definition of ammunition in subsection (1) the words "and includes primers"'. This is necessary in order to protect the Minister's amendment. If those words are left out the remainder of the member for Bright's amendments will be put and the Minister's amendments will not be put. If those words are not left out, the member for Bright's amendment will not proceed and the Minister's will be put. So, I will be calling upon the member for Bright to move the amendment in the way that I have suggested.

**Mr MATTHEW:** To simplify the process further, these amendments were both drafted at the same time. The Opposition has considered both amendments and I am happy to withdraw my amendments in order to enable the Minister's amendment to proceed.

**The Hon. M.K. MAYES:** I move:

Page 1, after line 24—Insert paragraph as follows:

(ab) by striking out from the definition of 'ammunition' in subsection (1) cases, propellant, projectiles and any other components of such ammunition' and substituting' and propellant'.

Amendment carried.

**Mr MATTHEW:** I move:

Page 2, lines 1 to 3—Leave out of the definition of 'pistol' and insert the following definition:

'pistol' means a firearm the barrel of which is less than 400 millimetres in length and that is designed or adapted for aiming and firing from one hand and is reasonably capable of being carried concealed about the person;

Amendment negated.

**Mr MATTHEW:** I move:

Page 2, after line 11—Insert paragraph as follows:

(da) by striking out 'reload' from the definition of 'self loading firearm' in subsection (1) and substituting 'rechamber'.

This is a technical amendment which proposes to change the word 'reload' to 'rechamber', which I am advised by firearms users is correct. It refers to the definition of a self-loading firearm. I am reliably informed that such a firearm is not actually reloaded; it is rechambered. This ensures the correct technical wording is inserted in the legislation.

**The Hon. M.K. MAYES:** I do not have a problem with the honourable member's amendment. I am prepared to accept it.

Amendment carried.

**Mr BLACKER:** Has the Government given consideration to the interpretation of 'air gun'. I refer to 'capture guns', which is a trade name. It is a gun which fires a dart to demobilise animals. It is used in the deer

and buffalo industries to shoot a hypodermic needle into an animal and drug it.

**The Hon. M.K. MAYES:** The honourable member raises a very good point. We believe the regulations will exempt that form of instrument. Having been a Minister of Agriculture, I am fully *au fait* with the need for that sort of instrument for veterinary purposes. We believe the regulations are such that they will exempt that type of weapon.

**Mr BLACKER:** I seek an undertaking from the Minister at this stage that the matter will be reviewed, because if this instrument is not exempt it will need to be addressed at this time. If it is to be considered in some separate way and the Minister is prepared to give that assurance, I am prepared to accept that at this time. However, I know the deer industry is very concerned about it because the veterinary industry is considering becoming involved in the velvetting of deer. At the present time most of the deer are velveted by the growers themselves. In some cases that can be done by injection, but in other cases they have to use the capture-type gun, and there is also another trade name instrument used for the same purpose.

**The Hon. M.K. MAYES:** I am more than happy to do that if we have not addressed that already. Let me re-emphasise that this is not directed at people who have a responsible need for firearms or the type of weapon to which the honourable member refers. We are dealing—as the member for Baudin said in his contribution—with a minority group who cause this problem. Whether it be people who have a veterinary need, a sporting need or a primary producer, those people have a legitimate and recognised need and we will endorse their having the opportunity to use those sorts of weapons in those circumstances where they have that need.

This Bill is not intended to impede them or cause disruption. Therefore, we will accommodate those people who have legitimate needs. We believe the overwhelming majority of the firearm owners in this State have a legitimate, decent and sensible need. Those people who need to use weapons for primary production, income and value added purposes will certainly be accommodated. I give an assurance that we will address the issue in some form if we have not done so already in the regulations. Certainly, we will provide some sort of escape clause so they are not captured by the intent of this Bill.

**Mr BLACKER:** Another variation is the ramset gun in the building industry. It is an explosive device that fires darts, dowels and nails. Once again, it can be a very dangerous weapon if it is used for the wrong purpose. Has that been considered and will it be treated similarly?

**The Hon. M.K. MAYES:** There is an exemption as far as an explosive power tool is concerned. I will have to check the other question, but I think the regulations require someone with that sort of air pressure weapon, which is used for veterinary purposes, to have it registered and licensed. Again, a person with a legitimate reason would have access to it; that would be standard practice through the processes of the registry.

**Mr MATTHEW:** I seek clarification regarding the definition of 'air gun' as it may apply to some children's toys, for instance a pop gun. An air gun is defined as a firearm designed to fire amongst other things a projectile by means of compressed air, which is the way in which

such a toy operates. Coming closer to the festive season, I am reminded that, many companies are advertising in their toy catalogues 'super soaker' water pistols, which could possibly fit into the definition of a paint-ball firearm if that toy were filled with paint or some sort of dye. I know the Minister would be very much aware of this type of toy as, like me, he has young children. I seek his clarification as to how these toys may or may not be affected.

**The Hon. M.K. MAYES:** I assure the honourable member that there will be no impact on pop guns or that sort of child's toy. The purpose of defining 'air gun' is to accommodate paint-ball games—to provide a clear delineation of that process. I will ensure that there is no capturing of pop guns or that sort of child's toy within the regulations or the purpose of the Act.

**Mr MATTHEW:** I appreciate the Minister's assurance but, while these pop guns are toys and perhaps are somewhat different from an item used at a building site, the analogy is similar, and I think it is important to eliminate any uncertainty that those toys are covered by the regulations.

**The Hon. M.K. MAYES:** We will include in the regulations the exemption of pop guns.

Clause as amended passed.

Clause 4—'Crown not bound.'

**Mrs KOTZ:** I indicated earlier my concern with this clause because of the statement 'the Crown not bound'. Has consideration been given to a situation that might arise where the licence of a firearms user was revoked and the firearm seized because of a criminal act? That firearm user could be a member of a Government department, such as the Police Department, the Department of Correctional Services or the National Parks and Wildlife Service, and in order to perform their duties that person would be required to possess a firearm. Are administrative controls envisaged in the regulations to ensure that possession and use through employment status is not an alternative to any individual who might find themselves in the situation I have described?

**The Hon. M.K. MAYES:** Weapons in the possession of a public servant would be under the control of the Chief Executive Officer. That applies in the Police Department, where there are strict regulations, handbooks and audits. I have just asked the senior officer concerned about the situation in the Police Department, and he has advised me that he cannot recall an officer being counselled on this issue. This is an interesting and sensible question from the honourable member, and as part of the exercise I will take up the matter with CEOs and the Commissioner for Public Employment to ensure that strict guidelines and provisions form part of the administrative arrangements within each department that employs officers who have access to firearms.

**Mrs KOTZ:** The fact that the Crown is not bound seems to imply that there will be an exemption for people

in that specific area. That is why I related my question to Government departments. There could also be an occasion where, because of domestic violence, a weapon was removed from an individual. Regardless of that person's occupation, there is obviously concern that people are only human, and I am quite sure that personnel employed by Government departments come under that umbrella. If a weapon had to be seized even as

a result of a domestic problem and if that person's employment required the use and carrying of a weapon, what would be the situation under this clause where the Crown is not bound?

**The Hon. M.K. MAYES:** Quite clearly, the Chief Executive Officer of that department, whether it be the Commissioner of Police or the Director of Correctional Services, would take action in regard to the individual. Departments have strict guidelines which require the control of all firearms. There could be a hypothetical situation where a police officer could be on duty with a firearm in his possession and something could go astray. I do not know how one could counter that situation. However, police officers are subjected to a far more rigorous test than the ordinary member of the community in regard to their overall performance, not only in their work activity but as a member of the community. The tests that apply to them are far greater than those applied to a general member of the community.

In summary, it would be the responsibility of the Chief Executive Officer to ensure the maintenance, audit and control of all firearms. I can speak on behalf of the Police Department and very rigorous guidelines are applied. I would have to refer the matter to my colleagues in relation to departments where personnel have access to firearms to ensure that those officers are subjected to the same sort of rigid and strict guidelines and controls, and I will do so to ensure that this exemption from the Act in regard to the Crown incorporates necessary community safety measures, in the same way as we expect the community to comply with this Act if and when it is passed.

**Mrs KOTZ:** I do not mean any disrespect to members of the Police Force but, if an officer owned a private weapon which was taken from him because of any of the breaches we have discussed and if in the course of his duties with that department he received a weapon, would the private breach affect that officer's employment by a Government department and would the fact that the Crown is not bound under this section of the Act mean that that officer could be in possession of and use a weapon when in a private sense the weapon had been removed from his possession?

**The Hon. M.K. MAYES:** Again, that is a very sensible and practical question. As the Minister responsible for the police, I have had only a short relationship with the Commissioner but, from our discussions on a variety of issues relating to the accountability of officers to the community, I think the Commissioner has a high regard for that responsibility that rests on his shoulders and he is acutely aware of his public responsibility. We have talked in broad terms but not about this situation. The Commissioner has the powers and he would apply them. From my observation—and I am sure that the honourable member could make her own observation—the Commissioner applies those powers over the Police Force rigidly. I am sure that that officer would not be in a serving section of the Police Force where he or she had access to a firearm.

That person's access to a firearm would be strictly governed and restricted. I cannot speak for the Commissioner, but I can anticipate that that would be his decision about that. I am sure that the Commissioner will respond to this question; I will pass the matter on to him

so that he can respond to it. I am sure that the Commissioner would follow a clear process. Obviously, it would be administered by his senior officers. That officer would be transferred from a section where there would be any contact with firearms, and that officer would be restricted from having any access to firearms until being cleared. If the officer was not cleared, I am sure that that prohibition would apply indefinitely. I am talking only from my brief observation as Minister over a short period, but I am sure that the Commissioner would reinforce that. I will pass on the honourable member's question to the Commissioner and also to my colleagues who have responsibility in their portfolio for public servants who have access to firearms.

**Mr BRINDAL:** The member for Newland explored the case of the police officer who has had a private licence and been banned from holding a firearm. In the city, officers get their weapon when they go on duty and check out their weapon when they leave duty. It is a fact that, in many country police stations, police officers are required to take home their weapons and keep them at home because they are on 24-hour call. Similarly, I would suspect that, in the case of the National Parks and Wildlife Service, people are often required to keep weapons either in their car or in their home. If this legislation does not bind the Crown, what precautions does the Police Department take to ensure that all such weapons are not used for the exact purpose from which the Act seeks to protect the public?

**The Hon. M.K. MAYES:** That is a fairly sensible question in relation to the provision of public safety. I cannot produce, at a moment's notice, the directive in the police manual. I would imagine that there would be a fairly harsh and summary penalty for an officer who used his or her weapon—and I stand corrected if I am wrong, but I think this is what the honourable member is getting at—for some other purpose than enforcing whatever role that officer has, whether it be in the national parks or in the Police Force. I would imagine, if that were reported back to his or her senior officer or next officer in the rank, a fairly summary decision would be made about that officer's future. We have an exemplary record in this State with regard to officers using their firearms. I would imagine they are schooled thoroughly in the purpose of their having a firearm, how it is to be used, when it is to be used, and so on—and certainly that it is not to be used for any purpose outside their main task, whether it be in the Police Force or in national parks.

**Mr BRINDAL:** I accept what the Minister has said and I hope he is right, but will the Minister follow that up and report back as to what happens?

**The Hon. M.K. MAYES:** I am more than happy to do so. I would imagine that, as standard practice, the Commissioner automatically gets *Hansard*, but I assure the Committee that, when there is a question that I think is of interest to him, I refer it to him so that he can respond. I can give the member for Hayward the assurance that I will certainly see that the Commissioner has the opportunity to respond in detail. Knowing the Commissioner's thoroughness, I am sure that the honourable member will get a thorough and comprehensive reply to his question.

**The Hon. B.C. EASTICK:** What mechanism would cause a transgression in the private capacity of a

policeman or, say, a correctional officer which resulted in the confiscation of a firearm to be reported to the authority, be it the Commissioner of Police or the Director of Correctional Services, so that that person would not be able to use a gun in their professional capacity? Does a transgression as a private person not create any difficulty for a person who then carries a gun in an official capacity? It would appear to me that one should not be permitted to have access to a gun in an official capacity if one has transgressed in a private capacity. Does a mechanism exist at present for reporting such transgressions to the employer of such a person and, if not, will consideration be given to introducing into the regulations a scheme whereby such circumstance could not allow that a person could be clean in one direction and not clean in the other?

**The Hon. M.K. MAYES:** Given my portfolio responsibility, particularly in relation to the police, and given my consultation with my officers about past experience, the best analogy would be a transgression under the national parks legislation whereby an officer used his or her privately registered weapon in a national park against park regulations. Our speculation is that the Commissioner or the senior officer responsible may not necessarily act to restrict the access of that officer to a weapon in their daily duties as a police officer. But, if there were a more serious situation involving some breach of a domestic code or a criminal act, the consequences would be much more serious. Again, it would be at the discretion of the Commissioner. That is a question that I should direct to the Commissioner for his response, because I am only speculating, with, I might say, a very experienced officer giving me advice. However, it would be better to direct the question to the Commissioner so that he can give the honourable member a comprehensive and complete reply and so that we are satisfied. I accept that it is a genuine question, and it warrants a sensible and reasoned response from the Commissioner.

**The Hon. B.C. EASTICK:** We cannot have fish of one and fowl of the other, and the Minister has accepted that circumstance.

**The Hon. M.K. MAYES:** I should make a clear statement of acceptance of what the member for Light has said so that there is continuity within the application of the Act.

**Mr MATTHEW:** In answer to an early question from the member for Newland, the Minister indicated his satisfaction with procedures that are in place for training of police officers and the storage and safety of weapons, and I share that satisfaction—likewise for the Department of Correctional Services. But I do not have a good knowledge of any precautions that might be taken by National Parks and Wildlife officers or indeed of the other officers of the Crown who might be required to carry a firearm as part of their duties. Can the Minister explain to the Committee what provisions are in place to ensure that other officers of the Crown receive appropriate training in the safe handling of firearms, particularly dangerous firearms? Can the Minister also advise what departments would be affected by any such provisions?

**The Hon. M.K. MAYES:** Again, I do not have that information at my fingertips, but I am more than happy

to provide it to the honourable member and the House so that we are fully *au fait* with those provisions. Having fielded some of the questions from the Opposition I believe there may be some restriction on this information and it may have to be handled in a private briefing rather than in the public domain because of the need to maintain, for security reasons, the protection and safety of the officers concerned. I am sure the honourable member can think of situations where certain response groups of the Police Force would not want the general community to know what sort of methods they apply or how things are dealt with.

I am more than happy to refer the question to my colleagues and to ask those departments that have responsibility for the handling of firearms, whether it is national parks, correctional services, fisheries or any other department, to ensure that safe standards are applied not only from the point of view of the general community but also for occupational health reasons. If such standards are not applied, those departments should then clearly undertake a review. I will direct those questions to my colleagues and ensure that we get a response. Whether it be a public response or a private one I will indicate to the member so that he, as shadow Minister, can be satisfied that those requirements have been met. I am also curious to know myself whether or not those standards are up to scratch. There may be a need for us to look at national standards as well, but I am sure they are there, as I have been told they are. Let us see what is in place and whether they pass the test.

**The Hon. B.C. EASTICK:** I seek further information from the Minister, recognising that it may well be necessary to take the question on notice to get a full answer from the Commissioner. We are opting to allow persons employed by the Crown not to be licensed. However, if the full breadth of employment by the Crown were taken to mean that a person was not required to be licensed, it might be construed that a member of, say, the E&WS or the Ombudsman's Department, being an employee of the Crown, would not need to be licensed.

I suspect that when we talk about not being licensed, by virtue of employment by the Crown, we are looking more at those circumstances where a person is using a gun as part of the employment rather than at a private individual who is an employee of the Crown but does not need a licence. I know it is semi-hypothetical but I would want to be quite sure that the position relates only to a person who, as an employee of the Crown for the purpose of the Firearms Act, is required to have a gun as part of that employment.

**The Hon. M.K. MAYES:** The simple answer is 'Yes'.

**Mr QUIRKE:** I refer to the security of weapons that may well be held by the Crown. I know the Opposition has referred to what happens when somebody transgresses and loses their licence, and I accept that. In terms of the police, as I understand it, their security provisions are well beyond what will be required under this legislation by the time it is regulated. But the question does come up in respect of national parks, in particular, even though they will not be bound by this legislation. Can we be given the assurance that they will meet at least the standards set in this Bill for the security of firearms?

**The Hon. M.K. MAYES:** I am thinking in terms of the situation of other departments, and the Police Department has a unit which has been involved in advising other departments on the security of weapons. I have already taken on notice questions from Opposition members in relation to all of those departments where Crown officers have access to firearms. I will recommend to my colleagues as a consequence of this, and it may be totally superfluous, that we ought to make available our special firearms security unit, which could then address the needs of each of those departments, and I hope that would also address the member for Playford's concerns at least at the primary level.

**Mr MATTHEW:** Further to the question posed by the member for Playford, the Minister would be aware that, while most police patrol officers, for example, draw their weapons from an armoury located at or near a patrol base, there are members of the Police Force who through their normal day-to-day duties need to be on 24-hour call and have a personally issued weapon as distinct from one drawn from an armoury. I therefore ask the Minister, as the Crown is exempt, what provisions will be in place to ensure that those officers in storing their weapon at their place of residence will do so in accordance with the safety provisions under this Bill?

**The Hon. M.K. MAYES:** I will have to take that question on notice and respond in detail to the honourable member. Obviously I could respond but it would be only a partial response at this stage. This question has to be considered by all departments. Probably the Police Department has thoroughly addressed it but I will make sure that is the case and get a detailed response for the honourable member.

Clause passed.

Clause 5—'Possession and use of firearms.'

**Mr MATTHEW:** The Minister no doubt has received expressions of concern similar to those that I have relating to the inclusion of paint-ball activities under this Bill. As such activities involve the firing of a projectile at a person as distinct from the aim of many gun users to fire a projectile at a target, did the Minister or indeed his department consider creating a separate Act for paint-ball activities? If not, why not; or, if so, why was that discounted as a more viable option?

**The Hon. M.K. MAYES:** The answer is 'No'; it was not considered essential—quite the opposite. It was seen as totally inefficient to establish a separate Act for the purposes of paint-ball firearms. It is regarded as a firearm that is placed under the provisions of the Firearms Act.

Clause passed.

Clause 6—'Application for firearms licence.'

**Mr MATTHEW:** I move:

Leave out paragraph (a) and insert the following paragraph:

(a) that the dangerous firearm will be used for a purpose authorised by the regulations;

The clause includes theatrical productions and it seems to me to be inconsistent to identify one exemption for ownership of a dangerous firearm, in this case theatrical productions, and leave all remaining exemptions to the regulations. It seems tidier and more appropriate, rather than singling out a particular group, that all groups that are to be exempted for the ownership of a dangerous firearm be exempted through the regulations. This will provide maximum flexibility in the future to remove theatrical productions as an exempted group should the

Minister or Government so desire rather than going through the laborious process of introducing an amendment to the House to do so.

**The Hon. M.K. MAYES:** I do not have a problem with the amendment and I am prepared to accept it.

Amendment carried; clause as amended passed.

Clause 7—'Application for firearms licence.'

**Mr MATTHEW:** I move:

Page 3, after line 26—Insert subsection as follows:

(8a) The registrar cannot—

(a) restrict the classes of firearms to which a licence relates;

(b) vary or revoke a purpose endorsed on a licence;

(c) vary a licence condition,

on his or her initiative under subsection (8) without the approval of the consultative committee.

This amendment relates to concern that has been expressed to me by firearm users about the power of the registrar or, more particularly, the power that would be vested in a delegated officer. The registrar has power to do things such as restrict classes of firearms, vary or revoke a purpose endorsed on a licence or vary a licence condition. When this occurs with a licence I think it will occur in small numbers. It seems appropriate that concerns be satisfied by having in place some sort of control mechanism to ensure that the registrar in particular is not in a position where he or she could be compromised and also to ensure that a firearm user is not in a position where he or she could be unfairly penalised.

For that reason I have suggested that the registrar not have the exclusive power to restrict a class of firearm, vary or revoke a purpose endorsed on a licence or vary a licence condition on his or her own initiative but rather needs to do so with the approval of the already existing consultative committee.

**The Hon. M.K. MAYES:** There is some merit in what the member for Bright has moved. However, I have a problem with it. The provision comes from the parliamentary select committee report and I believe it tightens it up and provides the opportunity for legitimate and genuine users. I do not believe there are any problems at all. It gives the Commissioner, albeit the registrar, powers to enforce those classifications. The honourable member's thrust, as I understand it, is to provide some other form of review for that decision, because his amendment provides 'without the approval of the consultative committee'. Under clause 15 ('Appeals') there is a provision whereby a person who feels aggrieved by the decision of the registrar can appeal to a magistrate sitting in chambers. I understand the concern, but one has to look at the person who is the registrar, the status of that public office, and the situation where that person has a public responsibility. I guess there is no more public public servant, if you like, than the Commissioner of Police who has enormous powers and responsibilities within our community.

I do not want to say that this is a reflection on the commissioner because I understand it is not—I would not say that at all—but I guess it could be interpreted as that by someone who has a sceptical view of the intent. I understand the intent is there to provide some sort of appeal mechanism. I do not want to see a bureaucracy established. I think there would be very few situations

where there would be an application in a questionable way of this power.

I prefer to stay with what I have before the Committee, but I understand the thrust of the honourable member's amendment. This will be no problem and will not touch the genuine, legitimate and overwhelming majority of users in the community. I think the Commissioner would use it only in an exceptional situation where there would be a need for there to be a consultative committee, which is basically a committee of review. If the Commissioner used it and it was questioned I doubt whether the consultative committee would overturn it: it would be more likely that the Commissioner, being aware of his public responsibility, would have it end up with a magistrate on appeal.

*Mr Matthew interjecting:*

**The Hon. M.K. MAYES:** I know; I understand. The person is not cut off: it is not this or nothing. There is a proper and judicial appeal mechanism available. I understand the thrust of the amendment. I have some sympathy with it but I prefer to stay with what is in the Bill to ensure what I believe is the proper and simple administration of it. The suggestion is that there is not enough natural justice built into this provision. I would be more than happy, if I am still the Minister, to revisit it. However, at this stage I prefer to stay with it.

**Mrs KOTZ:** I draw the Minister's attention to what I see as an area I consider to be contradictory, and it follows the line the member for Bright has just put to the Minister. Proposed new section 17 (4)(c) provides:

Any (licence) conditions imposed by the registrar with the approval of the consultative committee;

Subsection (8) and new subsection (8a) provides:

The registrar may on his or her own initiative or on the application of the holder of a firearm licence extend or restrict the classes of firearm to which the licence relates.

On reading the two provisions I believe that they are contradictory. I seek clarification from the Minister. I do not understand where the overall appeal mechanism can be available to individual firearm users if they have an appeal to present. On the one hand the Bill provides that licence conditions imposed by the registrar have to have the approval of a consultative committee and on the other hand, under subsections (8) and (8a), it gives full approval to the registrar on his or her own initiative to make those judgments without (I presume that means) any formal appeal mechanism which the wording of the legislation would deny the individual who may seek to use that appeal mechanism.

**The Hon. M.K. MAYES:** I understand the thrust of the honourable member's question. The honourable member suggests a lack of continuity. My simple answer is that the variation which applies to the clause under consideration versus (4)(a) and (b) in terms of initial qualification of the licence warrants far greater attention in the sense of degree of seriousness versus the original qualification. That is the purpose in giving the registrar these powers in accordance with the Act.

Amendment negatived; clause passed.

Clause 8 passed.

Clause 9—'Application for permit.'

**Mr MATTHEW:** I move:

Page 4, after line 9—Insert paragraph as follows:

(ba) by striking out from subsection (3) 'of the relevant firearm' and substituting 'of a firearm of that class'.

This amendment is a rather simple one. The clause refers to section 15(1)(iii), which provides:

A permit authorising or approving the purchase of a firearm can only be granted if the applicant holds a firearms licence that authorises possession of the relevant firearm and has, subject to subsection (4), held the licence for at least one month.

As I understand it, the regulations drafted to reflect this Bill cover a number of classes of firearm. In fact, I understand they are classes A to G inclusive. It seems to me that, if a person is considered fit and proper to be issued with a permit to purchase a firearm in accordance with one of those classes, it is unduly restrictive to confine the purchaser to a particular firearm type. The classes should be deemed sufficient to be noted on the licence and give the purchaser the flexibility to look at a number of firearms within a particular class. I do not believe that my amendment alters the intent of the legislation as it does not permit a person to purchase a firearm outside the class and, therefore, one that may be regarded as drastically different or more dangerous.

**The Hon. M.K. MAYES:** I will try to consolidate this answer. It is one of the difficulties in dealing with the 1977 Act, the 1988 legislation and these amendments. In reading from the consolidated 1977 Act and the 1988 legislation, paragraph (iii) provides:

A permit authorising or approving the purchase of a firearm can only be granted if the applicant holds a firearms licence that authorises possession of the relevant firearm and has, subject to subsection (4), held the licence for at least one month.

I believe that the honourable member referred to that clause whilst I was trying to bring myself up to form on what was happening. Our concern is that this amendment widens the whole provision and in fact undermines the purpose of the legislation. That is my advice. It does not therefore restrict a dangerous firearm but allows for a broader application, that is, a purchase outside a particular class of firearm. If a person has a licence which stipulates a particular type of firearm—it might be a Kalashnikov of some sort—that specifically is cited. If the wording 'of a firearm of that class' is adopted, it will give a far broader interpretation to the application. In other words, the person with that licence could go outside the range of the particular type of weapon, so it actually defeats the purpose of the legislation by giving a very specific qualification to that licence.

'A firearm of that class' is a much broader interpretation than 'relevant firearm' which is very specific, and we want it to be specific because the licence is issued for a very specific purpose. The honourable member's wording undermines the purpose, and it would be an administrative nightmare because there would be no specific application of that licence using that terminology. It would be very quickly challenged. That is my advice. I understand it, and I am sure I have conveyed it clearly enough.

**Mr MATTHEW:** That is not my understanding of the way the licensing provisions will operate. I freely admit that the Opposition is hindered by not having been formally passed a copy of the regulations, so I must rely on a copy that came into my possession, I freely admit, in June this year. On page 9 of my copy, under the

heading 'Classes of other firearms', regulation 7 provides:

Firearms other than exempt and dangerous firearms are divided into the following classes:

Class A - air rifles, air guns, paint-ball firearms and .22 rim fire rifles (but not including self loading .22 rim fire rifles)

Class B - shotguns (but not including self-loading shotguns)

Class C - pistols

Class D - centre fire rifles (but not including self-loading rifles) and all other kinds of firearms that are not self loading

Class E - self-loading .22 rim fire rifles

Class F - self-loading shotguns

Class G - self-loading centre fire rifles and all other kinds of firearms not already classified that are self loading.

Because we have at least seven different categories of firearm, my amendment simply provides that the permit approving the purchase of a firearm be within one of those classes. I do not believe that that changes the intent of the legislation. Far from creating a bureaucratic nightmare, because we are looking at only seven classes rather than every type of firearm, I would hope that it reduces the bureaucracy and allows the purchaser some flexibility. It may save going back and forth to the Police Department on numerous occasions seeking yet another permit because on going to purchase their weapon they have changed their mind.

**The CHAIRMAN:** Before the Minister replies, the Chair has been very generous. We are not discussing the regulations at this stage. We are discussing the Bill. The regulations will go before the Legislative Review Committee and the honourable member will have an opportunity to debate them if he so desires in due course.

I know the honourable member is making a point. I will allow the question, but this will be the last time because the Committee is not discussing the regulations at this point.

**The Hon. M.K. MAYES:** I will endeavour to answer this as briefly, clearly and precisely as possible. If one turns to section 13 (3) of the 1988 Act and the provisions relating to firearms licences, one will see that it provides:

A firearms licence that authorises possession of a dangerous firearm must be specially endorsed by the registrar to that effect.

The concern that my advisers have, and I share that concern, is that if we remove this wording we will undermine that provision in the licensing section. So, in fact, it would not allow for a clear endorsement of a particular firearm that would be of concern to the registrar. A range of firearms is available within the various classes, as the honourable member said. I am not referring to the regulations, but in terms of what has been envisaged by this particular clause and as I have placed before members it is clear that we need to be very specific. That is why I oppose the honourable member's amendment.

Amendment negatived.

**Mrs KOTZ:** The new proposals provide for quite an exhaustive examination as to the capability and suitability to own safely and use any firearm prior to the granting of a licence, with what is mentioned in the Bill as a cooling off period of one month. If we accept that there is a given proven suitability of a licence holder, what does the Minister see as the additional purpose being served by requiring the licensee to obtain further consents from the

registrar for a firearm, the possession of which is authorised by the issue of the licence?

**The Hon. M.K. MAYES:** I will endeavour to give the honourable member the most succinct answer I can. Section 13(1) of the 1988 Act provides:

A firearms licence may authorise possession of a particular firearm or firearms of a particular class, and must be endorsed by the Registrar with the purpose or purposes for which that firearm or firearms of that class may be used by the holder of the licence.

If I understand the honourable member's question it is in relation to a use outside that. If it is a use particularly applied for, for example, sporting purposes with a sporting gun club, that is how it would be endorsed. My understanding is that it will not be endorsed for other purposes as that particular clause reads. I hope that answers the honourable member's question in relation to what I would regard as a clause that will enhance the legislation.

Clause passed.

Clause 10—'Application of dealer's licence.'

**Mr MATTHEW:** I move:

Page 4, after line—Insert paragraph as follows:

(ba) by striking out from subsection (3) 'of the relevant firearm' and substituting 'of a firearm of that class'.

This amendment refers to the existing provision covering the application for a dealer's licence. This is largely drawn from the existing 1988 Act. Once again it reflects two earlier concerns I expressed to the Committee about the difficult situation that the registrar may be placed in in relation to decisions to vary a licence condition. On this occasion the licence condition to which I refer is a licence issued to a dealer. In summary, effectively I am advocating that any decision by the registrar to vary a dealer's licence cannot be done by the registrar himself or herself but also requires the approval of the consultative committee. In so doing it enables a dealer to put the case clearly, and it avoids placing the registrar in an invidious position of compromise.

**The Hon. M.K. MAYES:** I have similar views to those put forward by the honourable member in this amendment. However, there is a different circumstance, although it may be my interpretation of it. This provision relates to dealers. It is a commercial environment and maybe in the sense of a commercial application there is some point. I think I indicated some sympathy with what the honourable member placed before us in regard to an amendment to clause 7, page 3, after line 26. Therefore, I will not oppose this amendment.

Amendment carried.

**Mr LEWIS:** The people who have been in this industry for a long time, who have already been accredited and have licences, whether as dealers or as instructors, are now distressed to find that they cannot continue in that capacity. I have one such person in my electorate who has been an instructor to both the police and the armed services for over 30 years. Yet, the police firearms section, having been approached on two occasions, has refused his accreditation as an instructor. What surprises me is that the only course he can attend started yesterday, even though the Bill has not gone through the House. The cost of that course is \$1 000. To my mind, that is not only harsh and unjust but simply crazy.

As far as he is aware, several of the people in the Police Force who are now involved in training in the police firearms section received their training from him, as did others whom he trained when he was involved in that work in the Army. How can someone who has been involved in the industry all his life and who has an impeccable record of good behaviour be denied accreditation as an instructor even though the Bill has not been passed? The other thing that surprises me is that the course costs \$1 000 for four days. I think that is outrageous to say the least.

**The Hon. M.K. MAYES:** There is a long history to this involving the whole industry, including the security industry and unions. They were all involved in the setting of standards. I would not in any way walk away from that, because people who wish to be an instructor must reach a level that is acceptable to the community as a whole, as they are charged with an enormous responsibility. The arrangements were agreed with the industry and adopted unanimously. Those arrangements are in place and fixed and, as the honourable member has said, they are proceeding irrespective of the status of this legislation.

**Mr MATTHEW:** Clause 10 makes it a condition of a licence that a dealer must not deal in dangerous firearms. Concerns have been expressed to me by some dealers that the Army, National Parks and Wildlife Service staff, the police, Correctional Services and other groups use weapons which fall into that category. While the Crown is exempt, they are concerned that dealers would not have the opportunity to purchase on behalf of the Crown. I am not sure of the mechanisms that are presently employed to enable the Crown to purchase such weapons. I am aware that customs prohibit a dealer from importing such weapons, but could this provision cause problems where the Crown obtains firearms that are in a dangerous category and where the dealer is used as a middle agent?

**The Hon. M.K. MAYES:** My advice is 'No'. I have already experienced this, because we have purchased weapons for our Police Armed Offenders Squad. I am advised that the weapons would be supplied through a dealer but that they would not touch the dealer's hands: they would go directly into the control of the Crown, in my case the Police Force.

**Mr MATTHEW:** Am I correct in saying that the dealer would place the order on behalf of the Crown and the Crown would be the receiving authority rather than the dealer?

**The Hon. M.K. MAYES:** The answer is 'Yes'. I would be required to sign all the documentation for customs for the import of those firearms.

**Mr MATTHEW:** A further concern that has been expressed to me by dealers relates to the legal disposal of unwanted magazines and firearms classified as dangerous. Dealers have claimed that people in possession of such a firearm—for example, a war souvenir German machinegun—are, for reasons best known to them, reluctant to go to the police to dispose of such a weapon and may be inclined to deliver it to a dealer. Dealers are concerned that, as they will not be able to receive such weapons, there is a possibility that people who possess them might be inclined to dump them in the Wingfield tip or throw them into a river. They are concerned that, if this disposal method occurs, dumped weapons could



subsequently be found by others and, as a result, fall into the wrong hands.

**The Hon. M.K. MAYES:** My advice, based on many years of experience, is that the Police Force has never encouraged or wanted dealers to be involved in dealing with that type of weapon. The honourable member would agree that there is a set process and that that is through the Police Force. I am sure that he and I will jointly encourage people to go directly to that appropriate place and that the honourable member will understand why the Police Force wants that process followed strictly.

**Mr LEWIS:** Let me refresh the Minister's memory as to what he said about qualifications and abilities with respect to the inquiry that I made previously. I do not have any difficulty with that, nor do the people who have already been involved in delivering this kind of service and who have been able to do that lawfully without any blemish whatever on their record. However, they and I have difficulty with it, because of the report of the select committee, which states:

The committee notes that such endorsements will not operate retrospectively in a manner which will restrict existing legal ownership and use.

The Bill therefore needs a grandfather clause. The Minister has just told me that this man, Peter Rowe from Murray Bridge, who has been involved in this business for over 30 years in the Army, with police personnel after leaving the Army, and who is continuing to be an instructor—and many of his students are now involved in instructing in other States and in the armed services—has been denied a licence and told that, if he wishes to be involved, he must pay \$1 000 to do a course which started yesterday even though the Bill has not been passed. He cannot afford the time off, because there is the Big River Challenge in Murray Bridge starting on Thursday. That is the busiest time of the year and he also has a security business. Why should he have to take time off and pay \$1 000 to learn from his own students? He is not an incompetent person. Why was not the grandfather clause put into the phoney regulations and requirements that have been used to impose this on the industry? That is my first point.

Secondly, how is it that the people who won the tender to conduct the course—the Shooters Party of South Australia—got the job even though they do not appear to have the pre-requisites required in the dummy regulations? I say 'dummy' regulations because they are not real yet. It surprises me that this attitude should be taken to Mr Rowe in order to put him at this disadvantage. Why this bloody minded attitude to an honest, hard working man who has been a great help to everyone and to this industry all his life? It seems to be a classic case of victimisation, and I wonder whether the Minister would not mind kindly examining the situation and redressing the obvious injustice and what I consider to be on the part of the police involved a rather stupid decision to simply put him out of business.

**The Hon. M.K. MAYES:** This case has been brought to my attention. I am sorry that the individual concerned, Mr Rowe, thinks he is being victimised: he is not. We must have standards in the industry.

*Mr Lewis interjecting:*

**The CHAIRMAN:** Order!

**The Hon. M.K. MAYES:** The honourable member might argue that case, and that is fine: that is his right as a member of Parliament. But I have a responsibility. The industry, including the security industry and everyone involved, has accepted unanimously the provision of standards and agreed on this approach, and it wants everyone to apply the standards. How do we provide a grandfather clause in a situation where we are giving responsibility to people to instruct others in the use of firearms for security purposes, and so on? It might well be that Mr Rowe is an outstanding individual. But the community has to be satisfied that he meets a standard.

The industry unanimously adopted this position. I will not intervene: it is something on which the industry has agreed. I will not try to suggest that police officers are stupid; I resent that on behalf of the force. They are carrying out their instructions and directions from senior officers, and obviously from the Commissioner. I would imagine they are doing it to the best of their ability, and I am sure that it is being done thoroughly.

Obviously, the choosing of the academy was a careful process, which involved the industry and the department, and they will be thorough in ensuring that the South Australian Small Arms Academy meets exemplary standards. I am sorry that the honourable member feels that his constituent is being victimised. I would imagine that, given the nature of the situation, there is a unanimous view within the industry about this approach. He is not being victimised: he is being required to meet those standards. Given what the honourable member has said about his background and his experience, I imagine he will have no problem meeting that standard and, once he has done that and has the stamp, he will be on easy street in the sense of his vocation. All I can do is encourage him to meet the standards and provisions that have been put in place by the industry.

**Mr LEWIS:** The Minister has not understood what I put to him. This dummy course that started yesterday will give accreditation even though the regulations do not apply. The Bill has not even been passed in the Parliament, leave alone been proclaimed. I would like the Minister for a moment to concentrate not on that point but on this point: someone is giving the instructions in that course. Who gave the authority and who did the proficiency testing? Who instructed the instructors? Why is it, then, that the gentleman who is a constituent of mine, who has been at this for over 25 years, who has taught some of the people in the other States who are giving these courses and some of the people who are actually providing the instruction on this course for some reason or other is not given accreditation while the others are?

There is no question about community standards at all. The Minister is mistaken if he thinks I am arguing for a reduction in those standards. Why was this gentleman denied recognition of his existing status and qualifications as a long-standing instructor of renown? When at the end of the day the Minister says it was unanimous, it was not unanimous—and it was strongly supported only because the committee said that there ought to be a grandfather clause for those people who did have adequate qualifications. That is what the entire industry thought. The committee report states:

The committee notes that such endorsements will not operate retrospectively in a manner which will restrict existing legal ownership and use.

Why did we victimise those people who were qualified, especially someone with the pre-eminent qualifications and experience of Mr Rowe? It seems to me to be harsh, unjust and, when we take into account all the facts as far as I can determine them, stupid.

**The Hon. M.K. MAYES:** I could cover the ground I have been over. The select committee recommended a committee that would establish the criteria and assess instructor standards. That was followed. The industry was unanimous with regard to the provisions of the criteria and how they should be applied, thus it has issued what it believes is the appropriate guideline. It has appointed the South Australian Small Arms Academy, which has had experience in other States and has conducted a similar instructors program. Its instructors have been doing it in New South Wales or Victoria, so they have a track record and are competent in the area. The committee, which consists of representatives of the industry and the Police Department, made that selection in accordance with the recommendations of the select committee, and the unanimous view of the industry has been applied with regard to instructors meeting a standard which I believe the community—ignoring what the industry has said—would want in any event.

I cannot add anything more. I believe this is an appropriate solution. I am sorry that Mr Rowe does not believe that he can accommodate that. Given what the honourable member has said, I do not believe that I am being unreasonable about this. The community is demanding that responsible firearm users meet certain standards. I am sure they would adequately and comfortably meet those standards. This provision would warrant those people charged with a greater responsibility in terms of the use of firearms and the instruction of people in security complying with a higher standard of application. That is what the industry has agreed. It wants standards set. It has a responsibility and an image to uphold within the community. That is what it has agreed, and I am not prepared to intervene in that or disrupt it.

*Mr Lewis interjecting:*

**The CHAIRMAN:** The honourable member has spoken to this clause three times.

*Mr Lewis interjecting:*

**The CHAIRMAN:** I hope that the honourable member is not abusing the Chair.

*Mr Lewis interjecting:*

**The CHAIRMAN:** I warn the honourable member.

**Mrs KOTZ:** I think the Opposition has already established that we are under a degree of disadvantage by the mere fact that we have not been privy to the regulations. In clause 10, line 21, we have a perfect example of how difficult it is to make determinations on what will be an imperative and efficient Bill that this Parliament, particularly members of the Opposition, is being asked to pass. I would like the Minister's attention, because it would be nice to get his answer on this question. New subsection (4) (b) refers to any conditions prescribed by the regulations. That in itself has a sense of complete anonymity; it means absolutely nothing. Will the Minister share with the Opposition any regulation that

will relate to this new subsection and any conditions that might already have been prescribed by the regulations?

**The Hon. M.K. MAYES:** I will not respond now. I ask that progress be reported.

Progress reported; Committee to sit again.

**The Hon. M.K. MAYES:** Mr Speaker, I draw your attention to the state of the House.

*A quorum having been formed:*

**The Hon. M.K. MAYES (Minister of Environment and Land Management):** I move.

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

Motion carried.

#### MOTOR VEHICLES (CONFIDENTIALITY) AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment.

#### SUPERANNUATION (BENEFIT SCHEME) BILL

Returned from the Legislative Council with amendments.

#### SUPERANNUATION (SCHEME REVISION) AMENDMENT BILL

Returned from the Legislative Council with amendments.

#### FIREARMS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

**The Hon. M.K. MAYES:** I am responding to the member for Newland in relation to any conditions prescribed by the regulations. The regulations will obviously clearly direct and prescribe precisely what is intended to be covered in this clause. It has very clearly, therefore, a particular purpose and falls within what I would call the clear purpose of the body of the Act, namely, what the dealer who is active in the industry can undertake in terms of normal commercial activities. We touch on that matter in a later clause, and certainly it is an amendment of which the member for Bright has given notice in relation to the Bill.

The member is questioning what the regulations will encompass. There is a procedure which has been referred to on several occasions and which will allow the honourable member the opportunity to address that matter in great detail. Again, I can say that it will be within the purpose and body of the Act and what we have touched on in terms of dangerous firearms and transactions relating to all sorts of firearms within the prescription of the Act.

Clause passed.

New clause 10a—'Records.'

**Mr MATTHEW:** I move to insert the following new clause:

Section 18 of the principal Act is amended by striking out from paragraph (a) 'or ammunition'.

This amendment refers to records that are required under the Act to be kept by a firearms dealer. The relevant section presently reads:

A dealer who (a) fails to keep records in relation to the firearms or ammunition in which the dealer deals is guilty of an offence.

It strikes me that to expect a dealer to keep records of all ammunition in which he or she deals is an extraordinarily cumbersome process. It is unrealistic to expect such records to be kept. We are talking about literally thousands of potentially different types of ammunition. I go so far as to suggest that I would be most surprised if the department also had the facilities or the resources to do so. Also, I am not convinced that it serves any purpose even to require dealers to keep such records or for the department to monitor them. I therefore move the amendment standing in my name.

**The Hon. M.K. MAYES:** I will again prove the member for Murray-Mallee wrong when he thinks I have a steel trap for a mind. I am more than happy to take on board the concerns expressed by the member for Bright, because he has placed a sensible argument before this Committee in relation to the requirements of dealers. Picking this up as the new Minister, given the history of this matter, one cannot be an expert. However, having been through this, I now have a very good understanding of this Bill. What the member says is quite reasonable in the sense not only of what would be expected of the dealer but also of what would be expected of our firearms division in order to provide the appropriate information on file for the Registrar, and we need to look at that.

Within the regulations, we will accommodate what the member has raised as a concern. Let me be more specific. There is a good purpose for having records, but the nature of the transactions that would relate to the sale of ammunition by a dealer would be enormous. How that would be processed in terms of our services would be quite mind boggling. I ask the member to accommodate what we are providing within the Bill. However, I give an undertaking that we will not require, under the prescriptions of the regulations, the dealers to provide a monthly record of their transactions to the officers responsible. What we would do is ask them to keep a record (as any proper business would do) of those transactions in a form that would be available not only for the Registrar but for other reasons—and I am not casting any aspersions on the dealers—which may be a police investigation or whatever. I think the honourable member can see the benefit of that.

I ask the honourable member to accept what we are placing before the Committee. I understand the enormous work that would be required if we prescribed a monthly report on transactions of the sale of or dealing in ammunition. We will not ask for that but we will ask that proper records be kept (as I think any good business would do and any auditor would require of a company) so we can eliminate what might be seen as a large and maybe overbearing clerical exercise. I hope the honourable member can understand my long-winded

explanation; I am more than happy to accommodate. I understand the concerns of the dealers. It is a difficult and sensitive issue and I think that for very good reasons we need to keep proper records of those transactions.

**Mr MATTHEW:** I thank the Minister for acknowledging the validity of the concern behind this amendment. I ask the Minister for an assurance that any records that would be required to be kept by the dealers under the regulations would be those records that are normally kept by any business for normal stocktaking, invoicing and incoming and outgoing goods.

**The Hon. M.K. MAYES:** I understand, having had some experience in this area over the years in terms of having to audit this sort of transaction, that there are variations and that accounting standards are reasonably open-ended in many ways. I think what we would need to prescribe is a standard form of record. I am conscious of the honourable member's point and very conscious of not placing a burden on a commercial operator which I would regard as being unreasonable. I will accommodate the honourable member's request in that sense and ask our officers, when establishing the prescription in the regulations, to ensure that it is not something that will grind people into the ground and warrant masses of effort or expense in providing these records but that it be a simple, clear record of transactions that are quickly accessible to the registrar, his officers or the Police Force.

New clause negatived.

Clauses 11 to 13 passed.

Clause 14—'Acquisition of ammunition.'

**Mr MATTHEW:** I move:

Page 5, lines 38 and 39—Leave out these lines and insert—

14. Section 21b of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (1) and substituting the following paragraph:

(a) a firearms licence;;

(b) by striking out from paragraph (b) of subsection (1) "of that kind";

(c) by striking out from paragraph (a) of subsection (3) "of the kind that may be acquired under the permit";

(d) by striking out from paragraph (a) of subsection (5) "that authorises possession of a firearm designed to fire that ammunition";

(e) by inserting after paragraph (d) of subsection (6) the following paragraph:

This amendment proposes to amend a number of the parts of section 21b. It effectively removes any reference to ammunition for a particular firearm, of a particular kind or acquired under a particular permit. The reason I move it is simple. If a person who has a category B licence and who is a member of a firearms club goes to a dealer to purchase ammunition for their own firearm and also for that of a fellow club member who has a licence for a firearm under a different category, unless that person has licences for firearms which are capable of firing ammunition under both categories they cannot make both purchases.

That does seem unduly restrictive, and I say that cautiously because I appreciate the reasons for concern over ammunition purchases. However, I stress that we are talking about people who already hold a firearm licence and who have been recognised as being responsible enough to hold such a licence. If they have a licence to

possess and use a firearm in category B it does not seem unrealistic that they be able to purchase ammunition for category C because they have a weapon that is capable of firing that ammunition.

The reason that I make that statement with some caution is that I am also mindful of what I assume will be category A in the regulations, and that refers to air rifles and air guns. I am conscious that that particular category of licence can be granted to someone as young as 16 years. In moving this amendment I recognise the need to control through regulation the processes to ensure that someone who has a category A licence cannot purchase any type of ammunition. I move this amendment with caution and stress that I would not like to see a juvenile who has an air gun purchasing any category of ammunition. That is the only area of concern I have. I also request, if this amendment is carried, that appropriate amendments be made to the regulations to ensure that holders of a category A licence are not able to purchase any ammunition they wish.

**The Hon. M.K. MAYES:** I cannot accommodate the member for Bright's amendment because I think this goes right to the crux of the Bill. We are here looking at providing opportunities for someone to cut across the whole theme of the Bill by allowing them to purchase ammunition outside of what their firearms licence would stipulate. The honourable member has touched on what I guess would be seen as to some extent being the top end of concerns in the sense of allowing a 16 year old who holds an air gun licence under category A to buy ammunition, for example, for a .357 Magnum pistol. I do not believe that that would be acceptable.

I guess that I put that at the top of the category, but we have to look at what is intended here. My interpretation of the intention is that it is clearly seeking to relate that firearm to particular ammunition and a particular licensee. There is a linkage right through each step. The two paragraphs (a) and (d), and those consequential amendments to adjust the clause if the amendment is carried, I believe are quite serious in the sense that they breach the intention to have that very tight relationship between the licensee, the licence and the ammunition that would be purchased for that particular firearm. I oppose the amendment. I know my advice is very much the same—that it would undermine the thrust, theme and intention of the Act which hopefully will come into force.

Amendment negatived; clause passed.

Clause 15—'Appeals.'

**Mr MATTHEW:** I move.

Page 6, lines 3 to 17—Leave out these lines and insert—

(a) by striking out subsections (1) and (2) and substituting the following subsection:

(1) A person aggrieved by a decision of the Minister, the registrar or the consultative committee may appeal against the decision to a magistrate sitting in chambers;

(b) by striking out from paragraph (b) of subsection (3) 'registrar' and substituting 'Minister, registrar or committee'.

This amendment reflects the concern I expressed earlier during the deliberations of the Committee with respect to the powers of the registrar. While I was disappointed that the Minister was not prepared to accept some of the earlier additional provisions of approval of a consultative committee in all cases, I was pleased that the Minister acknowledged the reason for the concern. This

amendment is a rather simple one and allows a person aggrieved by any decision of the Minister, the registrar or the consultative committee to appeal against the decision to a magistrate sitting in chambers. I regard this as an avenue to ensure that all persons who may be aggrieved by a decision have an opportunity to appeal against that decision, regardless of the type of firearm activity in which they participate and regardless of the type of licence restriction, suspension or cancellation, or whatever other matter may have occurred to so aggrieve that person.

**The Hon. M.K. MAYES:** The only decisions affected are those of the Minister in this provision because there is an appeal to a magistrate sitting in chambers on those other issues with which we have dealt. The only office captured is that of the Minister, and that is in regard to paint-ball operators and recognised clubs. I am not keen on being subject to a magistrate sitting in chambers. There are built in mechanisms by which the Minister's decision can be queried in both areas. If the Minister refuses an application for recognition, the Minister must provide the applicant with a written statement setting out the reasons for the refusal. If at any time the Minister is satisfied that the recognised paint-ball operator has failed to comply with the legislation and no longer conducts his or her affairs or activities in a responsible manner, the Minister may by notice revoke the declaration. Before revoking a declaration, the Minister must give the operator at least two months written notice of the proposed revocation setting out the Minister's reasons for the proposed revocation, and the same applies, as I understand it, to clubs.

Enough public attention is built in to any decision made. Obviously it would be fairly exceptional, in my humble view. I do not think it ought to be encouraged, as the Minister's decision would be subject to this place as well. No doubt there would be close scrutiny by members of the Opposition, and also the Government, in regard to a decision made in these two areas. I recognise the thrust of the honourable member's concern. We are probably making a mountain out of a molehill. The Minister is not in total isolation and cannot walk away from a decision. A great deal of public attention will be given to the Minister's decisions in these two areas.

**Mr MATTHEW:** The Minister has identified two areas affected. I remind the Minister that this amendment broadens the appeal base to any decision made, not just in the categories presently listed in the current Bill, which are largely derived from the 1988 legislation.

**The Hon. M.K. MAYES:** We are delving hard to find areas where, as the member for Bright has suggested, this amendment broadens the power of review. We can think of a couple off the cuff. An individual might need to inspect the register. When this Bill passes to another place, I will get a comprehensive picture and, if need be, accommodate some consultation with my colleagues in another place in order to address it. I would like to obtain a full picture of what might be affected by this. Off the cuff, I can think of some serious legal implications if we move down this track, and perhaps some administrative problems as well. They can be accommodated but, if I can take this on notice, I will look at it as it passes to another place.

Amendment negatived; clause passed.

Clause 16 passed.

New clause 16a—'Duty to register firearms.'

**The Hon. M.K. MAYES:** I move:

Page 6, after line 21—Insert new clause as follows:

Amendment of s. 23—Duty to register firearms

16a. Section 23 of the principal Act is amended by inserting after subsection (2) the following subsections:

(3) The owner of a firearm that is not registered in the name of the owner is guilty of an offence.

(4) It is a defence to a charge of an offence under subsection (3) if the defendant proves that ownership of the firearm passed to him or her not more than 14 days before the alleged date of the offence and that it was not reasonably practicable in the circumstances for the firearm to be registered in his or her name by the time of the alleged offence.

**Mr MEIER:** As I pointed out in my second reading contribution, I have great difficulty with new clause 16a (3), which provides:

The owner of a firearm that is not registered in the name of the owner is guilty of an offence.

There are examples throughout South Australia's rural areas of a farmer with two or three sons, and each of those persons owns one or more firearms. Those firearms are kept in the same house, they are often used in the same vehicle and they are invariably used on the same property. Currently most of those people would probably have those firearms registered in the name of the senior member of that household. So, they would pay something like \$82 every three years. The Minister is providing that, if there are three sons who own firearms in a household, one payment of \$82 is no longer acceptable. That household will be required to pay four lots of \$82 every three years. I am totally opposed to this sort of revenue raising clause.

**The Hon. M.K. MAYES:** I am little confused; I need some more information from the member for Goyder. I do not understand the thrust of his comments. This clause addresses a situation where we have some 18 000 weapons that are not actually registered at this time. The department knows that there have been transactions; it knows who has purchased the firearm, but it does not have that person registered as the owner as required. This legislation is intend to capture those situations. I am a little confused about what the honourable member is suggesting.

**Mr MEIER:** Perhaps I can use my own theoretical scenario. Let us assume that I have a licence for a firearm and I give my son a rifle for his birthday. The son certainly needs a licence to be able to own a firearm, but that is simply for registration. Let us assume that I register that firearm in my name; it is actually my son's but I have it in my name because we live in the same household and there is no point in both of us paying \$82, particularly when my second son gets a little older, he may well also want to do some sport shooting and we could have another weapon and again have it registered in my name. I see this clause as saying to me, 'No, that will not be legal any more. Each weapon will have to be registered to each individual owner.'

**The Hon. M.K. MAYES:** The honourable member has summed it up. This Bill will ensure that those people who enjoy using firearms—and rightly so—and who are responsible owners—in fact, the overwhelming majority

of the community—have a legal status in relation to their position. Therefore, your sons will be required to be licensed. I hope I have answered the question as simply as possible.

**Mr MEIER:** Yes, you have Minister. I think it is a further indication as to why this Bill should not proceed at present. I believe it is an incredible imposition on the many rural families that have been struggling to make ends meet. I can think of many families with two or three sons who will now have imposed upon them an extra \$82 every three years. In many cases it is totally irrelevant. It defeats the purpose of the legislation. I thought the purpose of the legislation was to penalise and try to curb those who use weapons in a wrongful way. This will penalise those who use them in a responsible and correct fashion in the rural areas. I am very disappointed that the Minister sees fit to proceed down this line and I oppose the new clause.

**The Hon. M.K. MAYES:** That is extraordinary. The whole thrust of this Bill and every other Bill and the national Government's bipartisan approach has been for individuals to be licensed to hold firearms. The weapon does not have to be licensed on three occasions; it has one registration. However, individuals are required to be licensed because they have a very important privilege given to them by the community. It does not in anyway undermine their status as responsible individuals. It gives them that privilege and recognises it. I am astonished that the honourable member has not understood the thrust of this Bill, because that is what this establishes. It is not aimed at the rural community; it is not aimed at any individual. It is aimed at ensuring that we have a safe community in this State, in every other State and nationally. It is a safe policy to ensure from the point of view of the community the very opposite of what the honourable member implies. In fact, those people who do not have that licence are irresponsible. It is those people to whom we are directing our attention—that minority who misuse and abuse.

They are the people whom we fear and are trying to capture by this measure, not the responsible overwhelming majority. I can only plead with the honourable member to step back, look at it and take a positive view about those people who have a genuine need in respect of firearms. I accept what the honourable member says about his constituents having a genuine need for access to those firearms, and they will have that. We are eliminating those people who do not have a genuine need but who have an intent to misuse and abuse those firearms.

**Mr MEIER:** Mr Chairman—

**The CHAIRMAN:** Unfortunately, the member for Goyder has spoken three times to the clause.

**Mrs KOTZ:** On the same relevant point, can the Minister indicate the total income or revenue that this clause will attract?

**The Hon. M.K. MAYES:** I should have indicated at the outset that this measure comes from the advice of counsel that we should bring this matter from regulation to life within the Act. We are not changing anything. This is not a new clause that has dropped out tonight: the provision merely brings the regulation into the body of the Act, and I should have thought members would

welcome that in the terms of this Committee debate. This is simply accommodating what was already in existence.

New clause inserted.

New clause 16b—'Registration of firearms.'

**The Hon. M.K. MAYES:** I move:

16b section 24 of the principal Act is amended by inserting the following subsection after subsection (2):

(3) If a person has ceased to be the owner of a firearm, registration of the firearm in that person's name is cancelled by registration of the firearm in the name of the subsequent owner.

New clause inserted.

Clauses 17 to 19 passed.

Clause 20—'Power to seize firearms or licence.'

**The Hon. M.K. MAYES:** I move:

Page 9, lines 3 to 5—Leave out paragraph (cb) and insert the following paragraph:

(cb) A person has possession of a firearm contrary to the terms of an order under section 99a(1)(a) of the Summary Procedure Act 1921;

Amendment carried.

**The Hon. M.K. MAYES:** I move:

Page 9, line 11—Leave out '99' and insert '99a'.

Amendment carried; clause as amended passed.

Clauses 21 to 23 passed.

Clause 24—'Regulations.'

**The Hon. M.K. MAYES:** I move:

Page 11, after line 2—Insert paragraph as follows:

(c) by striking out paragraph (c) and substituting the following paragraph:

(c) prescribe forms or empower the Registrar to approve forms to be used in connection with this Act.

Amendment carried; clause as amended passed.

Clause 25—'Transitional provisions.'

**The Hon. M.K. MAYES:** I move:

Page 11, line 5—Leave out paragraph (a) and insert the following paragraph:

(a) by striking out clauses 1, 2, 3, 4 and 5 and substituting the following clause:

1. A person who was lawfully in possession of a firearm or firearms pursuant to a firearms licence at the commencement of the Firearms Act Amendment Act 1988 and the Firearms (Miscellaneous) Amendment Act 1992 is entitled to continue in possession of, and to use, the firearm or firearms pursuant to the licence as if those amending Acts had not come into operation.

2. Clause 1 is subject to the power of the Registrar or a court to suspend or cancel the licence referred to in clause 1 pursuant to this Act as amended by the Firearms Act Amendment Act 1988 and the Firearms (Miscellaneous) Amendment Act 1992.

Amendment carried.

**Mr MATTHEW:** Bearing in mind that the passage of this Bill will add to the workload of the firearms section, can the Minister say what estimate has been placed on the increased workload, whether it will be necessary to increase the number of staff in that section and, if so, whether those staff will be permanent?

**The Hon. M.K. MAYES:** I will take that detailed question on notice and provide the honourable member with an answer. It was allowed for in the police budget in

order to accommodate this Bill which, it was anticipated, would be passed in this session.

**Mr MATTHEW:** What contingency was provided in the budget?

**The Hon. M.K. MAYES:** I will take that question on notice. I could provide an approximate answer, but it would be better for the honourable member if I provided a detailed response.

**Mrs KOTZ:** Many provisions of the legislation, in particular the transition provisions under clause 25, embrace what has been referred to as a national framework that is becoming the design impetus for this legislation and whatever regulations follow. The Commonwealth Department of Employment, Education and Training published a career information paper entitled *1992 Job Guide—South Australia*. Indications are that this document has been produced for each State. The issue number is IS1035-7904. Peter Baldwin, the Minister for Higher Education and Employment Services, has signed the foreword and, in South Australia, Helen Swift, the State Director of the Department of Employment, Education and Training recognises this document. On page 107 under the heading 'Gunsmith—P3', details are provided of this career with the following statement:

Restrictions on gun ownership in the future is likely to impact most upon the demand for this occupation. It is expected that private gun ownership will cease within the next 10 years.

I repeat: this is a Commonwealth document which is acknowledged by Helen Swift in South Australia and which states that it is expected that private gun ownership will cease within the next 10 years. Is the Minister aware of the Federal Labor Government's apparently utopian objective that private gun ownership will cease within the next 10 years, and how is it that such a statement can appear in an official Government publication? Does this State Labor Government have a hidden agenda actively to seek to disarm the State's population within the next 10 years?

I assure the Minister and his Government that he will have the Opposition's bipartisan support in any endeavour that aims for effective and workable provisions to reduce crime, which is a concern of every law-abiding citizen and, I am sure, of every member who is listening to this debate tonight. But, if this Government and its Federal counterpart has an agenda to remove firearms from the lawful possession of our citizenry, which, in my opinion, will be the surest and most direct method of ensuring criminal possession of remaining firearms, I assure the Minister—

**The Hon. T.H. HEMMINGS:** A point of order, Mr Chairman.

**The CHAIRMAN:** Order! Will the member for Newland resume her seat. The member for Napier.

**The Hon. T.H. HEMMINGS:** My point of order is that the statement cum question is not in any way relevant to the clause that the Committee has before it.

**The CHAIRMAN:** I cannot uphold the point of order. There is relevance to the question. The member for Newland.

**Mrs KOTZ:** To complete the point I was making, I can assure the Minister that if this was the intention they can expect that the majority of people across the nation will rise against what will be regarded as absolute arrogance and inanity in relation to any such proposal

that would seek in this manner to disarm the populous of this State or in fact of Australia.

**The Hon. M.K. MAYES:** I know that the member has said on occasion that she regards me as arrogant, but not even I could not be that arrogant nor, may I suggest, that foolish to suggest that. That publication was drawn to my attention. I am sure that the relevant Federal Minister has taken action to ensure that that error has been corrected. I have no idea where it came from or why it was put in there. Certainly there is no hidden agenda on the part of this State Government, nor I understand any hidden agenda on the part of the Federal Government regarding this matter. It was a total error. Anyone writing that with a genuine belief that that was the case would not have their feet planted on *terra firma*, this national *terra firma*, anyway. It is a total error. Somebody made a horrible blunder, and may be is paying the consequences for that blunder.

**Mr MATTHEW:** Following on from the question posed by the member for Newland, I am pleased to hear the Minister refute the statement. But it is still of concern to me that that statement read out by the member for Newland was actually contained in the 1992 job guide for South Australia and has been distributed by the Commonwealth Employment Service. Therefore, I ask the Minister whether he will give the Committee an undertaking to communicate with his Federal colleague and advise him that the job guide is in error and ask that the guides not yet circulated be amended or that they be withdrawn and reprinted accordingly.

**The Hon. M.K. MAYES:** I have already asked my Chief Administrative Officer to bring that to the attention of the Federal officers. I think that has already been undertaken. However, I am happy to reinforce that undertaking and ensure that it is brought to the attention of the appropriate Federal authorities.

Clause as amended passed.

Schedule and title passed.

Bill read a third time and passed.

#### **CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL**

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 12 noon on Wednesday 25 November.

#### **DAIRY INDUSTRY BILL**

Returned from the Legislative Council with amendments.

#### **ADJOURNMENT**

At 12.44 a.m. the House adjourned until Wednesday 25 November at 2 p.m.

**HOUSE OF ASSEMBLY**

Tuesday 24 November

**QUESTIONS ON NOTICE**

**INTER-AGENCY REFERRALS**

**61. Mr BRINDAL:**

1. How many cases has the Department for Family and Community Services either facilitated or been actively involved in via the inter-agency referral process since August 1991?

2. Has the process been assessed and, if so, what were the results and are there any plans for its future development?

**The Hon. M.J. EVANS:** The Education Department has been maintaining statistics regarding inter-agency referrals. According to their records the following referrals have been received for the period August 1991-August 1992.

1.

INTER-AGENCY REFERRALS WHERE FACS HAS HAD MAIN INVOLVEMENT				
Term 3	Term 4 1991	Term 1 1991	Term 2 1992	1992
Metropolitan . . . . .	90	66	93	N/A
Country . . . . .	35	5*	N/A	N/A
Totals . . . . .	125	71*	93*	N/A

\* Incomplete

TOTAL INTER-AGENCY REFERRALS			
	Term 3 1991	Term 4 1991	Term 1 1992
Metropolitan . . . . .	138	178	205
Country . . . . .	66	102	N/A
Totals . . . . .	204	280	

2. The Director of the Educational Review Unit will commence a review of the inter-agency process in the fourth term of this school year. The review will focus on the implementation of some of the major recommendations outlined in the Stratmann report.

**STATE BANK**

**67. Mr BECKER:**

1. How many employees of the State Bank and its subsidiaries have received the letters AAIB and publish these letters after their name?

2. How did these persons obtain the letters and permission to use them after their name?

3. What is the significance of such letters?

**The Hon. FRANK BLEVINS:** The replies are as follows:

1. As at 31 October 1992, State Bank Group employees holding membership of the Australian Institute of Bankers (AIB)

numbered 365. Of these, a total of 165 have been recognised by the AIB as:

- Associate of the AIB (AAIB) 115
  - Senior Associate of the AIB (AAIB Senior) 48
  - Fellow of the AIB (FAIR) 2
- 165

2. Permission to use these letters after a name is obtained by application to the AIB, on the basis of having achieved the required level of formal qualification and practical banking experience. Use of the letters is entirely voluntary. State Bank permits their use on business cards or bank correspondence if the individual officer so desires.

3. The letters signify that certain requirements have been met. These may be summarised as follows:

- An Associate (AAIB) has completed a TAFE Certificate/Diploma (or equivalent) in banking and three years industry experience.
- A Senior Associate (AAIB Senior) has completed an approved degree in business, commerce or economics (with specialist banking subjects) and three years industry experience-
- A Fellowship (FAIR) recognises professional contribution to the banking and finance industry. Eligibility requirements include Associate or Senior Associate status and 15 years industry experience, five at senior management level.

Only members who are eligible and have duly received one of these three awards from the AIB are permitted to use the corresponding letters after their names.

**SEXUALLY TRANSMITTED DISEASES**

**101. Mr VENNING:**

1. What types of venereal, sexually transmitted and pelvic inflammatory disease were evident and being treated 20 years ago and what types are evident and being treated today?

2. What is the incidence including the year of detection and any increase/decrease of new diseases in the past 20 years?

3. What is the breakdown by age of sufferers on a yearly basis?

4. What is the incidence of reinfection?

5. What types of precautions are taken and what are the levels of usage of them by age groups?

6. What is the marital status of infected persons and what is the sexual status of male and female sufferers, respectively, particularly in relation to HIV/AIDS, and hepatitis B and their involvement or not in IV drug use or haemophilic treatment?

7. What are the effects on fertility of both males and females in the various age categories?

**The Hon. M.J. EVANS:** The replies are as follows:

1. Twenty years ago major sexually transmitted diseases included gonorrhoea, syphilis, genital herpes, chlamydia, non-specific urethritis, genital warts, trichomoniasis, pediculosis pubis, genital scabies, genital molluscum contagiosum, bacterial vaginosis and hepatitis B infection. In the past decade the most notable additions to this list have been HIV infection and AIDS. Chlamydia became notifiable in 1988. Pelvic inflammatory disease is a syndrome which can be caused by gonorrhoea, chlamydia or a wide range of other organisms.

2. The annual incidence for HIV infection, AIDS and chlamydia in South Australia and Australia is shown in the following table:

	YEAR OF DETECTION AND INCIDENCE OF HIV INFECTION, AIDS AND CHLAMYDIA IN AUSTRALIA AND SOUTH AUSTRALIA						
	1985	1986	1987	1988	1989	1990	1991
HIV Infection:							
Australia . . . . .	3 942	2 644	2 781	1 726	1 621	1 413	1 511
South Australia . . . . .	94	62	73	61	83	65	45
AIDS:							
Australia . . . . .	177	277	376	527	581	631	651
South Australia . . . . .	1	5	10	22	28	24	35
Chlamydia:							
Australia* . . . . .	n/a	n/a	n/a	n/a	n/a	n/a	n/a
South Australia . . . . .	—	—	—	—	1 616	1 361	1 070

\* There are no Australia-wide figures, as South Australia is the only State in which chlamydia is notifiable.



3. Age distribution differs for each disease and the phase of infection being considered, for example, asymptomatic infection, seroconversion or clinical illness. The precise distribution is known only for notifiable diseases and does not vary substantially by year. Appendix I shows the number of cases broken down by year of notification, age, region and sex for the following STDs: AIDS, chlamydia, gonorrhoea, hepatitis B and syphilis (extracted from 'South Australia Health Statistics Chartbook Supplement 2: Infectious and Notifiable Diseases').

4. Reinfection is rare in South Australia, although common in Sydney and many other parts of the world. One study has shown that 56 per cent of women and 13 per cent of men in Sydney become reinfected and, for comparison purposes, it is estimated that less than 10 per cent of South Australian men and women become reinfected.

5. The use of condoms is the major precaution against acquiring a sexually transmitted disease where the status of the partner is now known, but the incidence of prophylaxis usage by age-group is not known.

6. Incidence rates usually do not vary significantly by marital status when allowance is made for age. Unmarried individuals have much greater rates mainly because this group contains more young people. General practitioners find much more disease in unmarried individuals because they selectively test this group in preference to married individuals. Appendix II shows the relationship between marital status and risk factor for HIV infection for the period 1985-88 in South Australia, and Appendix III shows the incidence for various risk categories for HIV infection for the period 1985-91. Such data on hepatitis B is not available.

7. Currently, the fertility of males has not been shown to be impaired by STDs. For females, infertility occurs in 11 per cent after one attack, 23 per cent after two attacks and 54 per cent after three or more attacks of pelvic inflammatory disease. As far as is known, there are no studies which show the effects of age of onset of STDs on fertility status.

TABLE 1. NOTIFIED CASES-SA 1983-90

Disease	Year							
	1983	1984	1985	1986	1987	1988	1989	1990
AIDS .....	—	—	1	5	10	22	28	24
Amoebiasis .....	26	20	10	14	17	38	29	1
Ankylostomiasis .....	77	66	27	26	34	17	17	—
Arbovirus .....	9	136	1	1	2	6	115	23
Bacterial Meningitis .....	—	—	—	—	28	43	41	43
Campylobacter .....	919	1 226	1 240	1 453	1 676	1 561	1 478	1 296
Chlamydia .....	—	—	—	—	—	—	1 616	1 361
Giardiasis .....	713	745	734	821	887	967	972	—
Gonorrhoea .....	835	728	630	681	558	278	213	173
Hepatitis A .....	153	68	139	510	145	100	36	99
Hepatitis B .....	107	199	182	121	76	43	49	36
Legionnaires Disease .....	9	2	4	28	5	26	13	19
Leptospirosis .....	17	14	9	5	4	6	5	6
Malaria .....	43	49	46	33	45	30	35	33
Measles .....	—	—	—	—	37	14	16	43
Ornithosis .....	9	22	7	25	8	7	17	15
Pertussis .....	38	95	136	164	61	57	136	172
Q Fever .....	8	14	53	49	18	21	21	21
Rubella .....	75	483	326	268	386	216	858	354
Salmonella .....	480	340	387	359	342	396	536	636
Shigella .....	72	38	82	71	61	53	76	94
Syphilis .....	107	127	218	143	150	92	87	83
Trachoma .....	0	0	0	0	62	130	62	3
Tuberculosis .....	135	82	98	78	75	72	83	88
Yersinia .....	0	1	10	12	10	44	126	200

TABLE 2. NOTIFIED CASES PER 100 000 POPULATION PER ANNUM BY AGE GROUP—SA 1983—90

DISEASE	AGE GROUP						
	<1	1-4	5-14	15-19	20-29	30-59	60+
AIDS .....	0	0	0	0	1	1	0
Amoebiasis .....	1	1	1	1	3	2	0
Ankylostomiasis .....	1	0	1	3	5	3	1
Arbovirus .....	1	0	1	2	3	4	1
Bacterial Meningitis .....	30	9	1	1	0	0	0
Campylobacter .....	379	490	88	67	98	58	44
Chlamydia .....	—	3	—	156	404	—	45
Giardiasis .....	156	346	39	13	50	37	12
Gonorrhoea* .....	—	1	—	135	175	—	21
Hepatitis A .....	1	11	22	11	18	8	2
Hepatitis B .....	3	1	1	14	25	4	1
Legionnaires Disease .....	0	0	0	0	0	1	3
Leptospirosis .....	0	0	0	1	1	1	0
Malaria .....	0	2	3	2	6	3	1
Measles .....	13	4	2	1	0	0	0
Ornithosis .....	0	0	0	0	0	2	1
Pertussis .....	87	28	23	4	1	2	1
Q Fever .....	0	0	0	3	3	3	0
Rubella .....	53	55	67	44	21	15	1
Salmonella .....	302	173	37	18	22	12	10
Shigella .....	20	32	7	2	3	2	1
Syphilis* .....	—	2	—	33	28	—	5

DISEASE	AGE GROUP						
	<1	1-4	5-14	15-19	20-29	30-59	60+
Trachoma .....	6	2	9	1	1	1	1
Tuberculosis .....	2	2	1	2	6	8	13
Yersinia .....	21	17	4	2	2	2	1

‡ 1989-1990  
 \* 1983-1986

TABLE 3: NOTIFIED CASES BY SEX—SOUTH AUSTRALIA 1983-1990

Disease	Sex		Disease	Sex	
	Male	Female		Male	Female
AIDS .....	87	3	Malaria .....	204	110
Amoebiasis .....	90	65	Measles .....	54	56
Ankylostomiasis .....	150	114	Ornithosis .....	67	44
Arbovirus .....	134	159	Pertussis .....	395	464
Bacterial Meningitis .....	92	63	Q Fever .....	186	19
Campylobacter .....	5 972	4 856	Rubella .....	1 704	1 261
Chlamydia .....	1 053	1 861	Salmonella .....	1 787	1 687
Giardiasis .....	2 925	2 915	Shigella .....	257	288
Gonorrhoea* .....	1 836	1 039	Syphilis* .....	328	267
Hepatitis A .....	671	579	Trachoma .....	148	109
Hepatitis B .....	517	296	Tuberculosis .....	432	279
Legionnaires Disease .....	71	35	Yersinia .....	239	161
Leptospirosis .....	63	3			

‡ 1989-1990  
 \* 1983-1986

TABLE 4. NOTIFIED CASES PER 100 000 POPULATION PER ANNUM BY CURB SUB-REGION—SA 1983-1990

DISEASE	CURB SUB-REGION																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
AIDS .....	0	1	2	1	0	0	1	2	0	0	0	0	0	0	0	2	0	0	0	0	0
Amoebiasis .....	2	3	2	1	0	0	1	0	0	0	0	0	0	1	0	4	0	0	0	0	0
Ankylostomiasis .....	2	11	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arbovirus .....	0	1	1	1	2	3	2	3	0	5	33	13	7	1	17	2	0	19	2	3	9
Bacterial																					
Meningitis .....	2	1	1	1	2	0	2	0	1	6	2	2	1	0	1	5	1	0	1	2	18
Campylobacter .....	106	69	96	90	116	150	81	103	69	70	119	41	110	156	153	58	168	58	125	96	153
Chlamydia .....	73	98	220	6	3	238	58	40	15	83	22	9	89	49	22	10	57	0	5	18	240
Giardiasis .....	56	42	51	50	35	51	64	46	54	59	63	27	60	54	68	91	90	58	49	133	175
Gonorrhoea .....	20	31	42	2	0	38	6	7	3	43	2	2	15	8	28	19	30	0	5	57	198
Hepatitis A .....	19	9	7	6	5	0	5	7	7	7	7	9	8	1	20	91	18	19	27	39	37
Hepatitis B .....	10	10	11	5	3	0	1	5	2	2	6	5	0	3	0	4	3	0	2	4	6
Legionnaires																					
Disease .....	1	1	1	2	1	0	1	1	0	1	1	0	0	1	0	0	1	0	0	1	0
Leptospirosis .....	0	0	0	0	1	0	5	6	1	0	0	5	3	4	1	0	0	0	1	0	0
Malaria .....	1	4	5	2	1	10	5	7	0	4	3	2	0	1	0	0	1	0	1	1	4
Measles .....	1	1	1	2	4	0	1	1	1	5	0	0	0	1	0	2	3	0	1	1	1
Ornithosis .....	1	1	1	1	1	6	1	1	3	1	2	0	0	1	1	2	1	0	2	1	0
Pertussis .....	11	8	8	6	10	0	10	5	16	1	9	3		7	5	9	11	0	15	1	0
Q Fever .....	2	0	1	2	3	3	4	4	1	3	1	11	6	0	1	0	0	0	7	5	5
Rubella .....	30	20	32	26	62	35	21	64	41	23	31	22	32	17	15	7	5	0	18	7	4
Salmonella .....	33	27	27	24	36	29	22	19	25	29	47	27	35	41	46	88	37	19	33	67	121
Shigella .....	3	3	3	1	0	0	1	0	15	1	3	2	1	3	21	52	25	19	2	33	84
Syphilis .....	2	2	3	0	0	0	0	5	0	9	3	0	1	1	25	15	5	0	4	25	360
Trachoma .....	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	318
Tuberculosis .....	5	17	7	5	2	0	0	5	2	0	3	2	2	3	5	19	5	0	3	5	12
Yersinia .....	2	4	3	3	2	0	4	4	1	1	1	2	4	2	11	0	21	0	4	7	1

APPENDIX II

MARITAL STATUS BY RISK FACTOR FOR HIV INFECTION 1985-88

	MALE								FEMALE					
	Homosexual		IV Drug User		Other/ Multiple		Total		IV Drug User		Other/ Multiple		Total	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%
Never Married .....	159	82.8	7	20.6	28	65.1	194	72.1	3	37.5	5	38.5	8	38.1
Married .....	9	4.7	16	47.1	5	11.6	30	11.1	3	37.5	4	30.8	7	33.3
**W/S/D .....	15	7.8	7	20.6	4	9.3	26	9.7	1	12.5	4	30.8	5	23.8
Unknown .....	9	4.7	4	11.8	6	14.0	19	7.1	1	12.5	4	30.8	5	23.8
<b>TOTAL</b>	<b>192</b>		<b>34</b>		<b>43</b>		<b>269</b>		<b>8</b>		<b>13</b>		<b>21</b>	

\*\* Widowed/Separated/Divorced

APPENDIX III

HIV INFECTION DETECTED IN SA BY RISK CATEGORY 1985-1991

Risk Category	MALE		FEMALE		Total
	No.	%	No.	%	
Homosexual .....	294	65	0		294
Homosexual/IVDU* .....	27	6	0		27
*IVDU (IV Drugs) .....	50	11	19	58	69
Blood Products (Haemophilia) .....	7	2	2	6	9
Other/Unknown .....	73	16	12	36	85
<b>Total</b>	<b>451</b>		<b>33</b>		<b>484</b>

Data on Hepatitis B not available.

\* IVDU—Intravenous drugs users

The honourable member will be supplied with further details, including a regional map and charts, which are not suitable for printing in *Hansard*.

**PUBLIC INFRASTRUCTURE DEPARTMENT**

144. **The Hon. D.C. WOTTON:**

1. What are the reasons for the variation between 1991-92 estimated and actual external funds for provisioning and were there any changes in policy in that year?
2. What funds and amounts were included in the estimated and actual figures?
3. What funds and amounts are in the 1992-93 estimate of \$75.9 million?

**The Hon. J.H.C. KLUNDER:** The replies are as follows:

1. The major variances arose as a result of.
  - (i) No revaluation of additional fixed asset categories was undertaken in 1991-92, for which an amount of \$8 million was included in the budget. Refer page 60 of the Auditor-General's Report, 'During 1991-92, the department decided not to revalue any additional asset classes, following a reappraisal of the basis of its financial reporting'.
  - (ii) The department formally established a provision for Workers Compensation as at 30 June 1992. The total of \$7.9 million, reflects a provision for the cost of outstanding workers compensation claims under the Workers Rehabilitation and Compensation Act 1986, as calculated by the Treasury Department (Actuarial and Insurance Services Branch) and an estimate of claims under the repealed Workers Compensation Act 1971, as calculated by the department.
  - (iii) At 1 July 1992, the department held cash over and above normal working capital requirements to meet the cost of capital carryovers approved from the previous year. At year end the balance of the department's deposit account at the Reserve Bank was returned to a normal working capital requirement.

(iv) This reflects the normal expensing at year end of working account balances pertaining to operational activities.

2 and 3. The external funds from provisioning as per page 142 of the Estimates of Payment and Receipts of 1992-93, comprise the following:

	Estimate 1991-92 \$m	Actual 1991-92 \$m	Estimate 1992-93 \$m
Fixed Asset Depreciation (i)	61.6	54.3	80.3
Plant and Machinery Depreciation	5.3	6.3	5.5
Workers Compensation (ii)	0.0	7.9	0.0
Movement in—			
LSL Provision	1.0	1.5	(9.9)
Deposit Account (iii)	0.0	9.0	0.0
Working Accounts (iv)	0.0	3.3	0.0
<b>Total</b>	<b>67.9</b>	<b>82.3</b>	<b>75.9</b>

**LINEAR PARK**

148. **The Hon. D.C. WOTTON:** What land adjacent to the River Torrens Linear Park will be sold to finance the final section and has consideration been given to the inclusion of that land in the Linear Park?

**The Hon. J.H.C. KLUNDER:** An assessment of land use options for open space areas adjacent to the River Torrens in the Athelstone/Highbury area was conducted in 1990.

This involved a site assessment, landscape analysis and an assessment of the costs and benefits to the community of various land use configurations.

This assessment was done with the objective of implementing the River Torrens Linear Park and Flood Mitigation Scheme in

the Athelstone/Highbury area to achieve the flood mitigation and linear park objectives as defined for the scheme.

As a result of the assessment, the land required for the linear park to meet the scheme objectives was defined in the 'Athelstone and Highbury River Torrens Linear Park and Residential Development—Supplementary Development Plan', which was authorised on 19 March 1992.

The land being disposed of on the south side of the River Torrens is that which is in excess of requirements for the River Torrens Linear Park as defined in the Supplementary Development Plan.

Conversely, privately owned land on the north side of the river is being purchased to add to the Linear Park.

The end result is a net increase of about 5 hectares in publicly owned open space in the Athelstone/Highbury area, now included in that sector of the River Torrens Linear Park.

**URBAN LAND TRUST**

168. **Mr BECKER:** What financial assistance was provided, and to whom and where, for public and community facilities with \$8 000 000 transferred to the consolidated account for the year 1991-92 and \$6 000 000 for the year 1990-91 by the South Australian Urban Land Trust?

**The Hon. G.J. CRAFTER:** During the financial years 1990-91 and 1991-92, the South Australian Urban Land Trust provided financial assistance totalling \$14 000 000 for public and community services, facilities and amenities in new urban areas, in accordance with Section 18 (3) of the Urban Land Trust Act, 1981. The payments were made to the Government's Consolidated Account and were applied to the cost of specified capital projects within the Government's Capital Works Program, as agreed between the Trust and the Treasury. The payments of \$6 000 000 in 1990-91 and \$8 000 000 in 1991-92 were applied towards the actual expenditure in those years in respect of the following projects:

Project	Expenditure 1990-91 \$'000	Expenditure 1991-92 \$'000
Children's Services		
Woodend Pre School	422	Not applicable
Woodcroft Central Pre School	59	480
Education		
Woodcroft Primary	173	2 460
Smithfield East Primary	Not applicable	1 531
Hallett Cove East Primary	1 840	818
Burton Primary	2 173	368
Aldinga Junior Primary	16	716
Stormwater Drainage		
Smithfield Drain IE	Not applicable	391
Evanston Drains 2 & 3	Not applicable	159
Engineering and Water Supply		
Happy Valley Ancillary Works	2 496	3 127
Aldinga Sewerage Scheme	256	293
	7 435	10 343

**BENEFICIAL FINANCE**

169. **Mr BECKER:**

1. What was Beneficial Finance Corporation Limited's involvement in the Seaford Joint Venture on land owned by the South Australian Urban Land Trust and the South Australian Housing Trust?

2. How much was the financial commitment of Beneficial Finance Corporation Limited and who has now taken over that arrangement?

**The Hon. G.J. CRAFTER:** The replies are as follows:

1. The Seaford development is a joint venture between the South Australian Urban Land Trust and South Australian Housing Trust as to 50 per cent with the other 50 per cent held by a consortium of Jennings Group Limited, Kinsmen Seaford Pty Ltd and Beneficial Finance Corporation Limited.

2. The financial commitment by Beneficial Finance Corporation Limited is confidential to Beneficial.

**GOVERNMENT AGENCIES REVIEW GROUP**

181. **Mr S.J. BAKER:** What are the components of the \$130 million in savings from GARG reforms (Financial Statement, page 42)?

**The Hon. FRANK BLEVINS:** In response to the specific question, page 42 of the Financial Statement 1992-93 should be read in conjunction with the third and fourth paragraphs of page 19. The point made is that, while the budget reflects \$130 million in recurrent savings measures, the total figure does not solely comprise savings resulting from GARG reforms.

The recurrent budget savings reflect a real reduction in the allowance for cost increases for goods and services in agency allocations, the requirement for agencies to absorb wage increases through 1992-93, and other specific recurrent budget savings approved by Cabinet including those resulting from the GARG process.

It is important to understand that the budget targets set for each agency for 1992-93 include but do not separately identify the GARG savings measures. These measures assist agencies to achieve the target savings required of them.

The GARG process has facilitated major changes across a range of agencies with the principal objective more efficient and effective performance. An ongoing process of change is underway in agencies such as SACON, SA Health Commission, Primary Industries, Engineering and Water Supply and State Transport Authority with ongoing benefits for the budget.

The change process that has taken place over the two years since the inception of GARG has provided budgetary savings in each of those years and will yield further savings in the period ahead.

**STATE BANK**

210. **Mr S. J. BAKER:**

1. For each loan of US\$50 million or more, what is the breakdown of liabilities totalling US\$3 000 million referred to in the State Bank Report, 1991-92 (page 14) by year incurred, type of borrowing, prevailing interest rate and the term (in years)?

2. What is the breakdown of the \$2 460 million in assets held in New Zealand (page 15) by type of asset and by value?

3. What is the difference between the two tables, which appear to have the same headings on pages 28 and 29?

4. In what years were each of the capital raisings listed on page 55 contracted?

**The Hon. FRANK BLEVINS:** The replies are as follows:

1. I am advised that the US\$3 000 million portfolio of liabilities, referred to in the annual report as being managed by London Office, on behalf of the bank, is composed of three components, namely:

A Euro-Commercial paper funding program (capped at a limit of US\$1 000 million);

A US Commercial paper program (also capped at a limit of US\$1 000 million);

Funding provided from the bank's medium term capital markets program.

These fundraising opportunities are accessed by the bank to ensure that State Bank achieves the lowest comparable cost of funds (while fully hedging any foreign exchange risk) in funding the bank's asset base, which is of course contracting.

Most transactions are for amounts less than US\$50 million and are for relatively short periods with continuing refinancing and rollovers of transactions. Presently five transactions exceed US\$50 million the details of which are as follows:

US\$ Mill.	Year incurred	Term	Type	Prevailing interest rate %
57.5	1990	15 years	Bond	8.25
89.8	1990	7 years	Bond	7.00
50.0	1992	1 month	Commercial paper	4.31
100.0	1992	Less than 7 days	Commercial paper	4.25
78.8	1992	3 months	Certificate of Deposit	3.94

2. I am advised the assets managed in New Zealand set out in the annual report are as follows:

	\$ million
Cash on hand	4.4
Money at short call	40.4
Due from other Banks	0.7
Loans, advances and receivables	765.2
Due from customers and acceptances	76.8
Non-trading investments	278.5
Property, plant and equipment	63.7
Other assets	159.3
Intercompany loans	1 071.6
	2 460.6

Non-trading investments primarily relate to holdings of securities which are not intended for immediate sale but are readily liquefiable if required. Intercompany loans refers to transactions by New Zealand based entities with other State Bank Group entities that are eliminated on consolidation in the accounts of the State Bank Group.

3. I am advised that the annual accounts of the State Bank and its Controlled Entities for the year ended 30 June 1992 on page 29 set out the details of the profit and loss statement for the year ended 30 June 1992. This format shows a comparison between the State Bank itself for the years ended 30 June 1991 and 30 June 1992, and the State Bank Group (the consolidated accounts of State Bank and its Controlled Entities) for the years ended 30 June 1991 and 30 June 1992.

I am advised that the information shown on page 28 has been included to give the reader of the accounts additional information in relation to the profit and loss of the State Bank Group and to provide an abridged balance sheet split between the Core Bank and Group Asset Management Division (GAMD).

Page 28 restates the consolidated profit and loss information split between the Core Bank and GAMD as if the Deed of Amendment and Acknowledgment had been in effect as at 1 July 1991. In addition, page 28 shows an abridged balance sheet as at 30 June 1992 showing the impact on the balance sheet of the split between Core Bank and GAMD.

Further explanations and references to the information appearing on page 28 are made within the financial report on page 18, 'Separation of Group Asset Management Division from Core Bank', the Director's Report on page 26, and in the Chairman's review on page 3 of the report.

4. I am advised that the Capital Market Raisings referred to are raisings of medium and long term debt which took place between 1987 and 1992 which are detailed as follows:

Description	Year	Equivalent AUD \$'000
	Contracted	
14% notes due 1992	1989	36 357
16% notes due 1992	1990	75 275
Yen/AUD payable notes due 1993	1990	51 040
9.25% notes due 1993	1986	110 851
Certificate of deposit due 1993	1990	250 000
Medium Term note issue due 1993	1992	44 786
13% notes due 1994	1991	60 000
15.25% notes due 1994	1989	74 900
Floating rate notes due 1994	1987	500
11% notes due 1994	1991	75 000
14.125% notes due 1994	1990	36 357
6.9% notes due 1995	1990	159 502
10% notes due 1995	1988	84 137
12% notes due 1995	1991	75 000
5.5% Nikkei linked notes due 1995	1988	128 260
13.25% notes due 1995	1990	75 000
Variable coupon notes due 1996	1989	212 669
11% notes due 1996	1991	95 000
9.25% notes due 1997	1991	36 357
Yen/AUD payable notes due 1998	1990	21 267
10% notes due 1998	1991 & 1992	225 000
14.5% notes due 2000	1990	100 000
6% deep discount due 2001	1990	296 573
11% notes due 2002	1992	200 000
10.5% notes due 2003	1992	125 000
		2 648 831

## HERITAGE BRANCH

218. **Mr BECKER:** Why did the Heritage Branch of the Department of Environment and Planning need to be consulted to have two plaques, four badges and the words 'Lest we Forget' added to the City of Henley and Grange War Memorial and what alterations were required?

**The Hon. M.K MAYES:** On 12 May 1992, the State Heritage Branch of the former Department of Environment and Planning was asked by the City of Henley and Grange for advice regarding attachment of service badges and plaques to the front of the Henley Town Hall War Memorial which is an item on the Register of State Heritage Items.

On 27 May 1992 a Heritage Branch representative met with representatives from the Henley and Grange Council and the RSL to discuss the proposal.

Advice from the Heritage Branch suggested a variation to the placement proposed and although there was general agreement at the meeting it was agreed that the RSL representative would further consult with his colleagues before a final decision was taken.

Recent contact between the RSL and the State Heritage Branch suggests that a misunderstanding may have arisen in that the RSL regarded the advice as a directive.

This situation has now been clarified and a further meeting will be held in the near future to finalise the matter which will ultimately be resolved conjointly by the Council and the RSL.

## DIELDRIN

### 222. Mr BRINDAL:

1. Under what conditions, if any, may Dieldrin be used in South Australia, are there any measures for the restriction of usage and do any such controls conform to those of other States and, if not, how do they vary?

2. Has the Government considered compensation to any persons affected by use of the chemical when it was legally applied at the time?

**The Hon. M.J. EVANS:** The replies are as follows:

1. Restrictions on the possession and use of Dieldrin have progressively increased over the past 4-5 years. From 1 July 1988, legislation under the Controlled Substances Act prohibited the sale of Dieldrin to the general public and restricted its sale to licensed pest control companies only. At about the same time, the registered uses of Dieldrin were amended to prohibit its use in agriculture, its only permitted use being soil treatment to control subterranean termites, except in Queensland, where it was still permitted for control of soldier fly in sugar cane production.

In 1989, production of Dieldrin ceased and stocks of the product dried up over 1990 and 1991. In May 1992, Dieldrin became subject to Section 22 of the Controlled Substances Act which made it illegal to possess the product unless licensed to do so by the Health Commission. No licences for possession have been issued.

There are therefore currently no approved uses for Dieldrin in South Australia. The position is essentially the same in all other States, including Queensland where its use for soldier fly control was withdrawn about 18 months ago.

2. The Government has not considered compensation to any person in the general community when the chemical was used legally. The South Australian Health Commission is unaware of any instances of Worker's Compensation being granted.

## EDUCATION GRANTS

225. **Mr BECKER:** What grants are to be given to educational associations and organisations this financial year, how do they compare with the previous year and what is the reason for any reduction or increase?

**The Hon. S.M. LENEHAN:** The reply is as follows: Grants to educational associations and organisations in 1992-93.

Education Department—see attached schedule.

Minister of Education—Miscellaneous  
(prior to adjustments to appropriations)

- (a) Australian Council for Educational Research
  - 1992-93—\$64 900
  - 1991-92—\$61 250
- Australian Education Council
  - 1992-93—\$48 567
  - 1991-92—\$48 773

The above education associations/organisations are funded on the basis of a State/Commonwealth formula and any variation is due to this calculation.

- (b) Australian Children's Television Foundation
  - 1992-93—\$36 700
  - 1991-92—\$36 300
- Family Life Movement
  - 1992-93—\$74 500 (base) \$7 000 (one-off)
  - 1991-92—\$73 800 (base) \$12 200 (one-off)
- Specific Learning Difficulties Association
  - 1992-93—\$38 000
  - 1991-92—\$37 500
- Women's Studies Resource Centre
  - 1992-93—\$25 000
  - 1991-92—\$24 700

- Adelaide Festival Centre Trust
  - 1992-93—\$51 200
  - 1991-92—\$50 700

- Ethnic Schools Association
  - 1992-93—\$6 300
  - 1991-92—\$6 200

- Federation of Parents & Friends Association of SA, Catholic Schools
  - 1992-93—\$8 200
  - 1991-92—\$8 100

- Independent Schools Parents Council of SA
  - 1992-93—\$4 050
  - 1991-92—\$4 000

- SA Association of State School Organisations
  - 1992-93—\$23 050
  - 1991-92—\$22 800

The above educational associations/organisations received an increase in base funding of approximately 1 per cent, in line with the increase in the 1992-93 Estimate for 'Grants to Other Organisations'.

- (c) SA Association of School Parents' Clubs
  - 1992-93—\$18 500
  - 1991-92—\$22 400

The 1991-92 grant included one-off funding of \$5 800 and base funding of \$16 600. During June 1992 the Association of Junior Primary Parents Clubs of SA joined the SAASPC; the AJPPC received base funding of \$1 500 in 1991-92.

The 1992-93 grant is a combination of the 1991-92 base grants for the SAASPC and AJPPC, plus a 1 per cent increase.

- South Australian Institution for the Deaf and Blind
  - 1992-93—\$29 885
  - 1991-92—\$29 300

The yearly grant is based upon an agreed lease formula which relies on the Adelaide CPI All Groups Index figure.

- (d) The following one-off grants to educational associations/organisations have been made to date.

- Greek Orthodox Youth Conference—\$1 000
- One and All—\$2 000

- SA Aboriginal Education and Training—\$320
- International Council of Women—\$2 500
- Australia-Lithuania Exchange—\$400
- National Children's Week—\$2 130

- (e) The following associations/organisations will receive funding as per the Estimate of Payments and Receipts 1992-93.

Consultative Committees:

- Non-Government Schools Advisory Committee
- Non-Government Schools Registration Board
- Non-Government Schools Joint Planning Committee
- Ethnic Schools Board
- Special Education Consultative Committee
- Ministerial Consultative Committee
- Ministerial Advisory Council—SACE
- Multicultural Education Co-ordinating Committee

Non-Government Schools Per Capita Grants;

The total allocation for 1992-93 is \$49 741 000 (\$49 825 000 1991-92). The reduction is a reflection of the decrease in expenditure on certain Education Department programs in 1991-92; the programs are included in the formula calculation.

Special Schools:

Commonwealth funding totalling \$1 279 000 is available in 1992-93. This Commonwealth contribution was previously included under Education Department—Program 6, and is to be targeted towards intervention support.

State funding totalling \$2 432 000 is available in 1992-93 (\$2 108 000 1991-92). The increase reflects inflation plus \$300 000 State allocation to cover reduction in Commonwealth funding.

Senior Secondary Assessment Board of South Australia:

The total 1992-93 funding is \$7 130 000 (\$6 524 000 1991-92). The funds cover operations costs and the SACE program. The increase in funds can be attributed to three factors:

- the Treasury inflation allowance
- increased student numbers
- full year effect of SACE Stage 1 moderation.

Multicultural Grants:

Commonwealth funding totalling \$389 000 is available in 1992-93. The Commonwealth contribution was previously included under Education Department—Program 14.

State funding totalling \$502 000 is available in 1992-93 (\$490 000 1991-92). The increase is due to an \$11 000 increase in funds available to Ethnic Groups (based on anticipated enrolments) and a \$1 000 increase in funds available for Overseas Language Teachers Scholarships.

GRANTS TO EDUCATIONAL ASSOCIATIONS AND ORGANISATIONS

Grantee	1992-93 Estimated \$	1991-92 Actual \$	Comments
Land Care S.A.	2 000	0	
National Project Quality Teaching and Learning	27 854	32 000	Grant based on number of teachers FTEs.
Child Adolescent and Family Health Service	74 000	37 000	1992-93 grant represents full year's cost.
Tea Tree Gully Community Health Services	7 248	7 175	Inflation adjustment.
Health Development Foundation	242 000	238 100	Inflation adjustment.
Autistic Children Association	303 000	303 000	1993 grant to be determined.
Odeon Theatre	56 000	60 000	1991-92 grant represents base grant of \$55 000 plus \$5 000 one-off grant
Australian Council for Research Ltd	2 700	0	
Australian Education Council (Education Communication Framework)	7 635	0	
Principals' Associations	5 555	5 500	Inflation adjustment.
Senior Secondary Assessment Board of S.A.	5 000	3 000	Inflation adjustment, grant not adjusted since 1988.
Australian Schools Sports Council	12 209	11 970	Inflation adjustment.
S.A. Primary Schools Amateur Sports Association	11 025	11 025	
South Australian Secondary Schools Sports Association	17 850	17 850	

Grantee \$	1992-93 Estimated	1991-92 Actual \$	Comments
Centre for Performing Arts	2 000	2 000	
Carclew (Artists in Schools)	26 500	26 500	
S.A. Science Teachers Association	10 000	10 000	Base grant
Pitjantjatjara Yankunytjatjara Educational Council	50 000	50 000	Base grant
S.A. Association of State School Organisations	3 000	3 000	Base grant
S.A. Association of School Parents clubs	3 000	3 000	Base grant.
AIDS Program			
Catholic Education	30 000	30 000	} Level of grants depend on the number of workshops conducted.
Family Planning Association	7 000	15 260	
Child Adolescent and Family Health Service	15 000	12 042	
AIDS Council	4 000	2 000	
Various Professional Associations			
Agriculture Teachers Association	0	6 160	} 1992-93 grants yet to be determined.
Australian Association for Environmental Education	0	2 634	
Australian Association of Career Counsellors Inc.	0	3 000	
Australian Association of Special Education	0	3 000	
Business Education Teachers Association of S.A.	0	3 000	
Combined Association of Social Sciences	0	10 000	
Early Childhood Organisation	0	2 008	
Early Childhood Organisation and UP Princ. Association	0	1 556	
Economics Teachers Society	0	700	
Education of Girls and Female Students	0	5 000	
English as a Second Language Teachers	0	3 640	
History Teachers Association	0	1 000	
Legal Education Teachers Association	0	1 000	
Mathematics Association of S.A.	0	5 912	
Outdoor Educators Association of S.A.	0	1 500	
Port Augusta and District Aboriginal Educators	0	2 668	
Primary Mathematics Association	0	4 840	
S.A. English Teachers Association	0	12 236	
S.A. Association for Drama in Education	0	4 220	
S.A. Association for Media Education	0	880	
S.A. Science Teachers Association	0	21 986	
S.A. Visual Arts Education Association	0	3 000	
School Library Association of S.A.	0	5 720	
Social Studies Teachers Association of S.A.	0	5 000	
Technology Teachers Association	0	8 558	
Australian Council for Health, Physical Education and Recreation	0	5 000	
<b>Total</b>	<b>924 576</b>	<b>1 004 640</b>	

### LEUKAEMIA

227. **Mr BECKER:** Is there an increase in the number of persons residing in the western suburbs of Glenelg North, Richmond, West Richmond, Cowandilla, Mile End, Thebarton, Torrensville, Brooklyn Park and Lockleys with leukaemia and, if so, why?

**The Hon. M.J. EVANS:** It has not been possible to look specifically at the group of suburbs listed because the information is analysed by postcode rather than by suburb. However a very similar group of suburbs has been identified and during the period for which adequate data are available, i.e. 1977-1991, the incidence of leukaemia in those suburbs is not significantly different from the rest of the State.

### ADELAIDE AIRPORT

228. **Mr BECKER:** What studies and surveys have been conducted into the health of residents under the flight paths of Adelaide Airport in the past three years and, if none, why not?

**The Hon. M.J. EVANS:** The Public and Environmental Health Service of the South Australian Health Commission is not aware of any studies or surveys into the health of residents under the flight paths of Adelaide Airport in the past three years.

However, in the mid-1980s, concerns of adverse effects of aircraft noise around Adelaide Airport on school children led to a study by the Education Department, with assistance from the Epidemiology Branch of the South Australian Health Commission. This study focused on children's educational

performance as a marker of adverse effects. Health data would have been difficult to obtain, but as data on adverse outcomes of pregnancy was available, a limited study was undertaken on this aspect. No association with rates of low birth weight or congenital defects was found.

It is suggested that one possible reason for the absence of such studies is the fact that it has, to date, been difficult to rule out other contaminating variables. For example, the effects of aircraft noise in relation to hypertension, stress-related disorders, adverse outcomes of pregnancies and hearing loss have been investigated at Heathrow, Los Angeles and Amsterdam international airports, but even with the high noise levels associated with those airports, it has been extremely difficult to prove causal relationships scientifically.

### SPEED DETECTION DEVICES

231. **Mr BRINDAL:** What are the road traffic statistics for the period in which speed detection devices were withdrawn from service and in particular, how many accidents were recorded, how many fatalities occurred, how many incidents were there of bodily injury and what was the extent of damage to property by number and by value of each case?

**The Hon. M.K. MAYES:** The Police Department has been performing speed surveys on selected roads since speed cameras were introduced, and indeed a survey was in operation for the period 23 October 1992 to 25 October 1992.







the Australian Standard, governing the operating of the units in respect to site location.

2. The operating principles of the hand-held speed detection units rely on the Doppler shift principle. It emits an electromagnetic wave at a fixed frequency and is capable of displaying speeds of both approaching and receding vehicles. The radar beam strikes a vehicle and is returned to the transmitting unit at a different frequency. The unit senses this change in frequency and converts it to a speed which is then displayed. The unit's effective range is up to 1 000 metres. The speed of the beam cannot be controlled. The beam emitted is cone shaped, the base width being 10-12 per cent of the length, that is, at 1 000 metres the beam base is approximately 100-112 metres wide.

### BICYCLES

#### 236. Mr BECKER:

1. What action is the Government prepared to take to ensure that bicyclists do not ride two abreast on roads and, if none, why not?

2. How many cyclists have been fined for not wearing a safety helmet since the waiver period expired?

3. How many cyclists have been fined for running red lights and riding on the footpath and riding without lights in the past 12 months?

4. What action is the Government prepared to take to ensure that cyclists do not breach these laws and, if none, why not?

**The Hon. M.K. MAYES:** The replies are as follows:

1. The Road Traffic Act currently allows bicyclists to ride two abreast on roads and there are no plans to amend the legislation.

2. The waiver period for bicyclists not wearing safety helmets ended on 25 September 1991. Since that date and until 30 June 1992, 5 039 bicyclists have been issued infringement notices for failing to wear safety helmets.

3. This data is not readily available and the provision of such information would require an expensive computer extraction followed by a long labour intensive manual compilation.

4. As part of its strategic planning, the Police Department has for the past two years conducted specific traffic law enforcement campaigns aimed at bicyclists. The last campaign occurred between 17-23 September 1992 and was accompanied by a high level of media publicity. During the course of the campaign 135 bicyclists were issued infringement notices for failing to wear safety helmets and 317 were cautioned. Additionally, police patrols are asked to encourage safe riding practices whenever possible on an ongoing basis.

### SPEECH THERAPISTS

238. **Mr VENNING:** How many speech therapists are employed by the Education Department, what criteria are used to determine how many should be employed and how is it decided where they are to be placed?

**The Hon. S.M. LENEHAN:** The Education Department currently employs 25 speech language pathologists. The number and placement of these staff is currently based on the submission put to the Government Agencies Review Group in which the speech language pathologist positions were allocated to the Teacher and Student Support Centres (TASS). Speech pathologist allocations are negotiated between TASS Managers based on relative demands for their services, e.g. Special Classes for Language Disordered Children where a slightly larger staff allocation is required or in country areas where consideration must be given to the distances involved.

### THEBARTON FIRE STATION

249. **Mr BECKER:** Does the Metropolitan Fire Service propose to relocate the Thebarton Fire Station and, if so, why, to what location and at what estimated cost?

**The Hon. M.K. MAYES:** The replies are as follows:

1. Yes.

2. The relocation is consistent with the Cox report recommendations which determined preferred station locations based on acceptable emergency response times for fire service vehicles. The existing station is poorly sited, inadequate for existing fire appliances and provides inappropriate accommodation facilities.

3. The preferred location has been determined as being within the Brooklyn Park area.

4. Based on existing contracts, the cost including land and two bay station is approximately \$1.25 million.