HOUSE OF ASSEMBLY

Wednesday 13 November 2013

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:01 and read prayers.

NATURAL RESOURCES COMMITTEE: UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT ACT REPORT 2012-13

The Hon. S.W. KEY (Ashford) (11:03): I move:

That the 87th report of the Natural Resources Committee, entitled Upper South East Dryland Salinity and Flood Management Act 2002 Report July 2012-June 2013, be noted.

Members of this house will be aware that the bill to extend the life of the Upper South-East Dryland Salinity and Flood Management Act (otherwise known as the USE Act) was defeated in parliament in late 2012. Consequently, the act has expired. Management of the drainage and flood mitigation infrastructure and associated programs has devolved into the South Eastern Water Conservation and Drainage Board under the South Eastern Water Conservation and Drainage Act, with the Department of Environment, Water and Natural Resources retaining an oversight role.

Another bill, the South East Drainage System Operation and Management Bill (SEDSOM Bill) was introduced into parliament in October 2012. This bill would have repealed the South Eastern Water Conservation and Drainage Bill and enabled future infrastructure projects, including the South East Flows Restoration project. However, the SEDSOM Bill has yet to be passed by parliament. The South East Flows Restoration project includes the controversial drain connecting the Lower South-East scheme to the Upper South-East scheme to restore natural flows to the Coorong. The drain is opposed by neighbouring landowners, who believe it will exacerbate their problems of highly saline and alkaline water entering wetlands.

The member for Mount Gambier, who is also a member of the Natural Resources Committee, proposed amendments to the SEDSOM Bill in late 2012 to enable a staged development of the restoration project. These amendments were supported by the house, but the bill itself was defeated, mainly due to the concerns about the proposed route of the new drain. What the defeat of the USE extension bill means for the SEDSOM Bill is unclear at this present time, as is the future of the new drain proposed under the restoration project.

DEWNR ceased providing quarterly reports to the Natural Resources Committee at the end of 2012 but stated it would continue to provide informal briefings as and when required. Operation and maintenance of the existing drains and floodways, will be continued by the drainage board. Provisions in the USE Act relating to compensation for landholders affected by the construction of the drains and floodways continue until all claims are settled.

In the meantime, the committee has maintained its watching brief over the program, and I am pleased to inform members of the House of Assembly that, following significant rainfall this winter, fresh water was released into the West Avenue Watercourse, filling the Parrakie Wetlands. I do qualify this news with a caution that it is the first significant watering event for the wetlands in five years and, without regular wetting events in future, the ecology of the wetlands will be compromised.

When I presented the USE Act Annual Report to the house last year, I said the committee had formed the view that it was too early to decide whether the Upper South East Dryland Salinity and Flood Management Program was a success. Now that a successful watering event has finally been possible for the West Avenue wetlands, I believe there may yet be hope for the program and it is on a positive note that I note this report of the Natural Resources Committee on the Upper South East Dryland Salinity and Flood Management Act.

I would like to acknowledge the valuable contribution of the committee members during the year. The member for Frome, the member for Torrens, the member for Little Para, the member for Mount Gambier, the member for Stuart, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, the Hon. Russell Wortley MLC and the Hon. Gerry Kandelaars MLC have all worked together and I look forward to the continuation of this spirit for the coming year. I would finally like to thank the members of the parliamentary staff for their assistance.

There has been some discussion behind the scenes, because this is such a complicated and difficult area, and the Hon. Robert Brokenshire, I am sure, will not mind me quoting his

suggestion that, in their retirement, the members for Giles and Torrens perhaps become commissioners in this area to overlook the future of the drains in the Upper South-East. I commend this report to the house.

Mr PEGLER (Mount Gambier) (11:07): I rise to speak on this excellent report. As most members should be aware, the South-East is the food bowl of South Australia, particularly with our dairy and potato crops, beef, lamb and wool and, of course, our immense forest industry.

The Hon. L.W.K. Bignell interjecting:

Mr PEGLER: None of these industries—including tourism—would have been possible without the drainage that the South-East has had and that has been going since about the 1860s. The unfortunate part about the whole drainage scheme is that there is no way that either the government of today or the opposition have come up with a future management plan and a future investment plan for the whole of the South-East as far as drainage is concerned.

We have a situation where the government is suing landowners for the non-payment of levies and then we also have a situation where landowners are suing the government for some of the drains that have actually flooded them out. There is a great problem there. We also see where some of the drains have been built and, instead of taking fresh water into some of the wetlands we have, they have actually taken salt water into those wetlands and completely ruined the wetlands that have been very good in past times.

There was also a proposal from the government to take good water from the Lower South-East up into the Coorong. I was completely against that and, as far as I am concerned, the good water in the South-East should be first of all used to recharge our very good aquifers, then excess water can go out to sea or into the Coorong. However, regarding upper South-East dryland salinity, where they have drained the salt water from those lands into the Coorong has been a great initiative and it has restored a lot of valuable agricultural land, and that land is much more productive today than it has been in the past.

Many drains need a lot of work right throughout the South-East, and I have not been able to see any plans on how those drains will be fixed. Of course, there are about 1,200 bridges right throughout the South-East that all need work and on some of those bridges you can no longer take some of the trucks that we have. We have roads that those trucks cannot drive down to cart the produce off those farms, so it is just a complete shemozzle as far as I am concerned.

The recommendation from the report is that a full inquiry be held into the whole of the South-East drainage scheme, including the Upper South East Dryland Salinity and Flood Management Scheme. That inquiry should have an assessment of whether the environmental impact statement for each scheme accurately envisaged final schemes as constructed and their impacts both positive and negative; a benefit/cost analysis of the schemes taking into consideration total expenditure and total estimated benefits, focussing on agricultural production; an assessment of long-term maintenance costs of the schemes and whether it is likely there is sufficient funding to provide for this maintenance via the current levy provisions and other funding sources that may be available from state and federal governments

The inquiry should have an assessment of whether the compensation program for the Upper South East Dryland Salinity and Flood Management Scheme has been successful, given reported multiple legal cases instigated both by landowners and the state government; an assessment of whether the environmental program for the Upper South East Dryland Salinity and Flood Management Scheme has been successful in offsetting the loss of the original wetland ecosystems caused by the implementation of the scheme; an assessment of whether the estimated additional volume of water proposed for the Coorong through the diversion of water from the Lower South-East warrants the completion of the South East Flows Restoration Project, currently on hold due to the lack of support to enabling legislation in the South Australian parliament for which 50 per cent of the funding had been promised by the commonwealth contingent on matching funding from the state government; and recommendations for the state government for future action, including possible funding mechanisms for maintenance and further infrastructure, new legislation and governance arrangements for ongoing management, maintenance, new works and compensation to landholders.

As far as I am concerned, we need a full analysis of the whole of the South-East drainage scheme to ascertain how effective it has been, where these mistakes have been made and how we can fix those mistakes. We have to do a forward budget on what it is going to cost both to maintain

and improve the whole scheme right throughout the South-East and also investigate how we can put some of that good water back into our aquifer, rather than having it wasted going out to sea.

As far as I am concerned, then there should be a coinvestment by the government and landholders in the South-East. I think all of the South-East benefits from this scheme but we must also bear in mind that the whole of the state of South Australia benefits so greatly from the South-East. A classic example is that you would never have had the Adelaide Oval if you could not have sold the forests, so as far as I am concerned the state should make some contribution and the people of the South-East should make a coinvestment contribution.

I will be pushing for that inquiry very strongly. I believe that inquiry should be independent of government so that somebody can look at the whole thing. It is not about apportioning blame; it is about finding solutions. I hope that the parliaments in the future can support having an inquiry of that type done.

Mr PEDERICK (Hammond) (11:14): I rise to speak to the Upper South East Dryland Salinity and Flood Management Act 2002 Report, July 2012-June 2013. As has been put by members, there has been a long history of drains in the South-East, and there are conflicting points of view on how well they have operated and, especially in latter years, on how well they have been managed. Most of that has been in regard to some of the newer drains that have been either proposed or put in and the way that the funds to manage the construction and maintenance of those drains are levied against landholders.

The history of drains in the South-East has certainly opened up thousands of hectares of land to agricultural production, but, as I said, there are some different points of view on whether some specific drains should have been where they were. In an historical context, I want to speak about Murray McCourt and what he did near Robe with the Woakwine Cutting. Some of the history of the Woakwine Cutting that opened up a lot of the McCourt country down there involved the South Eastern Water Conservation Drainage Board, which drew up plans for the proposed channel, but they were never adopted. I note that Mr McCourt decided to take a calculated risk to build an almost perpendicular cutting—and it is quite a cutting to see if you are ever in that region.

Prior to this, a drainage channel of this depth had never been attempted in Australia, so there could have been a lot of problems in the construction. Murray and a workman did this job 24 hours a day. They used a new, at the time, Caterpillar D7 crawler tractor, complete with a double drum winch and a bulldozer blade; a second-hand seven-tonne Le Tourneau carryall scraper of 11-yard heat capacity, which was cable operated; and a second-hand Le Tourneau drawn ripper, which was cable operated and weighed about 10 tonnes.

The work started way back in May 1957, and the material was carried from the cutting by the tractor-drawn carryall scraper. They disposed of the soil in a deep gully not far from the cutting, and then some of the soil was dumped along the total length of the drain on the southern side. Some small charges of gelignite were used to build some of this. The completion of the cutting—this mammoth operation—was not completed until May 1960, which was two weeks under the target of three years, so it was very visionary for this farmer and his staff to take this on. At this time, there was a considerable build-up of water in a swamp and it was decided to remove the bar that was keeping it out and let it flow through to the lake.

It was quite a massive construction, and here are some vital statistics in regard to the Woakwine Cutting: it is one kilometre long; it is only three metres wide at the bottom; at the top, it is 36.57 metres wide; and, at the deepest point, it is 28.34 metres. The D7 did 5,000 hours in completing this task and removed over 361,000 cubic yards of material. The total length of the channel was approximately eight kilometres. That was just one channel that was dug to drain the South-East. It is noted that around Salt Creek Tom Brinkworth did some work not that many years ago with some big scrapers opening up channels there.

A lot of the drains go back many decades in the South-East. Certainly, you note that in the dry times there is not much water at all in them, but I think they have assisted with the growth of the South-East as a productive area and certainly with the financial viability of making things work because it can get quite a bit wetter than where I am at Coomandook in the mid to lower South-East. In regards to the recommendations, I note that the lead recommendation is:

> The Natural Resources Committee recommends that the Minister for Sustainability, Environment and Conservation write to the Federal Parliamentary Secretary to the Minister for the Environment requesting that the Productivity Commission undertake an inquiry into the South East Drainage and Upper South East Dryland Salinity and Flood Management schemes.

The inquiry should work on issues surrounding an environmental impact statement for each scheme to see how they were constructed and to see what impacts these schemes had, both positive and negative, and it should also include 'a benefit/cost analysis of the schemes taking into consideration total expenditure and total estimated benefits'. I have also just recently mentioned in my contribution about the benefits for agricultural production.

There are issues around maintenance of the scheme, and also issues to deal with in regard to a compensation program with the schemes, and assessment of whether the environmental program has been successful in offsetting the loss of some of the original wetland ecosystems that was caused by the implementation on the scheme. I note what the member for Mount Gambier said about the water from the Lower South-East that may be channelled through to the Coorong, and I note that recommendation 6 is:

> An assessment of whether the estimated additional volume of water proposed for the Coorong through the diversion of water from the Lower South East warrants the completion of the South East Flows Restoration Project, currently on hold due to lack of support for enabling legislation in the South Australian Parliament for which 50% funding had been promised by the Commonwealth contingent on matching funding by the State Government;

I think that is something that certainly needs to be investigated. The health of the Coorong—and this reflects back on the River Murray—is uppermost in my mind. I do note the comments by the member for Mount Gambier, who is obviously concerned about the Lower South-East, that their groundwater does not suffer as a result and that his area, and that of the member for MacKillop, does not suffer as a result if this scheme to transfer these waters into the Coorong goes ahead.

Certainly, as the member in this house who represents the lower reaches of the River Murray, I would certainly want a full investigation into what could be the benefits of this water reaching the Coorong. We only have to witness what happened in the recent drought on how much salinity was not only in the River Murray and the lakes (Lake Alexandrina and Lake Albert, which is still suffering from high salinity loads), but also the high saline content of the southern and northern lagoons in the Coorong. I also note the last recommendation is that the state government take further action:

> ...including possible funding mechanisms for maintenance and further infrastructure, new legislation and governance arrangements for ongoing management, maintenance, new works and compensation to landholders.

I think that will be one of the bigger things for parliament to work through. As I said earlier in my contribution, there are mixed feelings about some of these drains, especially about some of the newer ones and who will pay for the scheme. I know that there were land access issues with getting on to people's property and that kind of thing, and whether people thought that some of these newer drains were going to be a benefit. So, I think there has to be a lot of work and a lot of full consultation with whoever is in power in this place to make sure that we get the right outcome as far as the Upper South-East drainage scheme is concerned.

Motion carried.

NATURAL RESOURCES COMMITTEE: MOUNT LOFTY RANGES FIRE MANAGEMENT

The Hon. S.W. KEY (Ashford) (11:24): I move:

> That the 89th report of the committee, on Prescribed Burning Fire Management in the Mount Lofty Ranges—Fact Finding Visit 7 June 2013, be noted.

The Natural Resources Committee has maintained an interest in fire management in the wake of the 2009 inquiry into bushfires. This inquiry produced an interim report, tabled in November 2009, followed by a final report, tabled in July 2011. Since then, the Natural Resources Committee has requested regular updates on bushfires and undertaken a number of fact finding visits. A previous fact finding visit to Mitcham Hills on 17 February 2012 with the member for Davenport considered areas of high fire risk.

The committee prepared a report based on the evidence collected that day, which was tabled in September 2012. The committee received a further briefing at Parliament House from officers of the Fire Management Branch of the Department of Environment, Water and Natural Resources on 12 April, where the committee members were invited to view a prescribed burn. While conditions did not eventuate to allow members to visit the actual burn, members were able to visit the Black Hill Fire Operations Centre and view sites recently burnt and subject to future prescribed burns in and around the Cleland Conservation Park on 7 June 2013.

The aim of prescribed burning is to reduce fuel loads in the parks, reserves and other public lands. Members heard that, in recent years, DEWNR has been largely successful in

reducing the incidence of large destructive fires by implementing a schedule of prescribed burns that build a mosaic of vegetation of differing age and density within a whole-of-landscape context. This mosaic reduces the chance of a bushfire spreading to neighbouring residential areas and farmland. Reduced fuel loads lower the intensity of a bushfire and also the likelihood of spot fires, which are caused by embers igniting bark and thick understorey vegetation. The mosaic pattern burns also benefit wildlife, stimulating new growth and producing a range of different habitats.

Committee members were impressed with the knowledge and experience of the department officers responsible for preparing fire management plans for the state's eight NRM regions and implementing the prescribed burning program. It is acknowledged that, even with appropriate safeguards, some mistakes could be made and prescribed burning operations could go wrong. Some burns have clearly broken through control lines; however, it was clear that in the majority of cases (97 per cent, we were told) prescribed burns were successful in reducing bushfire risk and increasing biodiversity.

Members heard that some residents are opposed to prescribed burns because they consider the ecological and aesthetic impacts to be greater than the benefits of reduced fire risk. The department has responded to such opposition through community engagement, the success of which was demonstrated to the committee members at Crafers West, where initial opposition was extinguished, so to speak, once residents witnessed the benefits of a textbook low intensity prescribed burn. This burn cleaned up the country, left native vegetation intact, increased biodiversity and removed bark, weeds and excess fuel loads. More of these highly visible demonstrations seem certain to improve community acceptance of prescribed burning over time.

I would like to acknowledge the valuable contribution of the members during these years: the member for Frome, the member for Torrens, the member for Little Para, the member for Mount Gambier, the member for Stuart, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, the Hon. Russell Wortley MLC and the Hon. Gerry Kandelaars MLC. We have all worked well together and I continue to look forward to the spirit of cooperation that our committee has.

I would also like to make special mention of the member for Davenport, the member for Fisher and the member for Bragg, who have shown great interest in this area and have not only come to some of the fact-finding visits that we have undertaken but also offered a lot of information and advice to our committee. I would particularly like to thank, on behalf of the members of the Natural Resources Committee, the parliamentary staff for their assistance. I commend this report to the house.

Mr GOLDSWORTHY (Kavel) (11:29): I am pleased to be able to rise in the house this morning to speak to the report of the Natural Resources Committee, entitled 'Prescribed Burning Fire Management in the Mount Lofty Ranges—Fact Finding Visit 7 June 2013'. I understand that the committee has taken interest in fire management since 2009—some four years ago. Prior to discussing the contents of the report and making some comments in relation to the conclusions and the like, it goes to the point that we have previously debated in this house—and it is before the house at the moment—in relation to the establishment of a natural disasters parliamentary committee that the member for Davenport has brought to the parliament.

The Natural Resources Committee has been dealing with this issue for four years and prior to that as the chairman (the member for Ashford) has indicated. It goes to the fact that there is a real need to establish a separate committee—the natural disasters committee—as pointed out by the member for Davenport. This side has strongly argued in favour of that proposition, given that bushfire management and the risk (and all of the associated issues that go with that) is a major issue each and every year that this state faces.

Particularly in the electorate of Kavel (which I continue to have the privilege to represent in this place), every year bushfire risk and management comes to the fore around late spring when things are starting to dry off and the weather is getting warmer. When grasses and vegetation start to dry off, it comes to people's attention that bushfire management, risk and control and all of those associated issues are very important.

Perusing the report, it appears that there was quite a reasonable level of investigation and it covers many topics. The report is 42 pages long. The most important aspect of these reports are the conclusions that committees come to in relation to undertaking these investigations and tabling a report here in this place. In terms of prescribed burning—cold burning, cool burning or whatever you like to call it—I think it is a vitally important initiative.

As the chairman of the committee (the member for Ashford) has stated and advised the house, the department and those agencies responsible for these actions do it in a mosaic fashion. They do not go into a particular national park or conservation park (or whatever the public land is) with a blanket approach where they burn 1,000 hectares or 500 hectares in one hit. In some areas that is probably not a bad approach, but we are not here to discuss that today.

I understand the science behind mosaic burning and I have had some briefings from the department over the years about it so I understand the science. However, we are not necessarily convinced—and the member for Bragg raises this issue as the shadow minister for emergency services on a fairly regular basis—that enough is achieved in relation to the percentage of public land that is burnt in this manner.

The member for Bragg may like to make some further comments—I leave that up to her if she so wishes—but I do hear the member for Bragg regularly raise these issues where there is not enough taking place on the actual physical area of land. But it is a measure to reduce risk, and we accept that. It is proven that where there has been what is called 'a good hot burn', where climatic conditions and the state of the vegetation are such that you get a good hot burn, and the level of fuel is reduced significantly, that these are valuable measures to reduce the risk.

I have looked through the report and I have noticed some examples of where controlled burns have taken place in some of the parks, and made a comparison to the reduction in fuel load where the prescribed burning has taken place, compared with where there has not been any significant fire or fuel reduction measure in the same park for many years, since Ash Wednesday in 1983, and I noted with concern that there is an estimate of 25 tonnes of material per hectare.

I think it is concerning that there is that level of remaining fuel load in these parks in the hills, in one of the highest bushfire risk areas in the world—not just in the state or the country but in the world. The Mount Lofty Ranges is regarded as one of the highest bushfire risk areas in the world, and we see those devastating fires that take place in California and in the southern parts of Europe as well—in North America and in Europe—but we here in South Australia face a similar level of risk.

I refer to the conclusions, particularly in 3.2 entitled 'Landholder responsibility to reduce fuel loads on their properties'. This is a very important aspect of this whole issue. I attended a briefing last sitting week together with some of my colleagues, which was hosted by the Hon. Michelle Lensink in the other place. We had the Chief Officer of the CFS, Greg Nettleton, another senior officer from the CFS, Leigh Miller, and other officers from the CFS came and briefed us and it was very informative—some good information was communicated to us particularly in relation to what landowners should be doing to reduce the risk to their properties from a fire event.

I have lived in the Adelaide Hills pretty much all of my life. There was a period of time where I was transferred to different parts of the state with my employment but I have pretty much lived in the Adelaide Hills all my life. I have witnessed firsthand the devastation that Ash Wednesday brought on the various communities, particularly the Adelaide Hills community. I really think the whole issue of communicating to the community the need for them to take some responsibility is an ongoing process, and I do not think that work will ever end.

The report refers to this at 3.4—'Advice to prospective purchasers of property in bushfire danger areas', because properties turn over, and are bought and sold in the Adelaide Hills district, and new residents move in, and it is understandable that they do not necessarily fully appreciate the risks that are before them in relation to bushfire threats. We see an example of that with the further developments taking place in and around Mount Barker, and the local CFS brigade has raised some concerns in relation to the capacity and ability to manage emergency services events as a consequence of the further development in that township.

Time expired.

Members interjecting:

The SPEAKER: It is helpful that members behave like a soccer crowd advising the referee that the time is up. Thank you. The member for Bragg.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:39): Thank you, Mr Referee. I rise to speak on the Prescribed Burning Fire Management in the Mount Lofty Ranges Fact Finding Visit report from the Natural Resources Committee. I thank the Chair and her committee for the work they have undertaken on this important matter.

In relation to a number of the conclusions that the committee has reached, I applaud the continued expectation of landholder responsibility to reduce fuel loads on properties. Just this week I had a letter of complaint from someone in my electorate, which covers a part of the Mount Lofty region, that yet again this year a massive fuel load has been accrued on a property adjacent to this particular constituent. The owner of that property does not reside there. There is no effort on an annual basis to clear it, so she has to go through the painful process of having to call on the local council representatives to issue the notices and so on.

The expansion of the capacity to be able to issue notices is there and available, and it ought to be utilised. Indeed, the extension of the definition of what is flammable vegetation, from a briefing we recently had from the CFS here at the parliament, confirms that there is opportunity to deal with that. I urge those who are responsible to get on and do it. It seems, from what we hear in feedback, that some of the councils do not have the personnel or the funding to do it.

We have gone through this absurd period, sadly, where the NRM was taking on responsibilities here and not the council, not just for the prescriptive regulation but also for the undertaking of responsibility of duties. It developed to a situation where nobody was taking responsibility. I think there has been a bit of a turnaround. I applaud those agencies that are doing the work in this regard and commend the committee for endorsing a continuation of it.

In regard to the development issues and the expansion of allowing persons or their property to really claw into the native vegetation regions, the dangers are obvious. To be frank, it concerned me to read in this report that some of the information that was given was from people who rejected the concept of prescribed burning, which was the management tool under consideration by this committee. They gave evidence suggesting that this was not an effective tool. Frankly, if people who take that view want to live in this area as residents and therefore do not responsibly manage their own properties then, rather than just getting high insurance and making everyone else's insurance premiums around them unaffordable, they should get out and not live there.

I am sick of reading in reports—and this is no reflection on the committee—that there are people who are presenting, in direct contradiction of what is clearly the position of even the departments of environment, primary industries and our emergency services people, who understand the benefit of prescribed burning.

Let me say this as an alternative: if that person or persons wants to clear their property of fuel, which is the third component of any fire opportunity and the damage that it can cause, as was explained to us again by the CFS this year—fire, fuel, heat and, of course, air are all necessary for the purposes of the combustion and damage that is caused as a result of these fires. If these people take the view that doing a prescribed burn has no benefit in the management of fire and they want to peddle that idea, then let them go out there with a wheelbarrow and pick up every leaf and rake up every stick. I do not mind, they can do that if they like, but they still have an obligation to clean up those properties. The agencies that are providing for the supervision and regulation of this will have my support.

Next week, I think on 19 November, I am meeting with the Minister for Environment for my annual pests and bushfire management meeting, and I look forward to it. Over the years that I have been the representative in this area, there have been quite a few different ministers. They have changed just about every year. Nevertheless, I value that, because I like to get a full briefing in the minister's presence by the agencies as to what they have provided for in the way of proposed prescribed burning (cold burning, as it is colloquially known) in their fire management plans and what they have done. They give me a list of what they propose to do in the autumn and spring seasons, which are the major periods for prescribed burning, and then what they have done.

Last year, the head of the Department of Environment provided me with a list suggesting that they had done over 100 per cent of their prescribed burns. This looked impressive. I thought, 'This is very clever. How can you do more than 100 per cent of what you have planned to do?' The answer was that one of their prescribed burns got out of control so they had actually burnt 1,000 hectares instead of 10 hectares. They then used that blowout as the means for their final determination that they had done 105 per cent or 106 per cent of their total prescribed burn obligation.

Do they think I came down in the last shower? Do they think I cannot read and I cannot understand that that is just a total distortion of the fact? If they are giving that sort of rubbish, that sort of report, not just to me as a member of parliament but also to a minister to account for what

they are doing, that minister, in my view, needs to take control of that situation. If I was a minister in that position, I would not put up with it, and no minister should have to. Certainly, as a member of parliament, if I get dished up that sort of rubbish, I will not accept it.

It is an important role and there is demonstrable scientific benefit for this. I will not accept being dished up these sorts of excuses every year for not complying with the plan and not doing the job they are supposed to do. It is only a tiny piece of the total public and private area that needs to be administered and for them to undertake these prescribed burns, and it undermines all the good work that our people in the emergency services do and the departments who provide educative work and alerts to the people who live in these areas.

Last week, at Norton Summit, the CFS conducted a program again. I think about 100 people came along. It was a very informative program and good for new young people. There is a new couple from South Africa that has just moved into the district, and he was there to learn about what he needed to do. It was excellent. The biggest downfall that I see of these occasions is that the people who I think need to have a bit of education do not turn up to the meetings. It is the good people who go along and learn, and that is great, but I shudder to think of all the others sitting at home in their weed-infested gardens, or whatever, who should be at those meetings and should be understanding what their responsibility is.

I mention that, for the purposes of our agencies getting the full benefit of what they do in an educative role, it is important that there is a rigorous and robust implementation of the regulatory system and there must be a direct application of what they are doing in the prescribed burning, which is a demonstrably important fire management tool. If ministers are served up (as I have been in the past, as a member of parliament) data which is just completely misrepresentative of what is actually going on, then they need to be asking some serious questions about that and they would have my support in requiring that that be done.

Good luck to those out there who think that they have covered themselves for the forthcoming season. Those who are in a vulnerable situation should be ready. They might be young, aged, invalided or in a circumstance that requires them to have extra support if they are living or visiting in that region.

The people who just will not accept the advice that is repeated again in this committee, will not take responsibility for their own properties, will not sign up to the prescribed burn and/or clean up in the wheelbarrow—I give them the option of that—and take this head-in-the-sand, blinkered view that they are in some way not accountable for what they have to do for themselves, their families and neighbours and just live in this blind ignorance should get out and find themselves an apartment in some other place where they are not going to have that responsibility and can leave their neighbours in shocking danger, with the clean-up of the mess and protecting their property, and others, and in a position where they may not ever get insurance again and be covered. To those people, good luck for this forthcoming season.

Dr McFETRIDGE (Morphett) (11:50): I rise to support the report from the Natural Resources Committee on prescribed burning. I am a member of the CFS and my family owns a farm between Kangarilla and Meadows on the boundary of Kuitpo, so I am a very keen supporter of prescribed burning, but I will go further than that: I am a very keen supporter of fuel reduction generally.

I remember in my early days in the CFS that, as part of our training, we would go out and light up along the roadsides to reduce the fuel load. We would burn off patches of scrub in the areas around the back of Aberfoyle Park and Flagstaff Hill, and up through Clarendon and Chandlers Hill, because we knew that by burning it off in a controlled fashion we were going to reduce the fuel load and reduce the intensity of the fire, if a fire were to come, and provide firebreaks as well.

I draw everybody's attention to a couple of things. They should go out and buy Bill Gammage's book, *The Biggest Estate on Earth*, and read what Bill Gammage has to say about the history of the natural management of our bush by the Aboriginal people. I heard Bill on the radio the other day saying during an interview that 'a fire a day keeps bushfires away'. As evidenced by the early paintings—we did not have cameras in those days—from the early settlers, we did not have the thick scrub, the thick bush that we have nowadays.

We had open parklands almost, and the fires that were lit then every day by Aboriginal people were a way of reducing the fuel load and so reducing the damage that was done when fires were started by natural causes, such as lightning. Most of the native bush in Australia has

developed to be resistant to fire; in fact, some of it actually needs fire to propagate. That bush was then stimulated by fire, not killed off by the fire.

Let's not forget that just 10 days ago we had that scare up in the Adelaide Hills at Aldgate. If you drive along the freeway, you will see all the crowns of the trees there browning right off. Even in the relative cool of November, when a fire gets going with the leaf litter that is there—because there has been no prescribed burning or controlled burning or training by the CFS in those areas because they do not feel they can nowadays—it does a lot of damage. Reading pages 6 and 7 of the report from the committee just reinforces the fact that the fuel load, the burnable material that is there, is horrendous in most cases.

In the Adelaide Hills, there is up to 30 tonnes per hectare. In normal understorey, where there is no accumulation over many years of leaf litter, sticks, twigs and other things, it is about three to four tonnes per hectare. Then you add on a very modest seven centimetres of leaf litter and you add another seven tonnes per hectare, so you are up to around 10 to 11 tonnes per hectare of fuel load. That is fairly moderate compared with what we are seeing at the moment, as evidenced in this report which says that we have, in some areas of the Mount Lofty Ranges, up to 30 tonnes per hectare of fuel.

That fuel is going to then provide enough energy to produce flames that can be up to 30 metres high—that is as high as the inside of this chamber. The radiant heat from that is enormous. The larger and longer-lasting embers that are produced by those sorts of fires will travel for many kilometres in the right winds and cause spot fires, so we do need to look at what we are doing with managing our bush and managing these burns.

We have to make sure these burns are managed because, as the member for Bragg has said—and we have seen the evidence—some of these prescribed burns are getting away and causing uncontrolled fires to break out into private property and into other areas of government land that should not be burnt in an uncontrolled way. We need to make sure it is done properly, but burning of the scrub and the roadsides as a training tool for the CFS is very useful. I want to see it come back.

I want to see the CFS be able to go out there and use it. I trust the members of the Country Fire Service not to go out there and just napalm the joint. They are going to go out there and do things in a controlled way. They are going to reduce the fuel load and make the area safe so that when they have to go and do their job—when other people are running away from the fires and they are having to go in and fight the fires—they can do it in a way that is going to reduce the danger they have to face.

The need to make sure that everybody who lives in the Adelaide Hills is aware of the dangers of bushfires is no more paramount than currently. This morning I was looking at some of the roadside vegetation around the family farm at Meadows and phalaris is coming up a metre high on the roadsides. It is just horrendous. I will finish by saying that on Thursday 21 November at 7pm at the Meadows Hotel, Horse SA is providing a horse owner's bushfire survival planning workshop.

I encourage anybody who wants to get a bit more education from the Country Fire Service, horse owners and Horse SA to come along to nights like that and others that are being held throughout the Adelaide Hills and country areas before the bushfire season hits us because, as evidenced by the events in Sydney, once it gets away a nasty bushfire is going to cause a lot of physical and emotional damage.

Fortunately in Sydney we did not see any loss of life but we have seen that here in South Australia. It is a very good report. I recommend it to everybody and I look forward to the government acting on these reports by allowing not only the department to carry out more prescribed burns but also the CFS.

The Hon. S.W. KEY (Ashford) (11:56): I thank members for their contribution. I know many members in this chamber would like to speak on this very important issue.

Motion carried.

SELECT COMMITTEE ON SUSTAINABLE FARMING PRACTICES

Dr CLOSE (Port Adelaide) (11:57): I bring up the report, together with the minutes of proceedings and evidence.

Report received.

Dr CLOSE: I move:

That the report be noted.

The report on the sustainable farming practices has been the result of an enormous amount of effort done by various members of this parliament, including the members for Goyder and Hammond, and particularly the member for Schubert whose motion initiated this report, and also the members for Ramsay and Colton. Previously the members for Light and Taylor were on the committee, and I thank them for their efforts. I thank the efforts of the staff who were involved and most particularly all of the people who participated in the various public forums that we held and submissions that we received both here in parliament and also written submissions.

The farming communities across South Australia are very strong and they are very good at articulating what they expect. When I first came into parliament not quite two years ago, I spoke in my maiden speech about the importance of acknowledging that sustainable land use and looking after the environment were two sides of the same coin; the experience of being on the sustainable farming practices committee has reinforced that for me. Landholders are often the best people to look after their land and truly good farmers are also truly good environmentalists.

This report is all about how we make sure that the farming sector, which is enormously significant for our community and our economy, is also one that is able to be sustained in the long term, and that requires good infrastructure, good consultation, good education and also good environmental practices. That is why I was so pleased and proud to be involved in this committee and ultimately to chair it. I seek leave to continue my remarks.

Leave granted; debate adjourned.

YOUNG OFFENDERS (RELEASE ON LICENCE) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 1, page 2, lines 3 and 4—Delete '*Young Offenders (Release on Licence) Amendment*' and substitute '*Statutes Amendment (Young Offenders)'*

No. 2. Clause 3, page 2, line 14 [clause 3, inserted paragraph (b)]—Delete 'will, for the purposes of this or any other Act, be taken to be sentenced as an adult' and substitute 'must be dealt with as an adult'

No. 3. New Part, page 3, after line 3—Insert:

Part 3—Amendment of *Criminal Law (Sentencing) Act 1988*

6—Amendment of section 31A—Application of Division to youths

(1) Section 31A—before subsection (1) insert:

(a1) The following provisions of this Division do not apply in relation to a youth (whether or not the youth is sentenced as an adult or is sentenced to detention to be served in a prison or is otherwise transferred to or ordered to serve a period of detention in a prison):

(a) section 32(5)(ab);

(b) section 32(5)(ba);

(c) section 32(5a);

(d) section 32A.

(2) Section 31A(1)—delete 'This Division does' and substitute:

The remaining provisions of this Division do

No. 4. Long title—After '1993' insert:

and the *Criminal Law (Sentencing) Act 1988*

Consideration in committee of the Legislative Council's amendments.

The Hon. L.W.K. BIGNELL: On behalf of the Attorney-General, I move:

That the Legislative Council's amendments be agreed to.

Ms CHAPMAN: The opposition supports the amendments and welcomes the same.

Motion carried.

MINING (ROYALTIES) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

DISABILITY SERVICES (RIGHTS, PROTECTION AND INCLUSION) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (ELECTRONIC MONITORING) BILL

Adjourned debate on second reading.

(Continued from 16 October 2013.)

Mr VAN HOLST PELLEKAAN (Stuart) (12:02): I advise the house that I will be the opposition's lead speaker on this piece of legislation—the Statutes Amendment (Electronic Monitoring) Bill 2013. I will be fairly brief, I will not need to avail the house of my unlimited time, and I happily advise that the opposition fully supports this bill from the government. It is a very straightforward approach, and we are in favour of what the government has proposed.

It is also fair to give credit to the Hon. Ms Ann Bressington from the other place, who put forward her bill—the Correctional Services (GPS Tracking for Child Sex Offenders) Amendment Bill 2012—in the middle of last year, because that really was the precursor to this. At the time, the government said that it would take notice of the work and the proposal from the Hon. Ms Bressington and expand on it, and that is exactly what they have done.

So, credit to her for getting the ball rolling and credit to the government for coming back, as they said they would, but let me say very clearly that it is a bit of a shame that the government has waited so long on this. There was a recommendation 17, back in 2005, from the Select Committee on the Youth Justice System, which was:

> That the Home Detention Programme be immediately expanded to meet the identified needs of the Youth Court.
>
> That Home Detention and other Intensive Supervision and Surveillance Programmes be offered in South Australia, including Regional Centres and Remote Communities.

Now, that is largely what the government has come back with, eight years later, so there has certainly been some slow progress; nonetheless, we do support what we have ended up with here. Just for the benefit of members, the use of electronic monitoring devices by authorities is currently limited to: first, offenders serving the last part of their prison sentence on home detention; secondly, court-ordered intensive bail supervision; and, thirdly, a condition of release imposed by the Parole Board. What this bill seeks to do is not only expand the number of people who could be covered by this legislation but also expand the way in which they could be monitored, and I think that is very sensible.

This bill essentially proposes authorities use electronic monitoring devices in the following three circumstances: first, a prisoner participating in approved activities outside of prison; secondly, a defendant released to the community on a supervision order by the courts; and, thirdly, a person released on licence by the courts. The bill also proposes that if the prisoner was sentenced to imprisonment for child sex offences, on release the Parole Board must consider the use of electronic monitoring—must consider the use. I suspect that the Parole Board would have done that anyway, but nonetheless, this makes it very clear that that is what they are actually meant to do.

Mr Deputy Speaker, we all would have received concerns from people who take it upon themselves to advocate on behalf of the public's civil liberties, and all of us here would take the public's civil liberties very seriously; there would not be one person here who would not do so. Let me suggest that on the Liberal opposition side of the house, we take that perhaps even more seriously; we believe in rights and we believe in opportunities for people.

Using the removal of civil liberties as an argument against this bill I think is a big mistake; I do not accept that. I think people who commit serious crimes, even after they have been released from prison, do have to face the fact that some of the liberties that somebody who had never been an offender and who had never been to prison benefits from may not actually still be theirs.

That is not just because the government, or the Parole Board, or any other organisation might want to impose extra restrictions; it might actually be a way of providing additional liberty. It might actually be that under this proposed legislation, an offender, for all the right reasons, may be

allowed to leave prison early so long as they participate in some sort of an electronic monitoring program.

For people to say that it is a reduction or removal of civil liberties to have to go through this I think is a great mistake, because, on the one hand, maybe that is quite appropriate, and on the other hand, it is quite possible that the liberty that they would enjoy under an electronic monitoring program would be far greater than the liberty that they would enjoy if they were still in prison. I think that is a very important issue to consider.

The Hon. Ms Bressington moved her legislation around a year ago, very much with child sex offenders in mind. She really was focused on child sex offenders, and we would all understand why. We would all find anybody who commits any child sex offence to be an absolutely disgraceful person—'in need of extraordinary help' is probably the kindest way I could think to put it. It is important to say that those people have not been excluded.

The broadening of this legislation by the government does not exclude the intent of the Hon. Ms Bressington at the time; in fact, let us hope that, if this legislation is passed, the ability to electronically monitor child sex offenders after release from prison (if that is what is deemed appropriate at the time) may well be an extra deterrent. Some people have been telling me lately that it is a growing trend for prisoners to not ask for parole, and this is typically the case with regard to members of outlaw motorcycle gangs.

I am not saying that every one of those people are doing it, but it is, I am told, a growing trend for people to not ask for parole, to serve their full sentence and then to be released from prison essentially with no conditions whatsoever because the theory is they have paid their debt to society. I am told that, as well as bikie gang members, convicted sex offenders are doing exactly that, too, so that their movements are not nearly as prone to monitoring as they would have been if they went out on parole. So, this does give some additional power to monitor those people.

Let's hope that that additional power puts some of them off. I just cannot possibly imagine what would make a person want to participate in that sort of activity to begin with, but let's hope that those people are actually deterred by this extra monitoring that could be done of them. Let's hope that some of the people who have committed child sex offences in our public schools over the last few years might have thought twice if they knew they could be the subject of electronic monitoring. That has been a really devastating area of concern for the South Australian public.

Any crime against a child is heinous, but any child sex offence is particularly inexcusable and any child sex offence committed while that child is in the care of the government in a public school raises a whole range of other questions, so let's hope that this proposed legislation, if successful, goes along way towards putting people off.

Let me also just say thank you very much to the minister and his staff and also the Department for Correctional Services for the briefing that they gave me and my staff member on this. They were, as always, very open and very frank, and I am very grateful for the really open, genuine information I receive whenever I have a briefing from the Department for Correctional Services. We do not always necessarily agree on every subject, but they never shy away from sharing information with me as openly as they possibly can, so I appreciate that. I also appreciate the work that my staff member Mr Kris Hanna does to continually support me in my shadow roles. I say again that the opposition supports this bill.

Mr PEGLER (Mount Gambier) (12:13): I certainly support this bill and I think it goes a long way in the aspect that it also addresses what can happen with future technologies. We presently can tell where people are through GPS technology, but no doubt one day we will also be able to tell whether they are taking drugs or are drinking alcohol when they should not be, and if that is a part of their bail conditions, with future technology, there is no doubt that we will be able to tell when those offenders are doing the wrong thing.

Particularly with sex offenders, I believe that their civil liberties have gone out the door for the crimes they have committed, and we should always know exactly where those people are so that they cannot reoffend. Through this bill getting through the parliament, I am sure it will be better for particularly our young people in the aspect that those previous offenders will have these limitations on them so that we can tell where they are at all times. I certainly commend the bill.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (12:15): To give some background on the way that this particular piece of legislation was worked

up—and not to take too much away from the Hon. Ann Bressington—we had an approach from the Northern Territory, and I know the deputy leader is very keen to see the state of South Australia further develop its ties with the Northern Territory given the fact that the Northern Territory was actually the northern territory of South Australia at one time. I had an approach I believe—and I was just trying to check it out—from the then Northern Territory attorney-general (who was also the Minister for Correctional Services) and Ken Middlebrook, the CE Corrections, Northern Territory.

They were visiting Adelaide to see whether they could team with us in co-joining with our existing contract for electronic devices to monitor the movement of prisoners. We organised a briefing for them in the corrections office in King William Street and showed them the existing technology which is the ankle bracelet which basically operates on a radio wave connected to a landline. On my understanding, the way that it operates is that monitors are set up on the perimeter of the house—the yard. If somebody wearing the bracelet attempts to move beyond the boundaries of the yard, they trigger an alert. Effectively, the current technology confines an individual to their residence, or a residence.

In the course of discussing the existing technology with the team from the Northern Territory, I was made aware of the fact that our current suppliers had indicated to us that there was a new wave of technology that they were now providing to Victoria. They wanted to discuss with us whether we would want to take on this particular technology, and that is in large part the technology that we are talking about today—the GPS technology.

The attraction with the GPS technology is that it allows the continual monitoring of an individual beyond the boundaries of the home so that if, for argument's sake, somebody was confined to their home and decided that they wanted to break loose, we would be able to notify SAPOL, or corrections would be able to locate the movements of the individual. That is currently not able to be done with the existing technology. Once they are beyond the electronic fence, we don't know where they have gone.

So the Northern Territory were down and we were having the current technology explained to both myself and the Northern Territory team. We were made aware of the new technology that this company was supplying to Victoria and the advice that I received several days later was that the Victorian government was extremely happy with it. I also asked at that meeting if we would determine from the supplier whether we would be at a cost disadvantage—whether it would be more expensive to avail ourselves of this new GPS technology—and I was advised no, it would be cost neutral. So it was on that basis that this bill has been worked up, and it has really nothing to do with Ann Bressington.

The bill is sufficiently wide to allow us to use the next wave of technology which will be the remote sensing of whether alcohol or drugs have been consumed. Apparently, ankle bracelets are being developed or have been developed that not only have the GPS facility but also can monitor whether alcohol has been consumed or drugs have been imbibed. So, in framing the bill, we have kept it very wide because it may well be that in the not so distant future Corrections will have the ability to ensure that individuals are drug free.

I think the deputy leader would be aware that one of the most common issues with people on parole is the taking of drugs. We find that if they break their bail condition and consume drugs, there is a propensity to commit violent acts in the domestic setting because they lose self-control, or to commit acts of robbery to secure the financial wherewithal to fund their drug habit. That is one of the reasons why when people are on parole we regularly monitor through Corrections, whether they are drug free. That technology would be allowed under the legislation before the house.

The other thing that the GPS technology does is allow people the opportunity to go about their day-to-day life—go to the shops, the theatre and all the rest of it. But if they are sexual offenders (and I am thinking of paedophiles here), we can actually block out areas of the city or the state, around things like playgrounds or schools, that become no-go zones. So, if a paedophile fitted with one of these devices attempted to approach a primary school in the area, for argument's sake, then an alert would be triggered.

I think this technology is going to provide a far higher degree of security for the community, and it is going to make the duties of both Corrections and SAPOL a little more precise, scientific and less onerous, so I am very pleased that we have the support of the opposition. It is a good piece of legislation and it is an excellent piece of technology.

Bill read a second time.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (12:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CIVIL LIABILITY (DISCLOSURE OF INFORMATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 September 2013.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:23): I rise to speak on the Civil Liability (Disclosure of Information) Amendment Bill 2013, which is a bill to amend the Civil Liability Act 1936. This bill was presented to us for consideration at a time when the Premier had announced that his government was going to establish a new regime—a program of proactive release of commonly requested freedom of information items. It was very pleasing to hear that announcement and the guidelines which were to be, presumably, circulated to the departments that hold so much of the public record that was under consideration.

The sorts of things the government announced they were going to put up on a website on a regular basis included details of credit card expenditure of ministers, the details of ministers' overseas travel, details of mobile phone costs, the detail of expenditure on hosting or attendance at functions and events, consultants, agency gift registers, details of procurement practices, and lists of capital works projects.

This is the type of information which, frankly, should have always been available in the public arena but which has been necessary to acquire only through freedom of information requests. It may also apply to members of parliament who do not actually sit in the cabinet but who are members of the same political party, but I do not know.

In my experience of freedom of information applications, in general there has been courteous cooperation of FOI officers in various departments. Largely, there has been prompt attention by the FOI officers, taking into account the breadth of applications. That is not to say that there have not been some exceptions, where there seems to have been a firewall, a blockade against getting any information either at all or on a timely basis. However, largely, the people vested with this responsibility process the applications competently and in a timely manner.

What has been a major problem, in fact, has been the time delay that I as an applicant, as a member of parliament, have had to put up with—and I know my colleagues have had to put up with—when the material has been collated and then the presentation of the information goes across to the minister's office. There seems to be an extraordinary delay quite often between the release or partial release of some information at that stage before it is received.

For example, I think I still have a freedom of information application in to the Premier's office on contracts in respect of chief executive officers that was presented over a year ago. I am still waiting. Curiously, what then happens in some of those cases that are in the category of the firewall of delay is that we get the documents and, amazingly, on the same day or the day before the minister responsible for the department that has the information in its possession makes a public statement or issues a press release to cover matters that are in the documents under the freedom of information application.

One is left with the impression, perhaps, that in some of these cases the minister might think, 'I'll go through those documents there and just check that there is no reason that they shouldn't be released.' I personally think ministers' offices should have some role in ensuring that there is some protection for the public because ministers sometimes are aware of information where it would be responsible for them to act, to indicate that there is some other information that needs to be taken into account before information is released.

I am not saying that that guideline which gives them this reserve power should be removed, but what I do say is that it seems on the face of it that there is a gross abuse of that process because so many times there seems to have been this contemporaneous announcement, release or explanation given, or a new positive initiative announced, which covers what might otherwise be a negative story for the government. It has not happened once or twice: I have been here nearly 12 years, and it has happened so many times now that I feel it is necessary to report to

the parliament in this debate my concern about what on the face of it appears to be an abuse of that guideline allowing ministerial scrutiny.

At the time, the government said, 'We are going to put all of this on a website,' and they also responded to what I think has been a very longstanding request for submissions that go to governments in respect of legislation. The Hon. Stephen Wade, in another place, as shadow attorney, and I and the member for Heysen when we were in the role of shadow attorney, would frequently ask the government to disclose to us what various stakeholders or members of the public said about proposed legislation.

Quite often, they are able to identify deficiencies or things that are inadvertently, even, left out of their consideration and amendments can be made without losing the benefit of the legislation, or an approach be taken to oppose it if it is simply not going to achieve the stated objective, or, of course, it could be simply bad law. The point I make is that this has been repeated, certainly in the time I have been in the parliament: this government has consistently refused to give any or all of those submissions.

Quite frankly, I have been personally quite affronted by some of the response, which has been, 'Why should we bother giving this to you, you lazy opposition? You should go and get this yourself.' That sort of nonsense demeans the responsibility we have in parliament. Members of parliament are being asked to scrutinise and support government-initiated legislation, yet we get that sort of response.

I would have thought the better approach would be for them to be willing to hand over this material, which may demonstrably support their position, and, if it does not, it gives them an opportunity to present to us why that particular submission should be ignored, overlooked or taken into account but not given any weight, and so on. It gives an opportunity to put their position. That would be not only the practical but also the responsible thing to do, and I would have thought it would achieve a much better progress and passage of legislation.

However, the government, and a number of ministers, have chosen to take this view of, 'We are not going to give that to you. You go and get your own.' It is churlish and childish, at best, I think, but it is also, I think, an impediment to the orderly progress of legislative debate here in the chamber. Alternatively, I have had ministers say, 'Yes, okay, we will get that to you,' and then it does not come, or we are about to have the debate and it turns up at the last minute. Again, that is the sort of thing that is unhelpful to the orderly progress of debate in this house.

Sometimes, the answer is, 'We had not advised the people that we were consulting that we might be giving it to other parties and, therefore, we do not think we should give it to you.' Frankly, anyone who asks stakeholders for advice or a submission on a bill surely ought to presume that that information is going to go to a whole lot of people in government offices alone, so it is, clearly, not going to be something that is read by just the minister. That is completely absurd. In different ways, any progress has been stonewalled by our not being given the information.

Interestingly, in some recent debates, there has been prompt cooperation. It seems that, when we get that information promptly, it coincides with the fact that the submissions wholly support the government's position. We are as interested to read about those, but it is curious to us at best that the government seems to be particularly protective against submissions when they are not at one with their presentation. The other matter that has been raised—and it was asserted in the second reading contribution by the Attorney—is that under FOI requests, he says:

> Government agencies administering the FOI Act report a culture of risk aversion and a reluctance to release information outside of the FOI Act.
>
> One of the barriers to agencies proactively disclosing information outside of the FOI Act is the lack of protection from legal liability, meaning the proactive publication of information could give rise to a cause of action against the Crown.

I interrupt this quote to say that the only time that I can remember a question of legal liability being a basis upon which an FOI application was not responded to positively was when I sought the submissions that were presented to the government on the Mount Barker planning amendments.

Most of the members here would appreciate that this became a very difficult issue for the government—that is, the announcement of a planning proposal and the consequent public outcry about various aspects of it. We are not here to go through that today, but, during the course of that, I sought copies of submissions. I think from memory some were produced immediately and then a whole lot were not.

I was given all sorts of excuses. One explanation was that the release of the document might cause a domestic dispute between the person who had put in the submission and their husband or wife. I mean, hello? It was just so absurd, but as a result of that process there had also been raised a question of liability that may attract some penalty to the Crown if they had disclosed information without the consent of the person who had provided the submission.

We went through court cases on these things. We won. I was interested to note that, in fact, the second reading contribution complains about the heavy cost of administering the FOI Act, being $10.4 million during the 2011-12 year and the massive extra cost of that. Quite frankly, if this government were not quite so ready to jump into the District Court and defend applications to have documents produced under the FOI Act, to protect themselves against the disclosure of that information, perhaps we would not have had such a huge bill.

Nevertheless, I will come back to the question in point in particular and that is, only in one situation can I recall that the actual reason for declining to produce a document was based on any kind of protection against legal liability. The Freedom of Information Act currently provides the Crown with immunity from civil liability for defamation and breaches of confidence in respect of granting of access to a document.

I have to say that it does have some conditions on it under subsection (1) which talks about access to the document being given 'if the person by whom the determination is made honestly believes when making the determination' etc. There are some qualifications that go with it but, nevertheless, there is a section 50 protection already in the act.

I would be interested to hear from the Attorney (or the minister who has the conduct of this matter) the examples that could be given either in committee or in response of where there has been any action taken by any person, firstly threatening some civil claim as a result of the disclosure of documents and, secondly, any cases where an application has been made against the crown for disclosing documents in breach of that obligation and a breakdown of that in the category this bill expects to remedy. Perhaps during the lifetime of the government that would be a reasonable time frame to look at because certainly when the minister says things like:

> While public servants are themselves protected from civil liability when exercising (or purportedly exercising) official functions and powers by the Public Sector Act, and the Crown has some protection from defamation in respect of documents issued by agencies for public information purposes, the Crown has no general immunity from civil liability in respect of the release of information outside of the FOI framework.

Well, let's find out how many cases there are of threats for civil claim for release of documents outside of the FOI act but we will hopefully have from the Attorney (or the principal minister) some response for the last 10 years as to how many cases they have had. They have received the threat, had action taken against them and moneys paid out, and the subset of that is to those that this legislation would purportedly provide immunity to.

The other aspect of this proposed amendment is that the immunity that the crown is going to be given appears to be from civil liability. Under the bill it says 'whether in tort, contract, equity or otherwise' but only in respect of a publication of information of a prescribed kind or in respect of the publication of information in circumstances prescribed by regulation. So, in the rest of it we seem to have an ambit claim about the 'all civil liability' and it does not appear to be restricted by any exemptions in that regard, but the extent of the nature of the publication appears to be a mystery; that is all in the regulations.

As frequently occurs, the government has not yet prepared the regulations to go with legislation; that is fairly typical. I do not make any criticism of that because often subordinate law is really there to provide the machinery for the implementation of what is in the statute. However, the government is increasingly intent on bringing bills into the parliament in which the very definition of what is covered in the legislation is in the regulations, so we never get to see it.

Many times we have asked the government, if they want to go down this course of keeping the flexibility and all the other arguments they raise about having everything in the regulations, then at the very least have the decency to show us some draft of the regulations at the time you are asking us to administer the progress of the bill as the statutes go through the parliament. Predictably in this case, as usual, we have not had any draft regulations presented. We have an indication, in the second reading speech, about what they do not intend to do. They say, and I quote:

> I [which is the Attorney-General reading this] should make clear that the government has no intention of prescribing information of a personal or sensitive nature or information that is commercially sensitive.

Well, I should think so. They are issues that are already covered under the Freedom of Information Act and which are appropriate within that parameter, but they say to us that they anticipate that the regulations will prescribe, firstly:

- general information about government agencies and their operations, being the type that is commonly sought and released under the FOI Act, such as details of credit card expenditure, travel, mobile phone...

and the list that I referred to earlier.

- submissions on government policy initiatives;

We would expect those to be available and, as I say, when they agree with the government, they usually go up on the website fairly quickly anyway. The third area is:

- information released in accordance with government-wide disclosure policies and information of a non-personal nature that has already been sought and provided to an applicant under the FOI Act.

We are given all sorts of assurances also about what goes up on the website—not just under FOI. I recall, when I was asked to be responsible for the opposition on health matters, that we would ask regularly about the progress of the non-emergency—they did not call it discretionary surgery—waiting lists.

The Hon. P. Caica: Elective.

Ms CHAPMAN: Elective surgery lists—thank you for the helpful contribution from the member for Colton. We would FOI these and we would get them months later—if it was in the same year, we would be lucky, really. The government eventually said, 'We will put these up on the website. We will have a regular website disclosure of this.' I think it was going to be monthly and so on.

Since that time, in the last few years, they have added more data onto the website where they said they would have a regular public disclosure of their performance in that particular area, but the reality is that it did not come up regularly. I can think of a more recent one, which the Minister for Transport Services would be familiar with, which is the bus performance contractors and their application of their contractual obligations, such as whether they are on time and so on.

The Hon. C.C. Fox: Benchmarks.

Ms CHAPMAN: Their benchmarks. I think they are actually called something else on the website, but they are supposed to go up on a quarterly basis.

Mrs Redmond: KPIs or something.

Ms CHAPMAN: It is like a key performance indicator result—thank you, member for Heysen—and it is supposed to come up every quarter. I recently saw that the January to March ones were up. I have not seen the March to June yet. I think we are still in November. I do not know whatever happened to the July to September ones, but here we are. So, there is a problem with even the promises about what they are likely to put in regulations. I can tell the house now that the promises that we have to put information on the website are somewhat deficient.

I do not cast any aspersion on the ministers at the time who make these announcements because, probably at the time, they think, 'I am sick of that Vickie Chapman FOIing me; I may as well put them up on the website. I will make an announcement, I will make it a positive initiative and I will make sure that this is available to everybody and I can get some credit for this,' but then somebody back in their department does not do it.

It is enormously frustrating, not just for members of parliament who are here to represent the public but for members of the public themselves, who see the announcement and think that that is a good idea and it is very good of the government to be transparent and so on, and then they go to actually have a look at it and it is not there. So, the timely application and posting of this material on the website must come with this type of legislation, if it is going to be of any benefit.

The opposition's position, particularly in the absence of any draft regulation, is that we are going to support the passage of the bill here today and allow it to progress. We think it is important to have some improvement here. We are concerned about the scope of the protection provided in the bill, and if it is intended that it be limited to defamation and breach of confidence then we need to have some clarity on that.

The fact that the government are proposing to put the class of documents that are to be protected in the regulations is also of concern to us, so we will consider what amendments may

need to be made to that. If, on the other hand, there is some regulatory approach (that is, draft regulation) that they would like us to consider between the houses, we would be pleased to receive them and happy to do that.

In the event that the Attorney and/or lead minister has the information available, or is in a position to indicate in the response that we have sought, then I will not be seeking to go into committee today. But, I would like to have an indication that that could be either provided today or between the houses; then, we may progress the bill.

Mrs REDMOND (Heysen) (12:51): Call me cynical, but I find it extraordinary that after nearly 12 years in this place and, like the member for Bragg, having received all sorts of excuses for why information cannot be released, here we are five days before this parliament is prorogued and 122 days or so from the election, and the government has decided that it is time to be 'transparent and open' about all of these matters. It just strikes me as no mere coincidence that it should happen in this order.

Essentially, Mr Deputy Speaker, as I understand it, what the government proposes and what the Premier announced when he indicated that this legislation would be coming in, was that the government was going to be much more transparent; they were going to put onto a website for easy public access the sort of information that is commonly sought by freedom of information. There was a whole list of things to do with ministerial expenses, use of credit cards and all those sorts of things.

It has long been the case, of course, in this place that every member's travel entitlement and travel entitlement usage is made very public, but it was much harder to get the information about the usage of the entitlements of ministers, particularly the usage of their credit card and their travel entitlements, not as members but as ministers. There was always a lot of difficulty in getting that information and making that available to the public. Now, the government has decided that it is going to be a lot more transparent about how we get this information.

One of the reasons that was often cited for not being able to provide information was that if it was provided under anything but a specific request under FOI (that is, the Freedom of Information Act 1991), then the information being released would not get the protection that is given by section 50 of that legislation.

In brief—and I will paraphrase it—section 50 basically says that if someone who has received an FOI application determines and at the time honestly believes when making that determination that the Freedom of Information Act permits or requires the determination to release the information to be made, then firstly no action for defamation or breach of confidence lies against the Crown, an agency or an officer of an agency by reason of making that information available. That, in essence, is what section 50 says.

People would argue that: unless you have actually made an application under the Freedom of Information act, we cannot release this information because we will be risking not having the protection of that section if we release it other than in that way. So, the purpose of this bill is obviously to then make the jump so that information put onto this website—information made more readily available—will get the equivalent of the protection offered, in general terms, by section 50 of the Freedom of Information Act.

But, as the member for Bragg has so rightly pointed out, as usual the government has introduced a bill in which the substantive part of the operation is actually to be contained in regulations which we are yet to see, yet we are being asked to put this through. Personally, I believe that we do need more transparency, and I have stood up for that a long time and argued long and hard for an ICAC, which this government resisted until it was belted into submission over the need for an ICAC in this state.

Over nearly every issue, I would say that transparency is never going to harm those who are dealing honestly and appropriately, and therefore no minister, or any other agency or officer and so on, should have anything to fear from this information being made readily available. I think that we should all, as a matter of course, instinctively apply what is referred to colloquially as the 'front page test'; that is, would you want this behaviour, this action, this expenditure, this whatever it might be, on the front page of the paper and would you survive the test of the public's scrutiny?

Over the last few weeks, of course, we have seen a great deal of public scrutiny at the federal level on the sorts of issues that are being talked about in this context. I have no difficulty with the idea that in general terms this should be supported. However, like the member for Bragg, I

express some reluctance about putting through legislation when indeed the substantive part of that legislation is going to be in regulations which we are yet to see and yet we are being asked to put through. I just reiterate my cynical view that on the fifth last day of this parliament, after 12 years in office, this government is acting on this matter.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (12:58): I thank everyone who has contributed to this debate. I will be very brief because I do not want to take people over time if I can avoid it. I have just a couple of points. First of all, this legislation is not about FOI; indeed, if it were, we would not need this legislation because FOI has its own protections built into the FOI legislation that deal with material that becomes public material by reason of release.

The important thing about this is quite simple: this is to enable the government to proactively release information without the government being at risk of civil suit for having released that information into the public domain. The government does, but for this, not have that protection unless the release is pursuant to the FOI Act. So, if we want to do something that is bigger than FOI, we need protection for the act of publication or release of the information from suit.

If we do not, every release of information potentially carries with it the risk of civil suit, which would, I think, be a pretty serious impediment to any government feeling comfortable releasing proactively any information. That is the sole intent and reason for this. It is the only way for the government safely to be able to release information outside of the parameters of FOI.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (13:00): I move:

That this bill be now read a third time.

Bill read a third time and passed.

[Sitting suspended from 13:00 to 14:00]

PAPERS

The following papers were laid on the table:

By the Premier (Hon. J.W. Weatherill)—

Response by the Government to the 34th Report of the Social Development Committee entitled Inquiry into New Migrants

By the Minister for Industrial Relations (Hon. J.R. Rau)—

Work Health Safety Codes of Practice—Report November 2013

By the Minister for Transport and Infrastructure (Hon. A. Koutsantonis)—

National Rail Safety Regulator, Office of—Annual Report 2012-13
South Australian Rail Regulation—Annual Report 2012-13

By the Minister for Mineral Resources and Energy (Hon. A. Koutsantonis)—

Technical Regulator—
Electricity Annual Report 2012-13
Gas Annual Report 2012-13

VISITORS

The SPEAKER: I welcome to the house today pupils from that outstanding Prospect school, Rosary School, who are guests of the member for Adelaide.

SPEAKER, ABSENCE

The SPEAKER: I also give notice that I will be leaving the chair and replaced by the Deputy Speaker at about 2.25pm because I must present legislation for the Vice Regal assent to His Excellency, at his request.

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:02): I bring up the 37th report of the Legislative Review Committee.

Report received and read.

Mr ODENWALDER: I bring up the 38th report of the committee.

Report received.

QUESTION TIME

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:05): My question is to the Minister for Health and Ageing. Given the minister's comments about the electronic patient administration system (EPAS) on 30 October, and I quote:

> ...I expect that the rollout for the next site, which will be the Repatriation General Hospital, will begin before the completion of the year.

Can the minister confirm that this rollout will now only be in a 15-bed Daw House ward not the entire repat hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:05): It will obviously start there but the plan is to complete the Repatriation General Hospital, of course.

The SPEAKER: A supplementary from the Leader of the Opposition.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:06): So, in fact, it will only be started in the 15-bed ward, not the entire hospital as previously indicated to the house?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:06): It is part of the hospital. They have to start somewhere so I presume that they are going to start in the 15-bed ward and then proceed to the rest of the hospital. Big deal.

The SPEAKER: Is this a supplementary?

Mr MARSHALL: It certainly is, sir. It seems to have hit a raw nerve with the minister.

The SPEAKER: I think that was a fairly plain answer.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:06): Has the minister decided now to roll out EPAS only to the Port Augusta Hospital, GP Plus sites and a 15-bed ward at the repat hospital prior to the March election next year?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:06): We haven't made any firm decisions yet on any. What is happening at the moment is the gateway review, and that hasn't been completed yet, or certainly the advice hasn't come to me. We were going to look at the rollout depending on how the gateway review went but, in terms of the project as a whole, it is on time and on budget.

Members interjecting:

The SPEAKER: Before we have a fourth supplementary, which I think is probably out of order, I call to order the members for Heysen and Schubert. Could we make this the second question?

Mr MARSHALL: Certainly, sir, whatever you like.

The SPEAKER: Because I rather doubt that the last one was cognate.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:07): Given that the minister has said that this project is on time and on budget, can he perhaps remind the house of the original number of sites that this was to be rolled out to, what was the original timeframe for the start of this, and what sites was this to be rolled out to prior to the election?

The SPEAKER: The minister will remind the house.

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:07): There has been no change to the rollout and to the number of sites the project was to be rolled out to since this was first taken and approved by the cabinet by the previous minister; no change at all.

The SPEAKER: Supplementary question.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:08): Is the minister suggesting that originally the EPAS was not to be rolled out to all hospitals in South Australia? It was always only to be to a small number of metropolitan and a number of country hospitals?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:08): The Leader of the Opposition calls every metropolitan hospital a small number of hospitals. I am sorry, but every metropolitan hospital is every metropolitan hospital and, since this project was first approved by the cabinet, when it went to cabinet, when the former minister for health took the project to cabinet, and the funding for it was agreed to by cabinet, it was on the present scope.

The SPEAKER: A second supplementary.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:08): Just for clarification, there was never any situation in which the EPAS was going to be rolled out across all hospitals in South Australia?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:08): I am not responsible for whatever utterances might have been made previously, but the simple fact is that there has been no change to the scope of the project since cabinet signed off on EPAS. Let's get this straight, Mr Speaker: the opposition hate EPAS, they hate what the government is doing in health, they hate the new Royal Adelaide Hospital, they hate the new Women's and Children's Hospital, and they are simply not interested in the health portfolio. All they are interested in doing is whining and carping from the sidelines, with made-up statistics, made-up rubbish. They pick up bits of scuttlebutt wherever they can find it—

Members interjecting:

The SPEAKER: Minister—

The Hon. J.J. SNELLING: They pick up bits of scuttlebutt—

Members interjecting:

The SPEAKER: The Minister for Health will be seated. I call the Minister for Health to order. He is not responsible for the opposition's disposition on health. I also call to order the leader—

Mr Marshall: Sorry, sir. I apologise profusely.

The SPEAKER: I accept your apology, but the call to order stands—and the member for Davenport for applauding in the course of an answer.

Mr Marshall: He was applauding your wonderful chairmanship.

The SPEAKER: No, he wasn't. The member for Colton.

GOVERNMENT POLICIES

The Hon. P. CAICA (Colton) (14:10): My question is to the Premier. Can the Premier advise the house about policies to build a stronger South Australia?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:10): I can advise the house that we have now released eight policies since we announced our program for building a stronger South Australia—

Ms Chapman interjecting:

The SPEAKER: The member for Bragg is called to order.

The Hon. J.W. WEATHERILL: Eight policies, count them, and we—

The Hon. I.F. EVANS: Point of order: the information subject to this question is publicly available. The minister has sent all of those policies to every member of parliament.

The SPEAKER: I will listen carefully to what the Premier has to say.

The Hon. I.F. Evans: A display.

The SPEAKER: I hardly think it is a display to pick up papers on your desk. If that is a display we are all in violation. We will wait to see what the Premier has to say, to see whether the information the Premier is conveying is already publicly available. The Premier.

The Hon. J.W. WEATHERILL: The reason we have embarked upon this series of policies directed at building a stronger South Australia is because the economy of South Australia is in a period of rapid transformation. We cannot afford to stand still at this moment in our history, and there is no doubt that over the last few years we have created a sense of urgency and a sense of excitement that exists in the City of Adelaide. What we need to do is ensure that this spreads more broadly into the South Australian community.

Mrs Redmond interjecting:

The SPEAKER: The member for Heysen is warned for the first time.

The Hon. J.W. WEATHERILL: Adelaide must be a city that delivers economic opportunities but also the sort of culture and lifestyle that are going to attract and retain the best and brightest here in our state. We have outlined a clear vision where more people can enjoy affordable inner-city living, with expanded trams and public transport to get them around and better utilise our Parklands to enjoy their leisure time.

To support economic growth we will also grow our transport networks and boost our premium food and wine reputation and export opportunities. We have detailed a plan to create more jobs to prepare us for the changes that we know are going on in the South Australian economy, to support people moving between jobs, to give them the skills in the jobs that we know are being created.

We also need to maintain our enviable status of being one of the safest places in the world to live, and we are investing in ensuring that we deal with stronger laws with gun violence, and to make sure that our city retains its reputation for being a great place to come in and have a great time on a night out.

We are supporting more children to get outdoors, to play and grow into healthy and strong adults, and we have started planning for a brand-new Women's and Children's Hospital, to be co-located with the new Royal Adelaide Hospital, in our ongoing transformation of health care. And, of course, we are establishing a future fund to share the resources prosperity with future generations.

We have demonstrated over the last 11 years that we understand that there is a role for government to play in transforming the economy, creating new opportunities in defence and in mining, and creating new industries that did not even exist before in the renewable energy sector. We have done all this in the face of a global downturn. We are announcing these policies now in the months before the state election so that we can invite the South Australian community to be involved—

The Hon. I.F. EVANS: Point of order, sir.

The SPEAKER: What is the point of order?

The Hon. I.F. EVANS: The minister is now well into his answer and there is nothing that he has told us that is not in the documents that are already publicly available.

The SPEAKER: I think that is a frivolous, vexatious and obstructive point of order, because I doubt very much whether the member for Davenport has read those documents.

The Hon. I.F. EVANS: On what basis, sir?

The SPEAKER: Because I don't think he has sufficiently photographic recall to assert to the house beyond reasonable doubt that the Premier is reproducing what is in those documents. The Premier.

The Hon. J.W. WEATHERILL: We are announcing these policies now so that we can treat the people of South Australia with respect so that they can be invited into a debate about the future of our great state. We have our policies. In contrast, we have the Liberal pamphlet, a so-called—

Mr PISONI: Point of order.

The SPEAKER: If the point of order is going to be that the Premier is holding a piece of paper in his hand and, therefore, that is a display, I am afraid I cannot uphold that.

Mr PISONI: He is entering into debate, sir, and speaking about what others may or may not be providing is clearly debate.

The SPEAKER: I will listen carefully to what the Premier has to say.

The Hon. J.W. WEATHERILL: We need a debate in this state about our future prosperity and we need more than brochures, completely lightweight brochures.

An honourable member: Feeble.

The Hon. J.W. WEATHERILL: That's right. This is what we have come to expect from the Leader of the Opposition. In fact, there is not one positive idea in here for the future of South Australia.

Mr PISONI: Point of order, sir. If claiming that what others are presenting are not positive ideas is not debate, I do not know what is, sir.

The SPEAKER: You have answered your own question, thank you. The Premier.

The Hon. J.W. WEATHERILL: Mr Speaker, what we do know is that this is the excuse. The groundwork has been laid—the AAA credit rating, waste, all of those sorts of weasel words—this is the excuse for the deep cuts in jobs and services. This is the excuse. That is all there is.

The SPEAKER: The member for Morialta.

Mr GARDNER: Sir, I seek clarification on your earlier ruling in relation to display. If the Premier's flaunting of what he is now making into a paper plane is not, in fact, display, does that mean that any minister at any time should be able to display anything in their hands and that is not considered display?

The SPEAKER: My understanding of 'display' is something with large writing on it or gaudy colours that express some impermissible message, but not holding a piece of paper.

Ms Chapman: But he made it into a plane.

The SPEAKER: Is the point of order that the Premier has turned the opposition leader's policy into a paper plane?

Mr GARDNER: Directly to the explanation that you have just given, sir, the original display by the Premier with the gaudy colours that he was holding up as the Labor Party's policies fits the description of a display.

The SPEAKER: I now order the Premier to flatten the piece of paper and to take the shape out of it because, otherwise, it might have been a display. The member for Stuart, is this a point of order?

Mr VAN HOLST PELLEKAAN: Yes, sir. Mr Speaker, the Premier has exceeded his time, including time that he—

The SPEAKER: That is a point of order I uphold. I was wondering when you were going to get around to it. The leader.

HEALTH FUNDING

Mr MARSHALL (Norwood—Leader of the Opposition) (14:18): My question is to the Minister for Health and Ageing. Has the minister been advised that a senior SA Health executive was so concerned about Health IT funding issues that he wrote a letter of complaint to the Auditor-General about the allocation of $90 million of federal funding which had been allocated to the EPAS project?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:18): Yes, I am, and he has no basis to the allegations he is making.

The SPEAKER: Supplementary.

HEALTH FUNDING

Mr MARSHALL (Norwood—Leader of the Opposition) (14:18): Has the Auditor-General interviewed, or requested an interview with, the minister or senior officers of SA Health or Treasury about this complaint?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:19): He certainly has not asked to interview me nor, as far as I am aware, any official either in the Department for Health or in Treasury, because the allegations that are made have no basis, and I presume the Auditor-General would view them as such. It is not for me to pre-empt what decision the Auditor-General would make but I would be very, very surprised if he took any interest in these supposed allegations.

The SPEAKER: Supplementary? You don't want to ask the minister if he will come back to the house? Alright, next question.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:19): My question is to the Minister for Health and Ageing. Has the minister been briefed on the results of the consultancy work done by former Treasury officer Mark Priadko, who was asked, amongst other things, to advise on the real extent of the blowout in the EPAS project?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:20): I am not aware of any consultancy work that has been undertaken by Mark Priadko. We have had consultancy work undertaken by various of the big consultancies, in particular Ernst & Young. To my knowledge, Mark Priadko was not involved in that particular consultancy, but I am happy to have a look and come back to the house if I am incorrect.

The SPEAKER: Supplementary, leader.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:20): Perhaps the minister could update the house on the results presented to him by Ernst & Young or other consultancies regarding blowouts in terms of the EPAS project to date?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:20): There has been no blowout, as the Leader of the Opposition is trying to suggest. The Ernst & Young review looked at the governance arrangements we had in the EPAS project and made recommendations for someone with a certain skill set to be appointed to oversee all of the IT projects. I cannot remember the title, but I think they are called a system integrator, and that person has been appointed.

We have also appointed a steering committee over the project and over all the IT projects to provide advice to me on how they are going, but there has certainly never been any advice to

me that any of the IT projects has blown out, other than what is already on the public record. Certainly, with regard to EPAS, my advice is that the project is on budget.

The SPEAKER: Supplementary?

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:21): Yes, sir. Can I just clarify that? When you say it is on budget, you are saying that it is under the original total budget, but what is what they refer to in the industry as the 'earned value' of the project to date, which is the expenditure relative to the position on the project schedule, and what is the blowout in earned value to date?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:22): Well, there is no blowout, and it is incorrect to suggest there is.

Mr Marshall: Get a briefing.

The Hon. J.J. SNELLING: Perhaps the Leader of the Opposition should get a briefing. Whenever the Leader of the Opposition is looking a bit foolish in the house because he doesn't know what he is talking about, he interjects, 'Get a briefing, get a briefing, get a briefing.' Like the trained galah in the pet shop, all he can say is, 'Get a briefing.' What a dill!

The SPEAKER: The member for Heysen.

Mrs REDMOND: I was about to comment that the minister surely was debating in the way he referred to the feelings and state of the Leader of the Opposition.

The SPEAKER: I agree with the member for Heysen. Accordingly, the Minister for Health is warned for the first time and he will withdraw the reference to the Leader of the Opposition as being like a cockatoo.

The Hon. J.J. SNELLING: A galah, sir.

The SPEAKER: A galah—sorry.

The Hon. J.J. SNELLING: Happy to withdraw, if the Leader of the Opposition is offended. However, with regard to the EPAS project—

The SPEAKER: No, the minister will withdraw unconditionally. It is an unparliamentary expression, and there is a long tradition of 'galah' being an unparliamentary expression. He should know, as a former Speaker.

The Hon. J.J. SNELLING: I am justly rebuked, Mr Speaker, justly rebuked. With regard to the EPAS project, the EPAS project is expected to be completed on budget. Of course, in any project, there will be times when you are spending more and spending less money. In the early stages of the project, you will spend more money because you have to train more people. As EPAS is progressively rolled out, you will find people who are working across multiple hospital sites, for example, who will not need to be retrained.

The simple fact is that, as the project goes on and a certain number of people have been trained and certain things have already happened, the rate of spend over the life of the project reduces. Of course, in the early stages of the project—which I think is what the Leader of the Opposition is getting at or attempting to get at or someone has told him—you are going to be spending more money than you are in the later stages of the project. There is nothing unusual in that, but the simple fact is that EPAS is expected to be rolled out with the current budget allocation that it has been given. I have been provided with no advice contrary to that.

PLANNING STRATEGY

Mr SIBBONS (Mitchell) (14:25): My question is to the Minister for Planning. Can the minister inform the house about the community and industry responses received to government planning policies?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:25): I thank the member for Mitchell for his question. Throughout the year the government has been very active with planning reform in order to deliver the vision that we have for a more vibrant City of Adelaide. For example, we have had a rezone in the last year of the capital city inner area,

we have had the inner metropolitan rezone, we have had the Riverbank Masterplan, the small venues licences which have been sensationally successful, the Parklands initiative which was announced a few weeks ago, and many other very important initiatives.

This government wants people, and a lot more people, living in and around the City of Adelaide, closer to the centre of the city; that is very important. We also have a very important vision for this city because it is about time the people of Adelaide started to think of the possibility of their city actually growing up instead of continuing to endlessly grow out, because that is unsustainable. It is not the future that any of us want for this state or for our families.

Industry groups are looking for certainty. That is what they are after—certainty. Community groups, whether they agree with what the government is doing or not, are also looking for certainty. The housing and construction industry is looking for certainty to support business investment and to deliver more jobs. Certainty does not exist in a policy vacuum. Even the government's critics are concerned at what might happen if there were to be a change of government.

Members interjecting:

The Hon. J.R. RAU: This is true.

Members interjecting:

The Hon. J.R. RAU: They chortle so, but it is true. I will give one example. An outfit called the Coalition for Planning Reform's constituent elements are the Community Alliance, the Conservation Council and the National Trust—hardly great supporters of many of the initiatives that I have had something to do with recently. How do they start their recent letter of 3 November? The headline says, 'Weatherill gets development visions, Libs need policy.' Let me read on through this, which I think does quite a fair job actually; it has a list at the back, and I won't show it to you because that might be a display, Mr Deputy Speaker. It has a list at the back of a number of the achievements the government has put through in the month of October and it nearly fills a whole page, so they are quite methodical in doing that. But when you actually read it, the interesting paragraph on the second page states:

'The government held a series of discussions with builders expressly to remove barriers to protect approvals, but it continues to ignore community concerns about the scale and extent of its pro-development policies,' Prof Fowler said.

That was Professor Rob Fowler. Then, he goes on:

'What do the Liberals say about this? It seems they are still formulating their own policies on planning and, meantime, offer no serious resistance to the Government's wave of initiatives.'

In other words, they don't have any policies. This is from a community group. What do industry groups say? Well, I have here the regional director's report of September 2013 from the Housing Industry Association, which talks about the Parnell bill which was in the upper house, and it expresses grave concern about the fact that the opposition supported this bill in the upper house, but Mr Harding was able to advise his members—

The Hon. I.F. EVANS: Point of order, Mr Deputy Speaker: the minister is unable to reflect on a vote of a house.

The DEPUTY SPEAKER: I will listen carefully to what the minister is saying.

The Hon. J.R. RAU: Mr Harding said:

We understand that as a result of HIA submissions, the Liberal Party will not now support the Bill...

Mr PISONI: Point of order, Mr Deputy Speaker: can I draw your attention to the sessional orders regarding the length of time that a minister has to answer a question?

The DEPUTY SPEAKER: I am informed that he has six seconds left.

The Hon. J.R. RAU: This means that they say one thing and do another, and I have a whole lot more things here if somebody wants to ask me some more questions.

PLANNING STRATEGY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:29): A supplementary to the Minister for Planning—

Members interjecting:

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: Given the minister's claim that the industry and South Australians want certainty, when is he going to release his position on the Roseworthy development, which he has now held for two years?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:29): Well, well, well. I would like to ask the deputy leader to please come and sit on this side of the house. Let's go through this.

Members interjecting:

The DEPUTY SPEAKER: Order! The minister has the call.

Mr Gardner interjecting:

The DEPUTY SPEAKER: Order, the member for Morialta!

The Hon. J.R. RAU: Can I commence by saying that according to—is it *The Bunyip*? Is *The Bunyip* the paper?

The Hon. J.J. Snelling: It is *The Bunyip*.

The Hon. J.R. RAU: According to *The Bunyip*—

Members interjecting:

The Hon. J.R. RAU: There was another display, almost. According to *The Bunyip*, when quizzed by the intrepid journalist at *The Bunyip*, the shadow spokesperson on planning, who is none other than the deputy leader, said they didn't have a position. They hadn't worked it out. They don't know.

Ms Chapman: So, what's the answer? What are you going to do?

The Hon. J.R. RAU: I would like to know—

Ms Chapman: What are you going to do?

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: I would like to know, and so would all the people in South Australia—

Ms Chapman: Two years.

The DEPUTY SPEAKER: The minister has the call.

The Hon. J.R. RAU: —what position—

Mr Marshall: Well, you're the government. You're the minister. You're the government.

The DEPUTY SPEAKER: Order, Leader of the Opposition! The minister has the call.

The Hon. J.R. RAU: I would like to know.

The DEPUTY SPEAKER: Point of order.

Mrs REDMOND: My understanding of question time was that it wasn't for the minister to ask questions of the opposition, but rather to receive questions from the opposition and answer them.

Members interjecting:

The DEPUTY SPEAKER: Order! I am sure the minister is coming to the answer.

The Hon. J.R. RAU: I am indeed. Their position is they don't have a position, which is their normal position. It is their default position. Their default position is no position. So, what position is it? Now, let's go through the facts. Let's try a few facts, because that's something that you don't have a lot of in most of the—sorry, that those opposite don't have a lot of. I didn't mean to refer to you in that way, Mr Deputy Speaker; I apologise.

The situation is this: according to the 30-year plan, there was a 30-year time frame over which there was an allocation of potential lands for redevelopment on the periphery of Adelaide. There are a great many assumptions underpinning that plan. One of them was that there should be, at any one time, a 15-year supply of zoned residential peripheral land.

Again, in *The Bunyip*, Mr Carr, I think it is, from the Light Regional Council, made the request of *The Bunyip*, I think, and indirectly me, that there be a rezone immediately of Roseworthy. Bear in mind everybody—those of you who don't know—Roseworthy potentially is a place that is big enough to accommodate 100,000 people, right? He wants that rezoned immediately, and so do certain other individuals to whom, I suspect, the opposition has been talking.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: I have made it clear in this house and other places many times, from the time shortly after I became Minister for Planning, and I will say it again: if you want to try and unpick what ultimately was the defect in the process associated with Mount Barker—something which the member for Kavel and others constantly remind me about—what was it? It was: rezone and let it work itself out later. It was: rezone and let it all rip—it will work itself out eventually.

Ms Chapman: Why don't you tell the truth?

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: Those opposite have been berating me for three years about the consequences of doing that: the consequences of rezoning without any consideration for land supply, without any consideration of demand and, importantly, without any consideration for the impact on the infrastructure requirements of the state Treasury, way beyond the forward estimates. What those opposite are on about is having a system where future taxpayers and their children subsidise people today—

Mr VAN HOLST PELLEKAAN: Point of order.

Ms Chapman: Let him keep going. I want them all on the record.

The DEPUTY SPEAKER: Order! I would like to hear the point of order.

Mr VAN HOLST PELLEKAAN: It won't surprise anybody that twice now the Minister for Planning has exceeded the time allowed to get back with an answer.

The DEPUTY SPEAKER: I am saddened to say that the minister has used up his full allotment. Member for Mitchell.

PLANNING STRATEGY

Mr SIBBONS (Mitchell) (14:34): A supplementary, sir.

The DEPUTY SPEAKER: A supplementary.

Mr SIBBONS: This is for the Minister for Planning: I am just wondering if the minister can inform the house and expand on community and industry responses received to government planning policies, if he is possibly able to do that.

Members interjecting:

The Hon. I.F. Evans: It's the same question!

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:34): I think technically he is asking me to expand on it a little, which is a different question.

The Hon. I.F. EVANS: Point of order: the member for Mitchell just reread exactly the same question.

The DEPUTY SPEAKER: No, I think the question was rephrased; the minister is in order. Minister.

The Hon. J.R. RAU: Yes, thank you. I am happy to expand on it. Thank you for that question without notice, Member for Mitchell; I am happy to expand on it. The interesting thing about planning which is coming back so strongly to me from community groups and industry groups is that the community groups are saying, 'We like the fact the government consults with us; we like the fact'—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: Okay; they titter so, but the fact is that community groups are being consulted with. In fact, the most bizarre thing I get asked several times—it is often possibly the member for Bragg doing this—is, 'Why isn't there any consultation?' and you discover that, on that same day, there is a meeting in the electorate of Bragg specifically for the purpose of consulting on the thing that apparently no consulting is occurring on, and this happens over and over again.

Whether the consultation should be done on a door-to-door consultation basis, which appears to be the view that some people have, I don't know, but what I do know is that there is extensive consultation going on about these things and there is broad community acceptance of what is going on. In fact, the community is starting to warm up to change.

Ms Chapman: Warm up!

The Hon. J.R. RAU: No, they are—they are. Can I say: even Burnside council—

Members interjecting:

The Hon. J.R. RAU: —even Burnside council—

Mr Pederick interjecting:

The DEPUTY SPEAKER: Member for Hammond!

The Hon. J.R. RAU: —even Burnside council wrote a very nice letter to me a while ago where they said, 'Look, after consultation'—

The Hon. A. Koutsantonis: How did it start?

The Hon. J.R. RAU: It started 'Dear Minister', and it said, 'After consultation, we would be happy to have six storeys along our area there in Greenhill Road; we think that's fine.' I thought, gee, that's really good, and ultimately that is what we have done. But then, unfortunately, a few weeks later they wrote back to me again and said, 'Oh, look, by the way, we did say six, but we have talked to a couple of the people who live in the area and they would rather it be four, so can you just ignore what we said before and drop it down a bit?' The problem with consultation is not lying with the government; in that instance, it is more in terms of the council communicating with their own people. But anyway, I digress. There is strong support for what the government is doing and, as for industry—

Mr Marshall interjecting:

The DEPUTY SPEAKER: The Leader of the Opposition will stop interjecting.

The Hon. J.R. RAU: As for industry—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: As for industry, industry has been to a number of meetings convened by the Premier—

Members interjecting:

The DEPUTY SPEAKER: Order! The Speaker asked the Leader of the Opposition and the minister to stop interjecting, please.

The Hon. J.R. RAU: The Premier has convened a number of meetings with industry groups. At those meetings, those industry groups have said things to us like: can we do something about stamp duty relief? Done. Can we do something about improving the incentives for first home buyers? Done. Can we do something about improving the residential code? Done. Can we do something about private certification? Done. Can we do something about the building codes of practice? Done. We are getting on with it, and the industry groups are happy with what we are doing because they get responses, they have certainty, and they know we are supporting them doing what they need to do to employ South Australians.

HEALTH DEPARTMENT STAFF

Mr MARSHALL (Norwood—Leader of the Opposition) (14:38): My question is to the Minister for Health and Ageing. Has SA Health received yet another probity complaint in the last four months about the short-term employment of an employee from a major IT equipment supplier

to SA Health in a position where that employee has access to confidential pricing and other sensitive information about competitive firms?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:38): Certainly not that I recall has that been brought to my attention. One of the first things we did was to make sure that a probity adviser was appointed to the EPAS project, and as far as I am aware nothing has been raised with me, but I will check if anything else has been raised in the department. I am happy to report back if I am incorrect.

SEAFORD RAILWAY LINE

The Hon. J.D. HILL (Kaurna) (14:39): My question is to the Minister for Transport and Infrastructure, and I ask the minister: what progress has been made on the electrification of the Seaford line?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:39): Today, the transport services minister and I were lucky enough to be—

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order! The minister should be heard in silence.

The Hon. A. KOUTSANTONIS: —on a trip from the Brighton station through to Seaford and return. Can I just say I am exceptionally proud of the work DPTI has done and exceptionally proud of the work that all of our contractors have done. The electrification of the Seaford line is on track to be delivered on time, and the ride, I have to say, was exceptional.

The Hon. P.F. Conlon: Smooth as a gravy sandwich, mate!

The Hon. A. KOUTSANTONIS: It was very smooth, and I want to acknowledge, of course, the work of the former minister, the father of electrification—

The Hon. P.F. Conlon: The father of wind, they told me!

The Hon. A. KOUTSANTONIS: The father of poles and wire and the father of wind, yes. I have to say, the most interesting thing about the entire journey up to Seaford and back were the people who were lined up on the streets and at the stations to take photographs and to see the train go through the station. They were genuinely excited. There are ordinary South Australians who are happy to see this government invest in infrastructure in our southern suburbs, happy that we are investing in urban rail and happy that we are doing the work that needs to be done that has been neglected for far too long. It is this government that does that work.

I know that some members of this house wait to try and hear of a disaster or a delay and, every time a project is delivered on time or on budget, a little part of them dies. I can honestly say today was a huge success. The stations are in tip-top condition. The crews who are working on the driver train that was commenced today for the resumption of diesel services are looking very good, and as I said, that will be within the 45 to 60-day time frame as set out by the government.

SEAFORD RAILWAY LINE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:41): So, when is the service going to open, minister?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:41): As promised.

HEALTH INFORMATION TECHNOLOGY PROJECTS

Mr MARSHALL (Norwood—Leader of the Opposition) (14:41): My question is to the Minister for Health and Ageing. Has SA Health advised the minister that Ms Kate Phillips, the probity director for the pathology IT project EPLIS, has received a complaint about the probity of the EPLIS project?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:42): Not that I am aware, but I will check my records.

HEALTH INFORMATION TECHNOLOGY PROJECTS

Mr MARSHALL (Norwood—Leader of the Opposition) (14:42): Has SA Health advised the minister that Ms Kate Phillips, who is also the probity director for the medical imaging IT project ESMI, has received a complaint about the probity of the ESMI project?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:42): Likewise, not that I am aware. I have not been advised of any—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.J. SNELLING: —complaints that I recall, but I am happy to check my records. I would just be very careful—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.J. SNELLING: The Leader of the Opposition is being fed information and I just advise him to be careful of where that information is coming from.

TRAINING AND EMPLOYMENT

Mr ODENWALDER (Little Para) (14:42): My question is to the Minister for Employment, Higher Education and Skills.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr ODENWALDER: Can the minister inform the house how the government has worked to support improved training and employment outcomes for South Australians?

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (14:43): When this government came to office, I can report that less than half of the population had a post-school qualification. Sadly, almost one in three students in our public schools were not continuing on to finish school. At the turn of the decade, under the Liberals, the unemployment rate was over 8 per cent, a full two percentage points above the national average, and more than twice as many young people did not have a job when compared to now. Between 1996 and 2001, our state lost almost 4,000 young people, but under this government things have turned around.

Between 2006 and 2011, I can report our state gained nearly 8,000, more than 7,900, young people, and almost 90 per cent of students are continuing to finish school, an outstanding achievement. In 2012, more than 61 per cent of South Australians have a post-school qualification, a more than 10 per cent increase over the rate in 2001 on the back of more than a million training places being offered by this government, and last financial year we had the highest rate of full-time job creation in Australia, with the number created second only to New South Wales.

These achievements do not happen by accident. They are the result of a concerted effort on the part of this government to support South Australians, and our Skills for All training policy is a strong example of this. Following the implementation of Skills for All we are—and I can report—leading the nation in increases in enrolments, operating the most efficient training system in the country, and operating one of the highest quality training systems in the country.

In 2010 we announced an ambitious target to train an additional 100,000 South Australians over the six years from 2010-11 to 2016-17—a target we achieved nearly three years early. Why? Because South Australians know that training makes a massive difference. We know that those with higher-level qualifications are more likely to be employed and are more likely to earn more. We have a strong plan for the future. Our recently announced jobs and skills policy sees the following:

- investment in local jobs in partnership with local government and industry;
- new partnerships with local employers to identify new job opportunities to ensure that local people have the skills to fill these;
- a plan to combat intergenerational joblessness and an entitlement for those who lose their job; and

- a greater focus on assisting the manufacturing industry.

Mr Speaker, we have a very strong plan for the future. On jobs and skills, all that the opposition has to offer is a flimsy media release, one that promises that more young people will leave school early in a return to the dark days where one in three of our children did not finish school.

On jobs, all of those opposite have said that they would cut 25,000. We have seen what this means to Australians living interstate—we have seen the impact of Liberal governments. One just needs to talk to colleagues in Queensland and interstate. This is a government that is unashamedly pro jobs and pro investment.

TRAINING AND EMPLOYMENT

Mr PISONI (Unley) (14:47): A supplementary, sir. Can the minister advise the house how many new jobs are a direct result of the Skills for All program?

The DEPUTY SPEAKER: Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:47): I can answer the question. I can tell you what would happen if the Liberal policies were implemented—and we have listened to them—8,700—

Mr PISONI: Point of order, sir.

The DEPUTY SPEAKER: Point of order from the member for Unley.

Mr PISONI: The Premier has immediately entered into debate—'what would happen if the Liberal policies'—

The DEPUTY SPEAKER: No, I am listening carefully to the Premier—

Mr PISONI: That is debate, sir.

The DEPUTY SPEAKER: —and I think he is in order. Premier.

The Hon. J.W. WEATHERILL: What I can say is this: if we listen to those opposite, our Skills for All policies are based on the investments that we made in the last budget—8,700 jobs over the forward estimates in relation to infrastructure projects. If we listen to those opposite—those jobs gone.

Mr VAN HOLST PELLEKAAN: Point of order, sir

The DEPUTY SPEAKER: Point of order.

Mr VAN HOLST PELLEKAAN: I hope you have heard enough to agree that the Premier is actually debating. He is answering a fictitious question.

The DEPUTY SPEAKER: No, I don't.

Mr VAN HOLST PELLEKAAN: The question was: how many jobs from the Skills for All program?

The DEPUTY SPEAKER: I don't agree. I think the Premier is in order and I think that is a vexatious point of order.

The Hon. J.W. WEATHERILL: Mr Speaker, our Skills for All program is also predicated on our industry policy. Our industry policy is about securing a future for Holden's; 13,000 jobs are at risk if we listen to those opposite. So tote them up: 8,700 jobs—13,000 jobs. And we know, courtesy of the brochure—

Members interjecting:

The Hon. J.W. WEATHERILL: Pamphlet—if that offends you.

Mr Whetstone interjecting:

The DEPUTY SPEAKER: The member for Chaffey will stop interrupting.

An honourable member: Call it a flyer.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.W. WEATHERILL: We know, courtesy of the flyer, that we have this—

Mr PISONI: Point of order.

The DEPUTY SPEAKER: A point of order.

Mr PISONI: The question was directly asking how many direct jobs were created as a result of Skills for All. We haven't heard from the minister a single number that relates to that question.

The DEPUTY SPEAKER: I think the Premier is answering the question. Premier.

The Hon. J.W. WEATHERILL: Mr Speaker, because the words don't always tell the story, if you want to get the real story, look at who he is sitting next to—the school closer himself, Mr Lucas. He is sitting there, the Hon. Rob Lucas: 45 schools, 15,000 public servants—

Mrs REDMOND: Point of order.

The DEPUTY SPEAKER: Point of order from the member for Heysen.

Mrs REDMOND: Surely that reference to the contents of that brochure must be debate.

The DEPUTY SPEAKER: I will ask the Premier to return to the question.

The Hon. J.W. WEATHERILL: Thank you, Mr Deputy Speaker, and I am so glad the member for Heysen intervenes at just the right time because the truth is that this is the excuse for the 25,000 job cuts. So, tote them up—8,700.

The DEPUTY SPEAKER: Point of order from the member for Heysen.

Mrs REDMOND: The Premier is defying your ruling, sir, and not returning to the substance of the debate.

The DEPUTY SPEAKER: I ask the Premier to return to the point of the question.

The Hon. J.W. WEATHERILL: Thank you, Mr Deputy Speaker. Our policies are predicated on investing in jobs—8,700, 13,000, 25,000, all gone if those opposite were listened to.

INFRASTRUCTURE PROJECTS

The Hon. S.W. KEY (Ashford) (14:50): My question is directed to the Minister for Transport and Infrastructure. Minister, can you inform the house in regard to future infrastructure plans and what project is next in the pipeline?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:50): This government is unashamedly an infrastructure government. We realise the benefits of investing in infrastructure, to support and grow our economy, as well as leveraging private investment. In that sense, we have been ahead of the curve as other conservative jurisdictions across Australia have followed our lead and are beginning to invest in infrastructure.

Only a few in our community believe investment in infrastructure by a government is a false economy. Regardless of that minority view and that minority perspective, this government remains steadfast in our commitment to deliver infrastructure for the people of this state—infrastructure that supports thousands of jobs and grows our economy, infrastructure that delivers world-class services to our community, infrastructure that has helped Adelaide become a top 10 city in the world for 2014.

We have committed more than $10 billion over the next four years in infrastructure and investment. Furthermore, we are currently discussing with the community our 30-year Integrated Transport and Land Use Plan, a plan that sets out a vision for what infrastructure we want to see built over the next 30 years but also delivers certainty for businesses in terms of how, when and where to invest.

This plan sets out a vision for bringing back light rail networks to the north, the south, the east and, most importantly, the west. Importantly, our plan sets out a real vision for our north-south corridor. Our vision highlights the next project in the state's infrastructure pipeline must be the Torrens to Torrens project. By later this year, that stretch of road will be well underway. Independent analysis shows a cost benefit for this project of 2.4:1.

An honourable member: Release it.

The Hon. A. KOUTSANTONIS: I have. This means that for every dollar invested there is a benefit of $2.40 to the state. Unfortunately, some members of this house would rather put a handbrake on our economy and would rather support a project that has a cost variation already of a quarter of a billion dollars and would see the state contribute more than the traditional fifty-fifty split with the commonwealth; that has a negative cost-benefit analysis; that would not be approved by any independent third-party infrastructure body, such as Infrastructure Australia or, even worse, some duplicated state advisory body mirroring the commonwealth with a cost benefit of 0.66:1; that would, on advice, dramatically increase congestion in Edwardstown, actually moving the problem from one part of South Road to another; and that would halt work on our vital north-south corridor by at least 18 months.

Unfortunately, there are members of this house who would rather do whatever Prime Minister Abbott asks than stand up and fight for the interests of this state. You have to ask yourself what kind of man would support a project that produces a lower benefit for our economy and delays stimulus, sit idly by while projects and jobs are ripped out of our state and agree with our new Prime Minister every single time he does harm to our state. The house would normally forgive the errors of a first-term rookie MP who has served less than four years—

The SPEAKER: The Minister for Transport is not responsible to the house for the Leader of the Opposition.

The Hon. A. KOUTSANTONIS: I haven't named the Leader of the Opposition. You surmised that yourself from my remarks.

The SPEAKER: I will listen carefully to what the minister has to say.

The Hon. A. KOUTSANTONIS: Mr Speaker, I will start again. You have to ask yourself, Mr Speaker, what kind of man—

Members interjecting:

The SPEAKER: No, the minister does not ask himself questions.

The Hon. A. KOUTSANTONIS: Thank you, sir. The house would normally forgive the errors of a first-term rookie MP who has served less than four years in our parliament and made these fundamental rookie mistakes, but the sad thing is it is the man the Liberal Party wants to make the next Premier of our state.

Mr WILLIAMS: Point of order: the sad thing is, Mr Speaker—

The SPEAKER: Yes, point of order from the member for MacKillop, and he will recall that he did depart the house once when he rose on a point of order that turned out not to be a point of order. I hope this is a point of order.

Mr WILLIAMS: I also departed the house and the Premier apologised because I was right once, sir. The sad thing is that that was purely debate; it was not providing information to the house. It was a disgrace, in fact.

Members interjecting:

The SPEAKER: I call to order both the Minister for Transport and the member for MacKillop for that unseemly exchange. The leader.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:56): Thank you, Mr Speaker, and may I say welcome back, sir. My question is to the Minister for Health and Ageing. Has the government reduced the scope of the EPAS project by relaxing the required security protections?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:56): Not that I am aware, but if that is the case I will come back to the house and report.

The SPEAKER: Supplementary, leader.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:56): Is the minister aware that the government has removed twin factor authorisation—that is, swipe card plus pin number—and is now just requiring user name and password for access to the EPAS?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:56): I am happy to get a report back to the Leader of the Opposition. I have not been informed of any changes to any of the security protocols, but if that has happened I will be more than happy to let the Leader of the Opposition know.

The SPEAKER: A second supplementary from the leader.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:57): For clarity, is the minister suggesting to the house that he has not been advised that this decision raises huge security issues with EPAS, as he has just indicated to the house?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:57): No, I have not been advised, and I presume I have not been advised because, contrary to the Leader of the Opposition's assertions, if indeed there have been changes they do not raise any of the security concerns that the Leader of the Opposition is alleging.

The SPEAKER: Is there a last supplementary?

Mr Marshall: No.

The SPEAKER: The member for Ashford.

CORRECTIONAL SERVICES

The Hon. S.W. KEY (Ashford) (14:57): My question is directed to the Minister for Correctional Services. Minister, can you advise the house with regard to highlights that have occurred in the Department for Correctional Services over the past 12 months?

The Hon. J.J. Snelling interjecting:

The SPEAKER: Before the minister rises, the Minister for Health is warned for the second and final time. There will be no further warnings. The Minister for Police.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:58): I thank the member for Ashford for this question and take the opportunity to recognise the many accomplishments of the Department for Correctional Services over the past 12 months. The challenging work and activities performed day in and day out by Corrections staff can often be overlooked, so it is actually important that we acknowledge their successes.

There were a number of infrastructure upgrades during the year, including the commissioning of a new 90-bed unit at Port Augusta Prison, a 108-bed new unit at Mount Gambier Prison and upgrades to the Northfield precinct, to name just a few. Also, as a result of extensive work in 2012-13, the new gatehouse at Yatala Labour Prison and reception at the Adelaide Remand Centre both now host some of the most advanced access control technologies available on the market. These include biometric iris scanning, drug and explosives monitoring equipment, and state-of-the-art metal detection systems.

In the past 12 months, there was an increase in the frequency of drug testing of offenders, to 6,939 compared to 5,605 in 2011-12. Drug testing in the custodial environment also increased from 4,108 in 2011-12 to 4,649 tests in 2012-13. Prison searches are another tool the department has employed efficiently during the past year. In 2012-13, these were increased to 83,199 searches compared with 57,057 in 2011-12. There is an immense workforce behind such operations, and the efforts are to be commended.

I was very concerned to hear on radio this morning the unwarranted criticism of Corrections officers by the member for Stuart, who accused them, effectively, of being drug traffickers. He said, and I quote, 'It is actually known that this is one of the top four ways that contraband material gets into prisons.' This is a very serious allegation to make, and I find it most disturbing. I urge the

member for Stuart, or any other member who has intelligence about criminal activity, to pass on this information to police.

I also place on record my confidence in the integrity of Corrections officers. It is shameful that they have been publicly denigrated today by the shadow minister. This government is committed to maintaining a well-run prison system, and I can assure Corrections officers their jobs are safe in the public sector. Unlike the opposition and the Leader of the Opposition, who has failed to rule out privatisation—

Mrs REDMOND: Point of order. The minister has now strayed into debate, discussing what the Leader of the Opposition, or the opposition itself, has as policy.

The SPEAKER: I will listen to what the minister has to say and, if he is straying, he will be dealt with. Minister.

The Hon. M.F. O'BRIEN: I have no wish to be dealt with, Mr Speaker. I will conclude my remarks.

Mr VAN HOLST PELLEKAAN: Supplementary.

The SPEAKER: If it is a supplementary and if it is a question.

CORRECTIONAL SERVICES

Mr VAN HOLST PELLEKAAN (Stuart) (15:01): Mr Speaker, given that the minister has said in his remarks that he thinks that is not the case—

The SPEAKER: That what is not the case?

Mr VAN HOLST PELLEKAAN: —that it is not the case that Correctional Services staff are one of the top four ways in which contraband is brought into prisons, does that mean that he disagrees with the CEO of the Department for Correctional Services, who told me that?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:02): I am glad that the shadow is compounding his errors. The most obvious thing that I would do would be to establish the facts, which I did, and I received a briefing. The way in which drugs are entering our prison system is, by and large—nearly 100 per cent—by way of visitor interaction. There is no evidence of systemic corruption within the Correctional Services workforce and, also, there is no evidence to support the other claim that the member for Stuart made this morning that contractors doing building work in our prisons are also corrupt.

WOMEN'S AND CHILDREN'S HOSPITAL

Dr McFETRIDGE (Morphett) (15:03): My question is to the Minister for Health and Ageing. Now that the government has announced the Women's and Children's Hospital will open at the rail yards site in 2023, is the government still proceeding with the $64 million upgrade of the Women's and Children's Hospital announced in the budget, due for completion in 2016?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:04): Of course, we are reviewing that because, if we are moving in 10 years, it will not be appropriate for some of those upgrades to happen. Some of that $64 million will need to be spent to ensure that it continues to be the first-class hospital that it is but, naturally enough, if you are moving in 10 years, some of that $64 million will not need to be spent because of the shelf life of the hospital, ending in 2023.

We are going through that and having a look, and closely reviewing those projects to make a determination about which we proceed with because we have to and which we do not. That is where we are at. That is where we are at. It is interesting that the member for Morphett should still be referring in a derogatory way to what he calls 'the railway site'. It is interesting to hear the language that they are using. They still cannot help but talk down our new Royal Adelaide Hospital and indeed, by implication, the Women's and Children's Hospital.

The SPEAKER: The Minister for Health is on the precipice. The member for Morphett.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Dr McFETRIDGE (Morphett) (15:05): My question is again to the Minister for Health and Ageing. What process was undertaken in appointing Mr Michael Long to his $3,000 a day position as Program Director for eHealth?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:05): There was an international search conducted because, of course, people with Mr Long's skills are very rare. We do not have those skills readily available, so an international search was conducted. I can get more information to the member for Morphett about who was engaged as part of that international search in order to find him, but can I say that, when we are talking about EPAS, it is an incredibly important project and a project where he is doing an excellent job, an absolutely astounding job, and the state of South Australia is incredibly fortunate to have someone of Mr Long's skills engaged in that position. We are extremely fortunate. The thing about EPAS—

Members interjecting:

The Hon. J.J. SNELLING: Sir, I have received two warnings today and been threatened with expulsion and yet every answer I have given I have had to put up with a cacophony of interjections from the opposition. They have tried to shout me down every time I have tried to make a point. Every point I have tried to make, the Leader of the Opposition and the opposition—because they are not interested in the facts—have attempted to shout me down.

The SPEAKER: Life is tough on the front bench, isn't it? Is the minister finished?

The Hon. J.J. SNELLING: No, sir. Can I say, when we are talking about EPAS and the rollout of new patient administration technology through all our metropolitan health sites, the risks in such a project are of course enormous. When you are talking about an information system that controls people's medications, it controls their treatments—

Dr McFetridge: Patients are at risk?

The Hon. J.J. SNELLING: Yes, indeed, patients are at risk, and that is why, with any new technology, we need someone of Mr Long's skills looking after these IT projects. I have enormous confidence in him, and I do not resile for a minute from the fact that, with someone of such significant skills, of course that comes at a price. I do not regret that for a moment.

The SPEAKER: Je ne regrette rien.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens reminds me that English is the language of the parliament. He is, of course, right.

GRIEVANCE DEBATE

HEALTH AND HOSPITAL CARE

The Hon. I.F. EVANS (Davenport) (15:08): There must be an election in the air, because the Labor Party, particularly the health minister, is starting to run the line that the Liberal Party hates hospitals. He said it today in his grieve. Let me make it crystal clear to the Minister for Health that he has no right to come in here and say that this side of the house hates hospitals, particularly the Women's and Children's Hospital.

I will put it on the record that my eldest son was saved by the Women's and Children's Hospital. At two weeks old, he got bacterial meningitis and for four weeks he sat in that hospital as a two week old, and ultimately a six week old, being saved by the staff of the Women's and Children's Hospital. For the Minister for Health to come in here with his sanctimonious claim that the Liberal Party somehow hates hospitals is rubbish. I thank the Women's and Children's Hospital that I happen to have a 27-year-old son today. I thank the Women's and Children's Hospital.

What the public does want is a health system that is run properly, a health system that can stick to its budget and a promise that you can believe. Now, there is no-one in South Australia who is going believe this government when they say they are going to build a Women's and Children's Hospital in 2023, 10 years away.

I say to the Minister for Health that he needs to explain a few things. Why should the public believe they will build a new hospital in 10 years when they cannot even deliver on the $60 million O-Bahn project they promised during this term or indeed the $520 million trams to the western suburbs that the Minister for Infrastructure prattled on about for years on end? What about the Mount Bold expansion that was promised; that was front page of the budget, front page of *The Advertiser*? I know, what about the prison PPP?

These are promises that this government make and they simply have not delivered. They promised a train to Gawler a number of times; that is not being delivered. They promised a Sturt Road-South Road intersection upgrade not once but twice; they promised it in 2006 and 2010. This government think the public should believe them that in 2023 in 10 years' time, three elections' time—and who knows who will be in government then—that somehow this government is going to deliver a new Women's and Children's Hospital.

Who is going to believe that? This is a government that in its own forward estimates is cutting $949 million out of health. They are cutting $949 million out of health. They are going to build a new hospital in 10 years' time if you believe them, but what are they doing right now? They are cutting $949 million out of health—your government, minister. You are doing that, member for Wright. Go and tell your electorate that. They are sacking over 200 nurses. They are reducing the nurse numbers now.

The Hon. J.M. Rankine interjecting:

The SPEAKER: Member for Davenport will be seated. I call the Minister for Education to order and I warn her for the first time for repeated interjections. I can hardly hear the member for Davenport over her. Member for Davenport, who has time on.

The Hon. I.F. EVANS: Thank you, Mr Speaker. So, the reality is that the public should look at what this government is doing to health right now. They are cutting $949 million out of health over the forward estimates, they are getting rid of nearly 5,000 public servants in their forward estimates, they are getting rid of about 200 nurses in their forward estimates and they want the public to believe that; don't worry about it.

In 2023 they are going to build a new Women's and Children's Hospital on top of $36 billion worth of infrastructure, transport infrastructure, and at the same time they are going to pay down debt ($14 billion) and establish a future fund. Now, I suggest the public think about this because what the government is promising I do not think the public are going to believe. This government has made so many promises that they have broken and all the heads are bowed because they know in their heart of hearts we are right, that they have made so many promises they have broken that the public simply do not believe them.

The SPEAKER: I haven't broken any promises lately.

The Hon. I.F. EVANS: Then why did you interrupt me, sir, if you haven't done it lately?

The SPEAKER: The member for Davenport will address his remarks through the Chair.

The Hon. I.F. EVANS: My time has expired, sir. You interrupted me, unfortunately.

The SPEAKER: Thank you for confessing that, but we did give you time on.

CHILD PROTECTION

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:14): That was an interesting contribution from the member for Davenport. I think he thinks because he expresses himself as loud as he possibly can, he must be right. I point out that the people of South Australia are seeing with awe the development of the SAHMRI building, the Royal Adelaide Hospital, the upgrade of the Modbury Hospital, the upgrade of the Lyell McEwin Hospital, the upgrade of The Queen Elizabeth Hospital. The upgrade of the Lyell McEwin Hospital, from my recollection, was announced about five times and not a dollar spent, so what they have seen from this government is action, not promises, not just loud shouting and thinking that makes you right. I want to address the house today—

Mr Hamilton-Smith interjecting:

The SPEAKER: The minister will be seated. The member for Waite is called to order for making exotic noises on the front bench which are obviously designed to mimic how he thinks women speak loudly.

The Hon. J.M. RANKINE: It is alright to bellow like a walrus, sir.

The SPEAKER: Well it is when you are in order.

The Hon. J.M. RANKINE: Thank you, sir; I am just making the point. They don't make a joke of some bloke in here bellowing like a walrus, but never mind. I want to make comment on an article on the *InDaily* website today. It is about a 'political frenzy' over child protection in schools. This is an incisive analysis of the effects of the opposition leader's politicisation of child sex abuse.

Could I preface my comments by making it clear that there is nothing more abhorrent than child sex abuse. It is the most depraved, baseless act. The only thing that comes close, perhaps, is an attempt by an individual or individuals to in some way make political mileage out of it. So, we find ourselves amongst this 'political frenzy' that has:

> ...left every teacher feeling tainted—and has meant the leadership of the Education Department is no longer focused on improving educational outcomes.

On the back of more allegations by the opposition leader and the member for Unley today, Jan Paterson, president of the South Australian Secondary Principals' Association, told *InDaily* that:

> ...principals felt they were all being blamed for failures in child protection in the wake of the Debelle Royal Commission, despite the good health of the huge public school system.

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is called to order.

The Hon. J.M. RANKINE: I echo the words of Ms Paterson that good work in our school system is not being acknowledged. Any focus on the many great things that happen at hundreds of schools across the state every day has been deliberately and repeatedly derailed by an opposition leader and his spokesperson who are yet to find a low to which they will not stoop.

Of course, they disguise their actions as righteousness and a desire to hold the government accountable, but it is becoming increasingly apparent that it is simply a political crusade that the opposition leader is convinced will deliver government. Ms Paterson puts it best, I think, when she says:

> It's very depressing for people who go every day to give their all and do their best for the students only to see bad news stories.

Ms Paterson said:

> ...it might be 'the reality for a short time' that 'political mileage' would be sought from the situation in the lead-up to the election.

She also said:

> It's difficult to know that schools are being used as a political football...It's like we have failed every child in every school in every situation.

I note that Mr Steve Portlock, President of the South Australian Primary Principals' Association, said:

> I think the constant knocking in the media has certainly knocked around the morale of primary principals...Primary principals are very proud to be working in the public system, but they feel a bit dented at the moment.

After 11 years in political purgatory, the opposition has resorted to the most desperate and shameless act to claw their way back into power. If they do, the opposition leader will get there by climbing atop a pyre of honest, hardworking teachers whose reputations have been sacrificed in the name of political expediency.

We saw yesterday inappropriate comments being made in this chamber that need to be dealt with. We saw that the best the lead spokesperson in relation to the Children's Protection Act could do was read someone else's article—that was his contribution—and he didn't even know what recommendations the legislation was addressing—that is how much commitment they have to child protection in South Australia.

Members interjecting:

The SPEAKER: The minister will be seated. The minister will receive time on. The member for Waite is not being called. The member for Chaffey is warned a first time, and the member for Morialta is called to order. Has the minister finished?

The Hon. J.M. RANKINE: I will just restate that: the member for Unley came in here yesterday reading someone else's words as a contribution to legislation, and he did not even know which recommendations of Mr Debelle were being addressed in the legislation. That's how much effort he puts in; that's how much they care about child protection in this state.

ENERGY POLICY

Mr HAMILTON-SMITH (Waite) (15:19): The Premier, earlier today, suggested wrongly to the house that the opposition had not released as much policy as the government. It incites me to remind the house that we have put out a very thorough energy policy, and, in the absence of an energy policy from the government, I am quite enjoying a little exchange, through grieves, with the Minister for Energy, because he keeps wanting to bring attention to our excellent policy announced by the leader a few weeks ago, and in particular, point No. 1, which is that reform to the national regulatory arrangements will be vital to getting our prices and costs down for households and small business.

He keeps reminding the house that, under his government, prices have gone up by 133 per cent. Thank Heaven they do not own the electricity assets, or it might be like our water assets, where prices have gone up by 257 per cent. Imagine if they owned the electricity assets; we might have another 100 per cent worth of increases. But since the Minister for Energy is so kindly obliging me with this, it gives us a chance to again repeat the soundness of our energy policy, because unless the government and the minister embrace the Productivity Commission's recommendations about regulatory reform, we will not be able to get prices under control, or ultimately get them down.

That is why it is so mysterious that the minister has been running around, trying to convince journalists and stakeholders that those of us on this side of the house, who actually privatised our assets so that things could be run more efficiently, are somehow planning a secret nationalisation of those assets—we want to buy them back, he says, for $7 billion. Of course, that is completely false and laughable. I am getting calls from journalists and stakeholders laughing their heads off at the stupidity of the proposition he is putting.

If it had come from him, well, maybe it would be understandable, because he argued against privatisation, but I am glad he has now become an advocate for privatisation. In his grieve yesterday and in his public utterances on Sunday, he said, in effect, that it is really sound that these assets are owned by the private enterprise sector, because it would be most unwise for the government to nationalise or buy them back at a cost of $7 billion. Suddenly, the minister has become one of the best advocates around for the fact that our electricity assets are in private hands.

Of course, he goes on to misrepresent—fortunately, because it gives me a chance to clarify the situation and promote our policy—our position on regulatory reform; it could not have been any clearer. I do not know if the minister did English in high school, but I doubt it, because we say this: we will use the Standing Council of Energy and Resources (the SCER) to advocate as a matter of urgency—advocate—

The Hon. J.D. HILL: Point of order, Mr Speaker.

The SPEAKER: Point of order.

The Hon. J.D. HILL: I understand that the member for Waite just accused one of the ministers of misrepresenting some facts; I would have thought that was something that should have been subject of a motion, rather than a claim.

The SPEAKER: Could the member for Waite repeat his words?

Mr HAMILTON-SMITH: No, I said he is misrepresenting our policy, and I am explaining why, sir.

The SPEAKER: And do you think he misrepresented it here in the chamber or outside?

Mr HAMILTON-SMITH: Well, I am explaining my point, sir; I would ask you and the house to listen.

The SPEAKER: Well, where did this alleged misrepresentation occur?

Mr HAMILTON-SMITH: It has occurred in the media, it has occurred here yesterday in a grieve, and I am clarifying the situation. As far as I am concerned, Mr Speaker, it would be extraordinary—

The Hon. S.W. Key interjecting:

The SPEAKER: The member for Ashford can cast light on this?

The Hon. S.W. KEY: No, I have a different point of order.

Mr HAMILTON-SMITH: —and I would ask that the clock be held while—

The SPEAKER: Yes, you will get your time on.

Mr HAMILTON-SMITH: Well, thank you. Mr Speaker—

Members interjecting:

The SPEAKER: I will look at the *Hansard*, and if the member for Waite made an imputation that the Minister for Transport deliberately misled the house, I will return—

Mr HAMILTON-SMITH: Hang on; why?

The SPEAKER: Well, because you cannot do that.

Mr HAMILTON-SMITH: Mr Speaker, as far as I am aware, it would be extraordinary were you to rule that, if anyone in this house claimed someone else had misrepresented the facts on a matter, it was unparliamentary. No-one used the words 'mislead the house'. This is amazing. If that was the case, we might as well close down parliamentary debate, sir—

The SPEAKER: Yes—

Mr HAMILTON-SMITH: —because that is what goes on here every day of the week.

The SPEAKER: I agree with that, and that is why I will look at the words. I think the member for Waite is entitled, under the rules, to accuse the minister of misrepresenting in the abstract. If he accused him of misrepresenting to the house, that would be a different matter. But, before the member for Waite resumes—he is getting full time on, and indeed I will, as I usually do, let him talk beyond the final siren—the member for Ashford has a point of order.

The Hon. S.W. KEY: I have a different point of order. I was concerned that the member for Waite accused the minister of not doing English at high school, and I am just wondering whether or not he is having a go at the minister having a Greek origin.

Mr HAMILTON-SMITH: Come on!

The Hon. S.W. Key: —because you've done it before.

Mr HAMILTON-SMITH: Rubbish, absolute rubbish!

The Hon. S.W. Key: You have done it before.

Mr HAMILTON-SMITH: I'm married to a Greek, Steph. Don't be stupid. It's a stupid thing for you to say.

The Hon. S.W. Key: I know that, but you do it all the time.

Mr HAMILTON-SMITH: You're better than that. You are better than that, Steph.

The SPEAKER: If the member for Waite would care to address the concern of the member for Ashford, I will give him extra time to do it.

Mr HAMILTON-SMITH: I will push on with the issue and the substance of the matter, sir, because what our policy says is that we will use the Standing Council on Energy and Resources to advocate as a matter of urgency for the regulatory reforms identified in the Productivity Commission's report 2013. I then name the report, the electricity network regulation report, etc. Then I go on to list and outline what is in the Productivity Commission's report, which includes changes to state regulatory arrangements and network business ownerships.

Clearly, if you read the report, and I would hope that the minister and others have, it refers to New South Wales and Queensland, where assets are still owned by the government, creating a conflict, which is a massive imposition on regulatory reform. But if you read what the minister has

said on the matter, you will see he is trying to turn that into some sort of an effort to nationalise assets here in South Australia.

It is just such a ridiculous proposition. It has journalists laughing, it has stakeholders laughing, and it exposes the minister's lack of understanding of regulatory reform. To even propose that the party that was a leader in privatising would reverse that is just silly. It might be the sort of silly action you would expect from a Labor government, but not from one on this side, but it does highlight just how difficult it is.

When a minister says you are plagiarising a report, which you acknowledge and refer to as a precursor to your comments, and when the minister just so misunderstands or misrepresents the argument you are putting in your policy, it explains why our electricity prices are so high: it is simply because this government has not embraced regulatory reform. It does not understand what the Productivity Commission is saying.

We are committed to acting on the Productivity Commission's recommendations, which is the first part of our policy, and we list them and acknowledge fully that is where they are from. We will be advocating and not trying to force Queensland and New South Wales through the SCER to free up their asset ownership because only then will we get the sort of regulatory reform that can get prices down.

I would commend that the minister to deal with the substance of issues and not try to win his argument by being belligerent, by misrepresenting or by showing testosterone. Intellect ahead of testosterone is a very good attribute for a minister.

The SPEAKER: I call the member for Florey, who I hope will improve on the civility of grievance debate thus far.

MURIEL MATTERS

Ms BEDFORD (Florey) (15:27): I strive never to disappoint you, sir. Last night saw the naming of the winners of the South Australian of the Year Awards for 2013. My congratulations go to the winners and to everybody nominated in any of the categories. Local Hero winner is Dean Walker from Coober Pedy for this work in his community, and the Young South Australian of the Year is engineer Julian O'Shea. Senior South Australian of the Year is long-time campaigner for all things natural, Dr Barbara Hardy AO, and South Australian of the Year is long-time community activist and local government advocate, Felicity-ann Lewis. Every nominee strives to make the world a better place and exhibits the power of one.

The wonderful Barbara and Felicity-ann are women I have known and admired for many years—each the sort of woman who could be described as a modern-day Muriel Matters. It is fitting that the awards were announced last night, as 12 November is the birth date of Muriel Matters, one of South Australia's most inspirational women. She was born 136 years ago in the fledgling township of Bowden, and it was no mistake, Adelaide in South Australia produced such a citizen of the world and an agent for change. I have come to know Muriel's life story, and the more I learn about her the more I am convinced that the lessons of her story, her history, have much to offer.

The docudrama *Muriel Matters!* has been selected for the Cork Film Festival this week, following on from its premiere in the recent Adelaide Film Festival. The international premiere in Ireland is significant, as Muriel was heavily involved there during the 1913 Dublin strikes and lockout of workers. It is hoped that more of her story there will become known through this exposure. Muriel's story is connected to so many aspects of contemporary life that it underlines the pressing need for a place where exhibits can be displayed and provide education and prompt debate on issues as varied as why voting is important and how every person can influence how we all live.

On Monday, we honoured the fallen and the commitment of those who served. There are many stories of courage, from the Boer War to Afghanistan, and Muriel's family felt loss with the death of Charles Matters, the brother who died in Gallipoli in August 1915, just a few weeks after he landed. As a member of the Women's International League for Peace and Freedom prior to World War I, Muriel proclaimed the futility of war and worked to prevent it and then end it.

Yesterday, the member for Ashford hosted a meeting for World AIDS Day. This is an important health issue, where prevention is better than cure and where complacency seems to have set in because research has given us a drug to prolong the life of HIV-positive people. Heterosexual relationships are the major risk in transmitting the disease, and STIs have a correlation with the feminist movement of the 1860s in the United Kingdom, where the Contagious

Diseases Act was a catalyst for action. Health issues remained one of the things that Muriel's contemporaries struggled to improve because women and children fared so poorly in those days.

Other uncomfortable issues, such as domestic violence, continue to be a focus and more needs to be done. There is room for leadership, especially from men and women in positions of power to urge and deliver more. One-third of women over the age of 15 have experienced physical abuse, with one in five over 15 having experienced some sort of sexual abuse. Victims and perpetrators need services to remedy their circumstances and learn new behaviours, and family violence must be something that we end for everybody's sake.

Prison reform was high on Muriel's list of causes. She was gaoled for her beliefs and learnt firsthand that people in custodial institutions need compassion and assistance to change their lives. Groups such as Seeds of Affinity here in Adelaide know, too, and are changing lives by providing opportunities for women newly released from prison. Their handmade soaps and other toiletries provide income and the opportunity to network while learning new skills. The Muriel Matters Society is proud to be associated with Seeds of Affinity.

Muriel and women of her time understood the value of early education—something we seem to have re-embraced in recent years. Here in South Australia, the de Lissa school has a proud tradition of early childhood learnings. Muriel's association with Montessori teaching saw her well placed to tour Australia in 1922 to promote and advocate the benefits of encouraging children to learn in new and innovative ways.

The provision of basic services was something she believed in passionately, access and equity similarly being a driving force for me and others here today. Muriel was an advocate for improving public housing and the benefits of new technologies. She was involved in the Women's Electrical Society, where she helped break down suspicion about the use of electrical appliances—an advance that at the time was viewed with scepticism.

Muriel decried sweatshops—so prominent a feature of her time and still, unfortunately, a scourge today. Recent catastrophic events in countries such as Bangladesh have these days made us focus on the origin of so many manufactured items, particularly our clothing. The sweatshops that exist here in Adelaide today—where piecework sees machinists making garments for very low wages—is a shame we must all work to uncover and eliminate.

Muriel was a thinker and an activist who used her skill as an artist to capture attention and garner support to enact change for the better. Her interest in participatory democracy is a prompt for us today to engage in wider debate on how voting works so that every vote is valued and used to the best advantage. Following the recent federal election, there is no better time to begin that discussion, where we know the use of preferences has become a much talked about facet of our voting system.

As we strive to serve our communities in this place and more widely by the example we set in all we do and the high standards we strive to uphold, let's remember and build on the work of those who have gone before us, using their example not so much to reinvent the wheel but to make sure that the wheel turns more efficiently in delivering good policy and opportunity for all.

COUNTRY FIRE SERVICE

Mr WHETSTONE (Chaffey) (15:33): I rise today to speak about the CFS, but before I do that I would like to support the member for Davenport in his comments about our health minister saying that the Liberal government hates hospitals. I think that is outrageous because I, too, had a daughter in the Women's and Children's Hospital in the SCBU unit, which is the intensive care unit for the young, and the nurses and doctors did an amazing job to keep my daughter alive. Today, she is nearly 12 years old and the youngest of my three, and I am very proud that she was taken to the Women's and Children's Hospital. I think it is a slur on this party for the minister to say that we hate hospitals. Outrageous!

I digress, but I return now to the topic of my grieve, that is, firefighters in the electorate of Chaffey. The fire danger season in the Riverland, beginning on Friday, will be approached with caution, with dry and windy conditions. Obviously, this is a very windy time of the year, and there are high fuel loads right across the region. We had extreme weather events last year that, potentially, have accelerated the growth of fuel on the roadsides. We have had a good grain harvest that has left stubble and, particularly with today's practice of minimal till, it raises a significant fire risk.

Over the last couple of months, CFS and MFS firefighters have been very busy, particularly in the Riverland region, and we need to remember that our volunteer firefighters are small business owners who give up their time to assist battling bushfires. I thank John Foody, the commander at Renmark MFS, and his firefighting staff for taking me under their wing, and for showing me some of their procedures, practices and training drills. It really has been an eye opener for me to see how they train and what they go through to fight fires.

With some of the fires that we have had in the region, particularly at Loxton (and I was just talking about broadacre), a 55-acre paddock caught fire recently as a result of a simple accident. The farmer was out slashing his paddock and a bearing overheated, and that put the farming community at risk. Again, I ask all of the farming community to make sure that their equipment is safe and worthy of taking out into the paddock, particularly at this time of the year.

Another fire that threatened the township of Renmark was at *Bangalore*, a state heritage property owned by DEWNR, and it has been under its care for nearly 10 years. I have raised concerns with the minister; I have raised concerns with the department CEO; and I have raised concerns with the department staff about the fire risk that this property poses to the town of Renmark and to the people of the Riverland.

Sadly, the property caught fire last month, and it threatened properties and homes, and it was all about not having that property in a safe state, particularly coming into the fire season. Again, well done to the MFS firefighters and some of the CFS crew who went there and extinguished the fire.

Some CFS firefighters were not there to help, because 19 of the brave Riverland CFS firefighters were over in New South Wales helping as part of the South Australian contingent fighting those devastating fires in the mountain country of New South Wales. Again, I commend the firefighters from the Riverland and the Mallee who have travelled to New South Wales to fight those devastating fires.

Again, I call on landowners and householders to be vigilant and careful in this coming fire season. With grain harvest in full swing, I was lucky enough to go out and spend a day visiting Mallee farms in the grain growing area and sit in some of their new machinery. It was quite a thrill to sit in almost a lounge chair and look at the technology and the fire systems that are installed on these big pieces of equipment. It really is something to behold.

A simple fire in a paddock full of grain can travel very quickly, particularly in windy conditions, and not only take out a person's livelihood but threaten their neighbours and then threaten the towns. Again, well done to the CFS volunteers representing South Australia in New South Wales, and well done to all the emergency service departments that look after our communities.

The SPEAKER: There is one more—the member for Taylor—who would not want to miss out on her contribution.

SAMAHAN FILIPINO-AUSTRALIAN SA

Mrs VLAHOS (Taylor) (15:38): I would not. I need to keep my numbers for speaking up, because we are all under scrutiny in this place as we know from *InDaily*. I would like to speak today about an important part of the community in Taylor which has been affected by the recent typhoon that hit the Philippines. I would like to speak about the Samahan Filipino-Australian SA group. The Filipino community in my area is an important part of the community. It is around 350-odd people and they have claimed Filipino ancestry on the census data in my electorate, but there are also hundreds of other Filipinos who are here in Adelaide working on 457 visas.

Groups like Samahan are an excellent way for local Filipino Australians to link with the broader community. Samahan is a word from the Filipino language or, more precisely, Tagalog, and it roughly means 'community' Samahan Filipino-Australian SA took its name in 2010 with the goal of promoting and preserving the cultural heritage of Filipino Australians in South Australia. They have always performed traditional Filipino dances across the state at various festivals. Most recently, Samahan performed at the Multicultural Festival in Rundle Mall on 3 November.

Many of the people on this committee are in my electorate and I would like to acknowledge and praise the work of the Chair, Mark Betts, the vice chair, Rimas Stankevicus, treasurer Sunshine Carumba, dance coordinator Regina Betts, and committee members Roasida Stankevicus, Nancy Hall and Teresita Lloyd. The rest of the community was also very generous in its hospitality when I attended the 2013 annual foundation ball earlier in August. It was great to see

the dance troupe perform in full traditional regalia in several performance over the night, changing costumes and educating many of us as to the breadth and depth of different cultural identities within the Filipino nation.

Undoubtedly, there would be many people in the area of Taylor who have been closely affected by super typhoon Haiyan, which has just swept through the islands with an estimated 10,000 casualties. Haiyan devastated large parts of the Visayan region of the Philippines, in particular the city of Tacloban and the island of Leyte. Many of these people have connections to my electorate and I see them at block rosary events. I have no doubt that they are praying for their relatives, for their safekeeping and for their communities. My thoughts and prayers go to their relatives and loved ones who are affected by this tragic event.

WOMEN'S AND CHILDREN'S HOSPITAL

Dr McFETRIDGE (Morphett) (15:41): I seek leave to make a personal explanation.

Leave granted.

Dr McFETRIDGE: During question time the Minister for Health alleged that members of the opposition hate the Women's and Children's Hospital. Can I just put on the record that I do not hate the Women's and Children's—

The SPEAKER: Member for Morphett, that is not a personal explanation, and I withdraw leave.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 October 2013.)

Dr McFETRIDGE: I draw your attention to the state of the house, sir.

A quorum having been formed:

Mr WHETSTONE (Chaffey) (15:44): I rise to speak on the continuation of the Firearms (Miscellaneous) Amendment Bill. I declare that I am not the lead speaker, but I would like to contribute to the debate. I rise to convey some of the concerns that have been raised with me through many of my constituents, many of those being primary producers and many being members of gun and rifle clubs. Basically, this bill seeks to introduce a range of new criminal offences and penalties relating to firearms.

I declare my interest: I have a firearms licence, in the A, B and C categories, for primary production and control of feral animals. It has been a vital tool for managing properties, particularly with the development of new farm country. Obviously, we have to look out for birds that are destroying nut crops, grape crops and citrus but, just as importantly, we are looking at eradication of foxes and rabbits that are doing serious damage to farm country and, also, livestock.

I think it is important that South Australia continues to crack down on serious and organised crime and this bill appears to bring South Australia into line with other South Australian jurisdictions in certain areas. What I do not want to see is this bill cause unintended consequences to law-abiding firearms owners.

With the news that the government had rushed this bill into parliament—as I understand it, it was late on the last Thursday of sitting—straight away, I was contacted by a number of constituents who expressed major concerns about the bill as it currently stands. They are concerned about the bill's implications upon the legal and responsible firearms owners and users. This amendment bill will overlap and impact on farmers and firearms owners, and it could potentially impact on people who are collectors and have a small collection of firearms. In some cases, people have large collections.

It concerns me that this blanket approach will impact on the wider community and not the people it is intended to target, that is, the criminal element which seems to have no regard for the law at all. They act irresponsibly and under their own steam, and they are the people who are committing the crimes, usually using unlicensed, unregistered and illegal firearms. They come from the underworld and potentially threaten the lives of innocent bystanders. I need to put this into the right scale of what we are talking about. What I do not want to see is that blanket approach affect these businesses, particularly the small businesses that sell firearms, the gun clubs and the primary industry sector.

I guess one of the concerns that I have had, as a gun owner, particularly, is that there was no consultation with the community on this bill. Obviously, there was some form of consultation with the group FLAG. The Firearms Legislative Advisory Group spent a number of years giving evidence and input into this amendment bill yet, when it came time to look at the introduction of the bill, their advice and longstanding commitment to being a part of this process was ignored. I think that is a sad indictment on the way that this has been set about.

The Combined Shooters and Firearms Council of South Australia was disappointed they were not consulted or given sufficient notice about the bill. The group represents thousands of lawful firearms owners, from active shooters to antiques collectors. As I said, it is also about hunters and gatherers, as I call them; and it is about the duck shooting fraternity. What impact is this going to have on those people using their firearms for their pastime or hunting? Whether it is a sport or hobby, we accept that is the way those people spend their pastime.

Many areas of the amendments in the bill will impact on lawful firearms owners. I have had community members come to me, as I said, stating that competitive shooters often alter their firearms to gain competitive advantage within the law. However, this bill could impact upon this. If this bill is going to impact on competitive firearm owners or competitive gun clubs, what is that actually doing to the sport? Obviously, this is the other side to what the implications of this bill could mean. Again, we need to be clear exactly who will be impacted on. I know that this bill is targeted at the unlawful ownership and use of firearms, but we need to be clear just exactly who will be impacted on.

Another constituent raised the issue of seizure of equipment under this bill. Police will simply be able to seize guns upon suspicion. Amendments to the bill include creating trafficking offences, increasing police powers with regard to searches, firearm prohibition orders, prohibiting some currently legal firearm accessories and the ability to seize any equipment capable of being used to alter or manufacture firearms.

We say that obviously it appears that having a silencer is illegal and, as I understand it, the possession of a silencer is illegal, but there are some concerns about the manufacturing of a silencer. That needs to be clarified because, let's face it: we can have a manufactured silencer and a lot of them come from Europe. In Europe, silencers are mandatory. Here in South Australia, I have seen issues where people have makeshift silencers: they use a cordial bottle or a cool drink bottle. What type of accessory will be illegal?

The Combined Firearms Council also believes that, if further suitable amendments are put in place allowing exemptions in some areas for members of recognised clubs conducting recognised shooting disciplines and collecting, that would minimise its concerns. The firearms council is saying this because it appears that they have been left out of the final consultation when it comes to this amendment bill.

In 2008, the government established the Firearms Legislative Advisory Group (FLAG), as I have already said. The advisory group was made up of 15 delegates from all major firearm groups with representatives from SAPOL. FLAG met continuously for four years and reviewed the entire Firearms Act and regulations and none of the recommendations made by FLAG have been included in the bill. I again raise the question with the minister that these people have given four years of their time. I am sure that the minister would not acknowledge that four years of their time was just a waste. Obviously the minister has an agenda and it was not to include the FLAG group.

A particular area of concern is the seizure and forfeiture of equipment. That is clause 12, which provides for the insertion of new section 27AAB. The clause provides police with the authority to seize any equipment, device, object or document reasonably suspected of being used or intended to be used to alter or manufacture firearms. The Registrar may institute proceedings for the forfeiture of the equipment before the court.

The Registrar may sell or dispose of the equipment forfeited to the Crown. The concern here is around the term 'intend for use'. My constituents have informed me that they believe it is unfair for a person to be punished for owning equipment that could be 'intended for use'.

Moving now to searching premises, currently SAPOL has the power to break into a property if there is enough evidence of suspicion of holding illegal firearms, so we need more clarity about what powers the police have in this matter and what sufficient justification actually means. We do not want to see a neighbour who has a gripe who reports that his neighbour has an armoury in his house or shed, really when he only has a chip on his shoulder, and I do not want to see people being labelled as criminals through something like a neighbour with a chip on his shoulder.

As to the detachable magazines with a capacity of more than 10 rounds, this is a new clause prohibiting a person from acquiring, owning or possessing a detachable magazine with a capacity of more than 10 rounds without written approval from the registrar. Most primary producers have a 22 in their gun safe, and I speak to many of them. They would have a shotgun. Most 22s have a 10-round magazine—some have bigger magazines, some have smaller—but that now means that every primary producer is now looking to have to be approved or registered now that they have a rifle that they are using for their primary industry business and now they have to have another piece of paper registered to say they have a 10-shot magazine or a larger magazine.

A large number of these firearms users possess magazines, as I have said. What will that mean for those people with historic collections? I understand that there are some exemptions but this needs to be made more clear. For example, we have a paintball company in the electorate of Chaffey and the equipment holds a sufficient amount of magazines. Will that impact on a commercial business?

People spend a lot of money on magazines within the law and they now may be deemed illegal and confiscated without compensation. They could potentially be fined, they could be brought into court because they were not aware of these new amendments. How will every firearms owner know exactly what the law is going to be without having up-to-date literature that will be sent out?

Another concern that I have is regarding TAFE. Obviously TAFE is the only training facility here in South Australia for firearms certification. Has TAFE been notified? What will the cost be to amend all of the workbooks within TAFE? It is not just about bringing in these laws to target the people who shouldn't have firearms, illegally have firearms, illegally use firearms, it is also about the training institutions. They have not been notified.

That does cause concern that this is something that has had serious consultation with the representative groups and yet we do not see anyone from the training institutions being a part of it. I have more concerns and I am sure that the lead speaker will have the opportunity to ask questions in committee.

Mrs VLAHOS (Taylor) (15:59): I rise today to raise concerns of my constituents who have made contact with me. I represent an outer metropolitan area in Adelaide; in fact, I have many gun clubs that are located in my electorate, including the State Shooting Park in Virginia. The patrons of Penfield Pistol, Rifle and Archery Club does fantastic work in educating scouts and guides about firearms safety, and has done so for many years. Thousands of children have benefitted from that. I am in the process of obtaining an A, B and H class licence and am under instructions for that.

I also have attended the Queen's shootout at the Lower Light Range. A number of other collectors have made contact with me, and I flag that I intend to ask a number of questions in the committee stage of this bill to ensure that their interests are represented, as it is a legal and very skilful recreational pursuit. I have farmers in my electorate who are using it as a tool of trade, who are responsible and need to know that their interests are ensured in this bill, so I flag that I will be asking questions in committee.

Mr VAN HOLST PELLEKAAN (Stuart) (15:59): I will be the opposition's lead speaker, and I am very grateful to the member for Chaffey for rising to his feet when I was otherwise occupied—

The Hon. L.R. Breuer: Where is your commitment?

Mr VAN HOLST PELLEKAAN: —in my office, member for Giles. I rise to speak on the Firearms (Miscellaneous) Amendment Bill 2013. Let me just put on the record that unfortunately it was only possible for me to get a briefing from the government and from SAPOL today.

As the member for Chaffey quite rightly said, it does appear that there is a great rush on the behalf of the government to push this legislation through. It was tabled last sitting week, and I offered times when I would be available in Adelaide last week for a briefing between the sitting weeks, and I made it very clear that I would not be available, unfortunately because of some funerals, to attend a briefing in Adelaide on Monday or Tuesday. The result was that I was offered a briefing on Tuesday.

That was a fairly clear message from the government in regard to how they wanted to do things. I understand that the government is busy, I understand that SAPOL are very busy, and I understand that the firearms branch is extremely busy, but it certainly sets a pattern, and I am not alone in this view. The government seems determined to rush this through before the end of

sittings. It does have an optional week, which it could use if it chose to, so it will be very interesting to see how that goes.

Nonetheless, I did get a good briefing this morning, and I appreciate the fact that the two officers from SAPOL who came along were both very open in regard to answering the questions. In opposition, we really do understand that SAPOL have a tough job to do—a very tough job to do. It is a very natural desire, and the opposition supports that desire, to get as many firearms as possible—ideally, all of them—out of the hands of criminals, including illegal owners and users of firearms, because even by just possessing an unregistered firearm or possessing a registered firearm without a licence, or any of those various combinations, and doing nothing with it, you are still a criminal.

We support wholeheartedly SAPOL's desire to clean things up. The government is clearly very concerned about the publicity it has had lately in regard to bikies and organised crime—and I think that is for good reason—and they are trying to really push this through. We support the police in their desire to do the work they do. I understand that the police broadly, quite rightly, really focus on what they want to achieve and what they need to achieve to fight crime; good on them for doing that, but there are other issues that come along with this legislation.

It would be pretty handy for all of us if it were possible just to say, 'Please, give SAPOL whatever tools they need to go and get the crooks. Have as much power as you like.' We would all be happy with that if there were no unintended consequences that went with that path of action. It is the unintended consequences that really are the focus of the concerns of the opposition and also the broader firearms-owning community.

In the government's rush to get this legislation through parliament, it just has not consulted. It just has not consulted with the people who count on this issue. I understand SAPOL's view that we are not actually trying to impact upon the legal and responsible firearms owners and users: we are trying to impact on the crooks. So, we are not consulting with the other groups because we are not actually trying to have an impact on them. I understand that, but the reality is that there is an impact, and there is certainly a lot of concern out there about the impact of this legislation on people.

I have had an enormous amount of feedback from the public on this bill, and the one single common thread—certainly not the only important issue, but the one consistent theme—was no consultation; a lack of consultation with us. It is interesting to contrast our government's approach on this issue to the New South Wales government's approach. All state governments are grappling with this issue at the moment. It is a tough issue and one that cannot be avoided; it needs to be addressed. I read from an extract of an email that was sent to me with regard to New South Wales:

> The Police Minister officially announced on Tuesday last week that Deloitte was conducting a review of firearms registry, and that stakeholders would have an opportunity to have an input into the review. There is now a way for individuals to have their say on the registry by way of the government's 'Have Your Say' website. There is a questionnaire here that you can complete and/or you can make a more detailed submission by email. The Police Minister presumably passes these submissions on to Deloitte. Deloitte are contacting the major associations directly to interview them.

That is a very, very different approach to what we are having here at the moment. I understand that what is being consulted upon in New South Wales is not exactly the same material that is in this bill here, but it is part of the same general bucket of firearms concerns: registry, licensing, operation, manufacture, adjustments—all of those sorts of things.

I am not trying to say that the government and SAPOL have never consulted, because that is not true; they have not consulted on this bill. The last significant area of consultation that I am aware of with regard to firearms from this government was the Firearms Legislation Advisory Group (FLAG). That was a group of, I think (I stand to be corrected) 16 interest groups or thereabouts that was put together to represent, ideally, the entire community of legal and responsible firearms owners and users.

That group had SAPOL as a member, which I think is entirely appropriate; it is a difficult thing for SAPOL, because you want to participate in the group but you are also the key agency receiving recommendations from the group. Nonetheless, I think SAPOL would have had a very positive, constructive contribution to make to that group. That group put forward its recommendations I think in the middle of 2012 (June or July), and those recommendations, I am told, have never been addressed. I am told that no feedback—no feedback whatsoever—has been given to those recommendations from FLAG.

It might well be that the government's sees its involvement and interaction with FLAG, even though it seems to have been suspended for approaching a year and a half, as ongoing consultation. But, in the midst of the suspension of that ongoing consultation, it does not seem appropriate to be slipping in the Firearms (Miscellaneous) Amendment Bill without going back to that group, which really worked very hard to try and put forward some responsible recommendations.

I am not suggesting that the government need accept every one of those recommendations. I am not suggesting for a second that you go out, you consult, you receive your feedback and, by virtue of that process, you are obliged to go along with what you get back. Certainly, that is not the case, but I think you are obliged to respond to it before you put legislation forward on exactly that topic.

So, I find that process of consultation or lack of consultation extremely concerning, given that really everybody who could possibly have an interest in this was included in FLAG and is represented by the Combined Firearms Council, all the way from antique collectors, who may perhaps never have fired a firearm or had a shot but for their own reasons love collecting, storing, displaying and viewing that sort of equipment, through to active hunters, who for their own reasons like to go out as often as possible and use firearms for hunting.

While I am talking about the range of people involved, let me also say that I think it is very remiss of the government not to have consulted with disabled sporting bodies, because one of the very important parts of this legislation deals with the accessories and/or modifications of firearms. It is quite understandable and quite a natural thing to think that disabled people would require modification to firearms so that they can pursue whatever legal activities they would like.

That is most typically competition shooting, from the grassroots—from outer metropolitan clubs, as the member for Taylor said, all the way through to far-flung parts of our states—ideally all the way up to the Paralympics. It appears that people who would advocate for and represent disabled competitive legal, responsible shooters have not been consulted at all about a bill that directly deals with the modification and accessorising (for appropriate reasons) of firearms.

As I said before, the police quite rightly focus on their priorities. I know they would give consideration to the broader issues, but it is their job to ask for legislation that helps them perform better in preventing (ideally) and, if not preventing, pursuing criminals and criminal activity. It is not necessarily their job to think about all of the unintended consequences, but it is the government's job and it is the opposition's job to consider and deal with the unintended consequences from this sort of legislation. Let me tell you, Mr Deputy Speaker, there are a lot of unintended consequences to do with this legislation and there is a great deal of concern among the legal firearms fraternity about those unintended consequences and what they might lead to.

So, as strong as the opposition's support is for the police to do their job, it would be irresponsible of us and it would be irresponsible of me not to deal with those unintended consequences. I have had a brief discussion with the minister and also the minister's advisers during the briefing this morning and said, 'Look, if as many of these unintended consequences as possible can be clearly ruled out in a way that gives everybody confidence that what is actually in the bill and could apply to them will not, then I would be quite happy to support in those areas.' I have made an offer to the minister and shared some information with him about the types of assurances I will be looking for, and I hope that he is able to provide those assurances.

Just so that the house and all members are clear, I will just give a very brief summary of the key aspects of this bill. One is possession of a prohibited accessory, as in clauses 4(1), amending section 5, and clause 14, inserting new section 29B. The bill creates a new definition for a prohibited firearm accessory, which means 'an item, or an item of a class, prescribed by the regulations that may be fitted to or used in conjunction with a firearm'.

Straight away you can understand that sets alarm bells off, because what is going to be in the regulations? The government has that information but the public does not know and the opposition does not know. Quite understandably, that sets alarm bells off. A person found in possession of prohibited firearm accessory would be guilty of an offence with a maximum penalty of $10,000 or imprisonment of two years, which is pretty serious, yet we do not even know what those accessories might be.

It is hard to ask us to agree to that sort of a fine if we do not actually know what the fine might apply to. If the offender has physical control of the prohibited accessory in a firearm it would

be considered an aggravated offence, which incurs a maximum penalty of $75,000 or imprisonment of up to 15 years—yet we still do not know what is on the list.

Clauses 4 and 13: possession of a silencer or other mechanism. Under section 29A of the Firearms Act 1977 it is already an offence to possess a silencer or a mechanism that can be fitted to a firearm to convert it to an automatic firearm or enable it to fire grenades or explosive projectiles. None of us would be suggesting that anybody in their right mind in today's world outside of some sort of military conflict needs to be firing grenades or explosive projectiles.

Clause 11: manufacturing of a silencer. This is a new offence making it illegal to manufacture a silencer. Penalties range from $35,000 or seven years' imprisonment to $75,000 or 15 years' imprisonment, depending on the class of firearm. As the member for Chaffey mentioned, there are many accessible household items which could be used as a silencer, and it is probably worth pointing out that I guess there is really no such thing technically as a silencer, there are certainly noise inhibitors or noise reducers, but, as it reads, potentially a towel is a silencer. As the member for Chaffey mentioned, potentially a fruit juice container is a silencer.

Clause 9: trafficking of firearms. The Firearms Act currently contains no provisions relating to the trafficking of firearms. While it is an offence to possess an illegal or unregistered firearm, there is no specific offence for supply or acquisition of the firearm. This bill introduces a traffic offence for a person acquiring or supplying an illegal firearm and that is pretty straightforward. We would not oppose that.

I do not oppose the intended desire of that, but the unintended consequences are certainly very concerning, particularly when for a first offence that involves one firearm the maximum penalties are as follows: for a prescribed firearm, a fine of $75,000 or imprisonment for 15 years; if the firearm is a class C, D or H firearm, a fine of $50,000 or imprisonment for 10 years; and for any other kind of firearm, there is a fine of $35,000 or imprisonment for seven years. It is all serious stuff and applied to a criminal, go your hardest—absolutely go your hardest. But unintendedly applied to a responsible person—no, that is not appropriate.

Clause 7: possession of a loaded firearm. Section 7 of the Firearms Act 1977 makes an aggravated offence if an offender is in possession of an illegal loaded firearm or had an illegal firearm concealed about the person. This amendment seeks to include the term 'loaded' or 'in the immediate vicinity of a loaded magazine that could be used in conjunction with that firearm', and I will come back to that again, because, quite genuinely, the intent of somebody illegally, irresponsibly walking around with a loaded firearm, we don't want that, but what could this bill actually mean in its current form?

Clause 14: possesses detachable magazines with the capacity of more than 10 rounds. As SAPOL and the minister's advisers and the minister know, this is an area that has caused a great deal of concern out in the community. There is a new clause prohibiting a person from acquiring, owning or possessing a detachable magazine with a capacity of more than 10 rounds without written approval of the registrar. The proposed amendment has caused much angst, as I mentioned before, and I will come back to some of the details associated with that.

Clause 12: alterations to firearms and reactivating a deactivated firearm. This clause makes it an offence for a person without authorisation from the registrar to alter a firearm that has been rendered unusable to make the firearm capable of being used, and to alter a firearm making it a different class. Penalties range from $35,000 or seven years imprisonment as a maximum, to $75,000 or 15 years depending on the class of the firearm.

This clause also makes it an indictable offence to attempt to reactivate a firearm or change the class of this firearm; maximum penalty $15,000 or four years. The common thread here is people trying to reactivate or change classes of firearms, for the wrong reasons, and I have no concern about trying to prevent them from doing that and catch them if they still do it, but there are unintended consequences that need to be dealt with.

Clause 15: power to search and detain a vessel or an aircraft. The Firearms Act currently provides police with the authority to stop, detain and search a vehicle within which police suspect on reasonable grounds the person has possession of a firearm or firearm part. This clause extends this provision to include a marine vessel or an aircraft, in addition to road vehicles. I think that is pretty straight forward. It does not really change much at all other than the type of vehicle or vessel than can be searched. There are concerns out there about how police may choose to suspect on reasonable grounds, but that is a different area for debate.

Clause 5: police authority to stop and detain a person to serve a firearms prohibition order. This clause provides a police officer with the authority to require a person to remain in a particular place for up to two hours if the police officer has reason to believe that a firearms prohibition order applies to that person and, if the person refuses to comply, police can arrest or detain the person for up to two hours. I think that makes good sense. I would be very concerned if police had good reason to believe that an individual was the subject of a firearms prohibition order and they were wrong. It might happen but I guess they would not be wrong too often on that, and I would certainly support them in their desire to implement that prohibition order.

Clause 12: seizure and forfeiture of equipment. This clause provides police with the authority to seize any equipment, device, object or document reasonably suspected of being used or intended for use to alter and manufacture firearms, firearms parts, or silencers. The registrar may institute proceedings for the forfeiture of equipment before a court. The registrar may sell or dispose of the equipment forfeited to the crown. The term 'intended for use' is really what causes a lot of concern here. Again, certainly, if it is intended for use, then so be it, but how that is determined is a very difficult issue.

That is a very quick summary of the issues in this bill, broadly speaking. Let me turn to some of the concerns that have been provided to the opposition, and I would like to think that most of these would have also been provided to SAPOL and to government members as well, because the people who I have been in contact with, and who have contacted me, are all doing it for the right reasons. These are not criminals trying to thwart parliamentary process so that they can escape justice. These are people doing this for the right reasons so that they can do everything they can as responsible and legal firearms owners and users.

I do not want to be unfair to anybody but, of the feedback I have received, I have considered most seriously the 19 submissions that really had some meat to them and that appeared to be very well thought out and considered. I am not including in any of the information I am about to share the person who says, 'Bloody police, bloody government cracking down on me. I don't want that stuff.' I have left all of that out. These are the 19 people and/or organisations that I think have shared very responsibly their concerns on behalf of themselves and/or the people they represent.

As I said before, every single one of these people and organisations has said that the lack of or no consultation is one of their significant concerns. I have already gone into that, so I will not delve into it too deeply again, but that is a worry. You do not have to be Einstein to know that if you do not consult you will end up with unintended consequences that affect the people you did not consult with. There is a range of useful general comments I will share with the house. I will not share exactly who made each comment, but these are some general comments:

> Four year process with Firearm Legislative Advisory Group (FLAG) all recommendations ignored/no response from Government.

Another one is:

> The wording of the Bill is vague and unclear in its intent. A clear indication of rushed drafting, which is likely to result in bad law.
>
> The possible effect of unintended consequences' on legitimate shooters and our sport.
>
> Proposed legislation left in Police hands through regulations.

I think what that is really trying to say is that the greatest area of concern for this particular person is, 'What is in the regulations? Give us the detail. How can we possibly be expected to be comfortable with what parliament is considering at the moment if we don't know really exactly where and when it's applied?' Another one states:

> The unfortunate consequences are that the law-abiding firearm owners are not differentiated from the criminals while having to face ever more complex restrictions...

As I said before, I will be very grateful if the minister can rule out some of these unintended consequences that exist at the moment. That would be terrific. Another comment is:

> It has become increasingly clear that this is a pre-election attempt at political grandstanding on the perceived law and order issue, rather than any serious attempt at controlling or curbing real criminal activity.

Another one states:

> They have not taken the opportunity to fix the interstate dealer problem as 'promised?'

The bill will make certain items of currently legal sporting equipment illegal, and contains no provision for compensation. This is not acceptable and is but one of the issues that I have with it.

I copy the tourism minister—

this submission went to the tourism minister as well—

because I thought he'd like to know that, as a result of how hard it is to legitimately pursue my hunting hobby in Australia, my wife and I are choosing to take our big break in New Zealand, where it is easier and more socially acceptable. That's approximately $US10,000 that I won't be spending in South Australia.

Another comment is:

There are a number of items in this Bill that will affect law-abiding firearm owners like myself as both a collector of historic firearms and as a sporting shooter.

This is the last one that I will share with the house:

Broad and at times vague nature of the Bill which will impact on law-abiding firearms owners even if that isn't the intention of the proposed legislation.

That last comment really does give us the summary in a nutshell, Mr Deputy Speaker, and, as you know, that is where the majority of my concerns lie. I am going to go through some specific concerns, as opposed to the general concerns I have just shared with the house. These come primarily from the Combined Firearms Council which you, Mr Deputy Speaker, as a former police minister may know is a group that does its very best to represent every single sporting club and sporting organisation in our state on these matters.

They put an enormous amount of work into this and have done so for many years. These are not people who have just come lately to this topic and been riled up or inflamed in some way. These are people who have put an enormous amount of time and effort into firearms legislation. They are not the only people I listen to: I will be very clear on that.

They are not the only people I think have a good voice to offer on this issue, but they are the single largest representative body. Let me step through some of their concerns. They have concerns in regard to possession of a prohibited accessory. I will not tell members everything, just the key and pertinent bits. They say:

The definition is meaningless without access to the proposed regulations. Shooters add one or more accessories to their firearms to enhance accurate shooting and the ergonomics commensurate with their own capabilities and the tasks they undertake. The definition and section 29B and all reference to prohibited firearm accessories should be removed from the bill until a satisfactory definition has been drafted.

I believe what they mean is that it should be drafted within the legislation as opposed to being contained in the regulations. In regard to accessories, I advised previously that I have had the chance to have a brief chat with the minister, his chief of staff and adviser on this matter, and I have been given a list of typical firearms accessories that are used by responsible, law-abiding firearms users for perfectly responsible, law-abiding purposes.

I would be very grateful if the minister, when he has the opportunity, could confirm that none of these accessories would be deemed to be caught by this legislation if it were successful, subject, of course, to them being used responsibly and legally. I am not suggesting that I am after a list of accessories that for any purpose are okay, but a list of accessories that are used for positive reasons.

Sights:

- alternative foresights. including hooded, coloured, luminous and adjustable;
- alternative backsights, including open, aperture, adjustable, folding, multi-leaf, luminous;
- telescopic sights, including fixed power, variable power, illuminated, red/green dot, range adjustable, range finding, image intensifying;
- laser sights;
- fibre optic;
- sight mounts and rings, including dovetail, quick detachable, multiple, adjustable, Picatinny, tip-off and see through.

Triggers:

- adjustable and match grade, typically for weight, travel, over-travel, length and position adjustments;
- upgrade to manufacturer's trigger for adjustments, single or dual stage;
- set triggers, single or dual;

Let me share with the house that I have an accessory on a stock of a shotgun that I own, which I purchased at a clay target shooting competition, and I consider myself to be a very law-abiding, responsible person. All it does is make an adjustment to the end of the stock, which helps me because I have a fair distance between the crook of my shoulder and my cheek and eye, which are the two places where you mount your stock on your shotgun when you are shooting clay targets. This is a very real-world situation.

Stocks:

- custom stocks to fit the user;
- adjustable, being timber with butt plate and/or cheek piece adjustment, or synthetic with multiple adjustments, or aluminium with multiple adjustments and supplementary ergonomic grips;
- synthetic: timber replacement, including timber laminate, fibreglass, carbon fibre, plastics, aluminium;
- coloured: having colour and texture such as to minimise visibility to animals when hunting and reduce shine;
- textured or rubber/plastics coated so as to provide for enhanced grip;
- special inletting and internal fixtures so as to provide superior action bedding and fully floating barrel;
- special inletting and external fixtures, providing mounting points and/or rails for fitting slings, lights, palm rests and bipods.

Tube stocks:

- metal stock systems providing adjustments, fully floating barrel and surrounding for end/hand guard;
- recoil pads, butt hooks, ammunition holders, built-in or attached.

Barrel options and accessories:

- different lengths and diameters to suit different types of competition and hunting;
- muzzle attachments including weights, brakes, still air tubes, false muzzles (muzzle loaders), adjustable and interchangeable chokes;
- other attachments including light mounts, sling swivels, colours and textures including non-reflective finishes and coatings, corrosion resistant.

The last category is bipods and rests:

- bipod attached, fixed, removable, adjustable for height
- rests, not attached.

They are things that I hope the minister will confirm for the house that, so long as they are all used legally and responsibly, will be specifically excluded from being caught by this legislation because, as it has been proposed to the house, they could actually all be captured by this legislation.

The next area of broad concern is possession of silencer and/or certain parts of firearms and manufacturing of silencer—this is clause 4 and clause 13. I am not suggesting for a second that anybody should be allowed to use a silencer for any nefarious, illegal or inappropriate activities, but I will share some responsible feedback that comes to me:

> There are a number of times when an unusable, damaged part of a firearm needs to be remade or repaired. If people have the ability or the machines to do this, there should not be a law preventing the manufacture of parts for the purpose by a licensed owner or on registered firearms.

But that would not be allowed by this legislation. In addition:

A .17HMR calibre firearm is classed as class B, yet a .22 magnum is classed as A class. There are types of firearms where these calibres are sold as interchangeable barrels used on the one firearm. This law will make this practice illegal and parts ownership an offence. If parts are not the main operating component, (e.g., receiver) of a firearm they do not present a threat to the community, therefore should not be subject to an offence.

Let me be very clear there: there are certainly some attachments to a legal firearm which I would not ever support legal or illegal firearms users having, but there are also a lot of very reasonable, responsible times where attachments and interchangeable parts that could change something from one class to another should be acceptable and, under this legislation, they would not be. Another piece of feedback on this issue states:

As a Gazetted collector organisation, our emphasis is on all facets of historic firearms. This includes many and varied accessories. This proposed legislation is [too] vague in what accessories will be covered.

Just moving on to trafficking of firearms, some pertinent feedback states:

How will dealers be handled in relation to visiting South Australia for Arms and Militia Shows...

Presumably that would apply to people visiting shows in other states as well, because they would still have to travel through South Australia. The feedback continues:

No licences are required for ownership of deactivated firearms in South Australia. South Australia has different deactivation criteria to other states. If I buy a New South Wales or Queensland deactivated firearm, it is illegal in South Australia until I get a deactivation certificate from SAPOL (after physical inspection by SAPOL armoury). The transport, deactivation and possession by a South Australian purchaser could be deemed as 'trafficking'.

Another piece of feedback on this particular issue:

Trafficking of firearms as proposed can also affect members as there might be firearms in another state that members wish to purchase, as licensed firearm owners there is the ability to borrow the item for up to 10 days, without the need of a purchase permit, this would allow the firearm to be transported to the purchasers home state and deposited with a dealer until paperwork can be processed. Transport of this firearm could be seen as 'trafficking' under this legislation even though both the firearm is registered and the possessor is licensed.

Moving on to possession of a loaded firearm, let me be very clear that I do not support at all the need for a person to possess a loaded firearm for any irresponsible purpose or, as this legislation proposes, to have a firearm in the vicinity of a loaded magazine for any inappropriate or irresponsible purpose. What is the 'immediate vicinity'? I will read this bit of feedback:

Does this mean within reach, in the same house, same street or what?

It is a difficult issue because I can very well understand from a police perspective that a certain set of circumstances may not be a concern under legal responsible use, but under another set of circumstances quite remote proximity could be a very genuine concern for SAPOL. The problem is that the general responsible legal public out there does not know how they are going to get caught up in this part of the proposed legislation.

Moving now to clause 14 regarding possession of detachable magazines with a capacity of more than 10 rounds. Significant numbers of licensed firearm owners with class B firearms presently legally possess and use magazines of larger than 10 rounds.

In the case above for Class A and B firearms, many have been altered lawfully to accept removable magazines of larger capacity and some of these alterations are irreversible. If these new measures were applied, then these firearms would be unusable. Licensed firearm collectors presently legally collect historical military firearm magazines with larger than 10 rounds capacity. They are of real significance to their collections, are rare and of great value, like snail drum magazines for WWI Vintage Luger pistols.

As a constraint measure against serious and organised crime, the proposal will have no appreciable effect as persons illegally in possession of Class C and D firearms already have the large capacity magazines. In summary, possibly some thousands of presently law-abiding citizens will either face being liable for prosecution and horrendous penalty or face loss of hundreds to thousands of dollars through surrender of magazines.

Regarding the immediate concerns impacting on members:

The restriction of certain magazines will affect our members, especially those with collectible firearms designed to have a magazine (greater than 10 rounds where applicable) missing. Our members are also concerned that there is no compensation proposed for items declared illegal under this new proposed legislation, this seems to be an unconstitutional proposal as these items were legally owned before the proposed legislation.

I chose to leave that one until last because it is a really important issue. The compensation that could quite understandably be sought by legal firearms owners who have magazines which can carry rounds in excess of 10 is potentially enormous and it is also unknown. I was very concerned to hear in the briefing that we had this morning that SAPOL do not actually know how many

magazines there are out there in the public that are legally and responsibly owned and used in connection with firearms activities.

They just do not know how many are there, so it presents a few problems. How on earth would you ever know when you had got them all back? You cannot possibly try to estimate the unintended consequences and how many people would genuinely be affected by this, if you do not actually even know how many are out there. As I said before, you do not know what the cost either to the person who stands to lose that magazine and/or to the state is if the government were to enter into some sort of compensation scheme, which it has not suggested but, as I just read out from the last contribution that I shared with the house, these are all pieces of equipment that are currently legally owned, and to make them, all of a sudden, illegally owned is very likely to bring on calls for compensation.

Regarding clause 12: alterations to firearms and reactivating and deactivated firearms, here is a piece of feedback from a president of a club:

> I have three metal turning lathes plus a wide selection of hand and power tools that I use in my day-to-day activities as a plumber. All could be construed as firearm part manufacturing and alteration equipment.

Another piece of feedback:

> Many collectable firearms are bought in a poor condition with parts either broken or missing. Some parts are no longer procurable and therefore need to be made. A person with the skill and the machinery should be able to make parts or carry out alterations to firearms that are legally owned without the fear of loss of their legally owned equipment.

One of the really key components of this section is how it applies to firearms that are changed so that the firearm would actually fit in one class instead of another class. I understand very clearly from the briefing from SAPOL and the minister's office this morning that the intention of this part of the bill is clearly that it will only be used when a legal, responsible firearms owner changes a firearm so that it moves from one class description to another class description.

There is still the issue of interchangeable barrels and how the same firearm may potentially fit into two classes at the same time quite legally and responsibly. So, if we just put that aside for the moment, I wholeheartedly support police in their desire to stop anyone—legal or illegal owner and user of a firearm—deliberately, deceitfully changing a firearm so that it changes from one class to another.

I would be very grateful if the minister could make it really clear, when the time is right, that that is the only way in which this part of the legislation would be used, because it is causing an enormous amount of concern out there. I support it, if it is applied in the way that I am told it is intended, but what needs to be made clear is it will not be used in other ways—the unintended consequences that people are concerned about—and I would be grateful if the minister is able to do that.

On seizure and forfeiture of equipment, under clause 12, a concern here is it is so vague it gives the police unfettered powers of search and seizure with the only apparent requirement on the part of the police being reasonable cause to suspect a future intent to maybe commit an offence. I am sure that police do not go out of their way to dream up a belief or a suspicion of future intent, but it is a very difficult area for people to get their heads around, that they could potentially be the subject of a police officer coming to that conclusion, potentially incorrectly. So, that is a very understandable concern here. Another bit of feedback—another concern:

> As a firearm owner, and happen to be a qualified machinist who owns his own metalwork machinery, this legislation makes it too easy for a police officer to suspect an offence has, was or is being committed using these machines, as I carry out my own deactivations and repairs to my own firearms. The machines and equipment should not be subject to forfeiture.

I think people would really understand those sorts of concerns very well. I know I have taken a fair bit of the house's time, but I have deliberately condensed the information that I have been provided, and I have also condensed my own concerns. I have deliberately left time for my colleagues to make contributions on behalf of their electorates and constituents, but let me say that I really do appreciate that people have gone to great lengths to provide responsible feedback.

As I said to you before, Mr Deputy Speaker, I have excluded any feedback that I received which I though was a bit marginal or a bit unreasonable. The only information that I have shared with the house is a small portion of what I believe was brought to me responsibly, and I thank the people who have done that. Lack of consultation is the real concern—lack of consultation leading to unintended consequences.

I do not suspect that the police want to do anything other than get out there and catch crooks, and make our community safer by removing illegal and irresponsible firearms and their owners, users, traffickers, accessorisers, modifiers, etc., from our streets, and that is fantastic. But, the government having received nearly a year and a half ago feedback from the advisory group that was established to give it feedback on all of these matters, not having even responded to that feedback, and in the interim coming forward with this bill, really does leave a bad taste in the mouths of the responsible legal firearms owners.

I am particularly concerned about that lack of consideration and consultation, all the way through, as I said, from the historical collectors who may never have ever fired a firearm in their lives, through to active hunters and disabled sportspeople. But, it is that lack of consultation that has actually caused the great concern about unintended consequences.

I would also like to ask the minister to respond, if he is able to, in his address, with regard to exactly where the sources of illegal firearms are. Where are the illegal firearms that this legislation seeks to take off our streets coming from? I think that is a really grey area, and I think it is difficult for police, it is difficult for a minister, and it is difficult for anybody to know where all these illegal firearms are coming from. Of course, given that difficulty, it makes it very, very hard for legislation that attacks that problem appropriately without creating unintended consequences.

I will leave it there; I know there are others who want to contribute. I thank the house for their time. I thank my staff member, Mr Chris Hanna, who is a very thorough and capable person, and who supports me in all of my shadow ministerial responsibilities, for his support. I also thank the minister for the genuine discussion that we have had brief opportunities to enter into, and I thank SAPOL for their sharing everything that they possibly could with us, but there are a lot of concerns about this legislation.

The opposition is not going to oppose the legislation in this house because, essentially, that would be a fruitless activity anyway. I certainly would have loved to have brought forward suggested amendments to this house but, in light of the fact that I was only able to have the briefing this morning between 10 and 11 o'clock, it was impractical even to consider trying to bring amendments to this house. I think it is very likely that we will bring amendments to the other place. The opposition is not supportive of the legislation in its current form, but it will not oppose its passage through this house. We will deal with it in greater detail in the Legislative Council.

Mr PEGLER (Mount Gambier) (16:55): First of all, I declare that I am a registered gun owner and a legal one. I have consulted widely with the various gun clubs within my electorate, with hunters, farmers and also the Combined Firearms Council of South Australia. When the Premier announced this bill, he clearly stated that the objectives only related to possession of firearms within serious and organised crime and that it would not target licensed firearm owners. That is not correct, as it clearly does impact significantly on law-abiding citizens and firearm owners.

As far as I am concerned, this is a bit of legislation that has been rushed into this house and is being attempted to be rushed through this house. It is sloppy, there has not been enough consultation, and if that consultation had been done properly with all those various groups, perhaps I would have been able to support the legislation, but in its present form I cannot. There is no talk about any compensation for those people who have purchased legally all their guns and various other items, and of course there is no indication of what the cost could be if there were to be compensation.

I certainly agree with the intentions of the bill, and I do not care how hard the government is on organised criminals and the activities they go about. I certainly applaud the government whenever they attack those criminals, and we have to make sure that they cannot be armed, but really I think we should be attempting to find out how the hell they are getting all these guns and address that situation, rather than bringing in legislation that affects some of our law-abiding citizens.

I will not go over the issues that have already been raised by the speakers who were before me, but I might say that I never really like it when legislation comes before us and we do not have the regulations so that we do not get a clear understanding of exactly what is intended. I just reiterate that I support the intention of the bill, but in its present form I will be voting against it.

Mr TRELOAR (Flinders) (16:58): I rise today also to speak on this bill, the Firearms (Miscellaneous) Amendment Bill. I compliment the other speakers on their contribution and also congratulate the shadow minister on his diligent work and also his considerable contribution: well

done for that. Like others on this side, I look to declare an interest in this particular piece of legislation. I am a registered firearm owner. I hold a class A and B firearms licence. I have had that for some 35 years, I think, since I left school in fact. I went farming and I gained a gun licence—

Mr Whetstone: Is that all?

Mr TRELOAR: Yes. 'Is that all?' says the member for Chaffey. Maybe I look older than that. Certainly, many of the primary producers in the electorate of Flinders—particularly the farmers and fishermen—use firearms regularly as a tool of trade. It is part of their ongoing management and vermin control. Also within the electorate of Flinders we have gun clubs, pistol clubs, clay pigeon shooters, duck shooters, other sporting hunters and, of course, collectors. All these people need to be considered in this legislation and I, like others, am very much getting the message that there has not been adequate consultation on this.

I attended the briefing that was offered by the minister this morning, and I thank his staff and those present today for the opportunity they gave us to question them more clearly, but I suspect there will be much more detail and more questioning during the committee stage and also in the other place.

For the sake of my constituents, I will make a few comments on the bill itself and reiterate some points that have already been made. I think it is important that people understand what is being debated here, what is being proposed, and what likely legislation is to come out of this. The first clause I would like to talk about is clause 4(1), section 5. This bill creates a new definition for a prohibited firearm accessory, which in fact means:

> ...an item, or an item of class, prescribed by the regulations that may be fitted to or used in conjunction with a firearm;

A person found in possession of a prohibited firearm accessory would be guilty of an offence, with a maximum penalty of $10,000 or imprisonment for two years. I think the theme that comes through in all this proposed legislation is, in fact, the penalties that can be incurred should there be a breach.

Clause 4(2), section 5: pursuant to section 29A of the Firearms Act 1977, it is already an offence to possess a silencer or a mechanism that can be fitted to a firearm to convert it to an automatic firearm or enable it to fire grenades or other explosive projectiles. My feeling is that grenades are already illegal, so I am wondering why it even needs to be considered here. The bill makes this an aggravated offence for offenders found with both a firearm and a silencer or mechanism, or with a silencer or mechanism attached to the firearm.

It is illegal to manufacture a silencer. This is a new offence making it illegal to manufacture a silencer, and penalties range from $35,000, or seven years' imprisonment, and up to $75,000—significant penalties. The Firearms Act 1977 currently contains no provision relating to the trafficking of firearms, and I think this is something that particularly needs to be picked up on.

While it is currently an offence to possess an illegal or unregistered firearm, there is no specific offence for supply or acquisition of a firearm, and this bill introduces a trafficking offence for a person acquiring or supplying. Obviously, this is an attempt to target those who are involved in organised crime and the criminal element that involves itself in the trafficking of firearms.

Section 11 makes it an aggravated offence if an offender is in possession of an illegal loaded firearm or had an illegal firearm concealed about the person. Clause 14 is another new clause prohibiting a person from acquiring, owning, or possessing a detachable magazine with the capacity of more than 10 rounds without written approval of the registrar. I know there has been a bit of discussion about that today, but in my mind this is fair and reasonable. My feeling is that if you, as a primary producer or hunter, cannot manage to hit your target within 10 shots then you need to have a pretty good look at yourself.

The SPEAKER: Ten shots?

Mr TRELOAR: Ten shots, yes indeed.

An honourable member interjecting:

Mr TRELOAR: It is a sad indictment, yes. I would be somewhat sympathetic to that particular clause.

Mr van Holst Pellekaan: There might be 10 targets.

Mr TRELOAR: 'There might be 10 targets,' says the member for Stuart; there are all sorts of challenges out there. The proposed amendment has caused much angst amongst many registered firearm users and much discussion across the chamber here this afternoon, and it has also caused concern amongst collectors and firearm organisations.

Clause 12: this clause makes it an offence for a person without authorisation from the registrar to alter a firearm that has been rendered unusable to make the firearm capable for being used, and to alter a firearm making it a different class. Once again, the penalties are significant—$35,000 or seven years imprisonment. The Firearms Act 1977 currently provides the police with the authority to stop, detain and search a vehicle within which police suspect on reasonable grounds a person has possession of a firearm or firearm part.

Clause 5: this clause once again provides a police officer with the authority to require a person to remain in a particular place for up to two hours if the police officer has reason to believe that a firearms prohibition order applies to that person. Once again, as we go through the legislation we are talking more and more about the powers the police have to actively pursue those involved with illegal firearm activities.

Clause 12: seizure and forfeiture of equipment. This clause provides police with the authority to seize any equipment, device, object or document reasonably suspected of being used or intended for use to alter or manufacture firearms, firearm parts or silencers. Once again this an issue that has caused some consternation amongst constituents of members on this side of the house at least. I know the member for Stuart mentioned that, and I am going to very briefly talk about a couple of pieces of correspondence that I received from constituents of mine.

The first one is from a firearms collector based in Port Lincoln, and his concerns no doubt will be addressed through the committee stage and by the minister when the times comes, but I might highlight them here today for the sake of the record. This particular gentleman writes and says:

> There are a number of items in this bill that will affect law abiding firearm owners like myself as both a collector of historic firearms and as a sporting shooter.

Often these people overlap into different categories and I have to say that many of these people often regard firearms (as I do myself) as a particularly beautiful piece of machinery. In particular, he is highlighting the lack of consultation—there is that issue that has come up time and time again—prior to the formulation of this legislation and the minimal, if any, timeframe allowed for comment on this bill. In his second point he refers to the prohibited firearm accessory, which means an item or an item of class prescribed by regulations that may be fitted to or used in conjunction with a firearm. This gentleman comments, 'This could mean anything and everything.' As a bona fide collector, he has accessories for historic machine guns, e.g. rusty barrels from World War II, etc. He says:

> The unintended consequence of this vague legislation is that these historic items will become illegal & accordingly I will have to hand them in without compensation.

His third point:

> ...firearm includes a device that would be a firearm within the meaning of this Act but for the fact that it has been rendered unusable in a manner stipulated in the regulations or by the registrar.

As part of his collection, this gentleman has a number of historic and rare deactivated firearms. He has deactivated these items in accordance with the law so he can freely display these items.

> This law will force me to store the items as if they were usable firearms. The wording as currently in the Bill is most ill-conceived and I would suggest by persons with little awareness of the unintended consequences of this hastily put together legislation.

Different states and territories in Australia have differing legislation pertaining to firearms. One of the things we talked about this morning was the potential to harmonise some of these rules at least. It is not going all the way, obviously, because the state has jurisdiction of this, but just because a firearm is deemed illegal in South Australia should not stop the acquisition and transport of that firearm to South Australia for legal ownership in accordance with South Australia law. Another comment states:

> Permit for acquisition: Manufacture of firearms, firearm parts or silencers. There are a number of times where an unusable damaged part of a firearm needs to be remade or repaired. If people have the ability or machines to do this, there should not be a law preventing the manufacture of parts for the purpose by a licensed owner on registered firearms.

I will move away from that and refer quickly to another piece of correspondence that I received from the Port Lincoln Firearms Collectors Club. They wrote to me, and I am sharing this with the house and putting it on the public record. They highlight that they have recently been made aware of a new bill being tabled in parliament for consideration—once again, they say, 'without notice and without any consultation with stakeholders likely to be affected by its measures'. They state:

> There are a number of proposed amendments in this Bill that we feel will adversely affect our members and possibly unforeseen effects until further in-depth consultation can be completed with our members. We feel that the proposed amendments have been formulated without due consideration to a true consultative process with little time to fully take into consideration the full consequences of the proposed changes to the law. Immediate concerns impacting on our members include:

- Ownership/possession of parts of firearms: the interpretation of parts & accessories is unknown, so we can only guess what will be made illegal.
- Definition of a firearm to include unusable firearms (deactivated), the idea of owning a deactivated firearm is to be able to own, display and increase a collection's diversity through the purchase of other items. This law will force owners into, display, storage & purchase restrictions that we feel are unnecessary because of the deactivated nature of the firearm. It will also force a deactivated machinegun into the prescribed firearm category, thereby disallowing ownership.
- Trafficking of firearms as proposed can also affect members as there might be firearms in another state that members wish to purchase, as licensed firearm owners there is the ability to borrow the item for up to 10 days, [currently] without the need of a purchase permit, this would allow the firearm to be transported to the purchaser's home state...Transport of this firearm could be seen as 'trafficking' under this legislation even though both the firearm is registered & the possessor is licensed.
- Alterations of firearms, Seizure and Forfeiture of equipment, etc. Many collectable firearms are bought in poor condition with parts either broken or missing, some parts are no longer procurable and therefore need to be made. A person with the skill and the machinery should be able to make parts or carry out alterations to firearms that are legally owned without the fear of loss of their legally owned equipment.
- As a gazetted collector organization our emphasis is on all facets of historic firearms, this includes many & varied accessories, this proposed legislation is so vague in what accessories will be covered. Also, we wonder why grenade launchers are a problem when live grenades are illegal to own anyway?

I had not thought of that, but there you go.

Mr Pederick interjecting:

Mr TRELOAR: Grenades are illegal, member for Hammond.

- The restriction of certain magazines will affect our members, especially those with collectible firearms designed to have a magazine (greater than 10rnd where applicable) missing. Also some members have in their collection deactivated historic military firearms that used a magazine of greater than 10 rounds, when displaying these firearms in a wartime display, extra magazines are important to add a sense of authenticity to the display. There is also the possibility that imitation magazines designed for non-firing replicas will be taken as magazines under this legislation by over zealous Police Officers.

I am quoting here. They continue:

- Our members are also concerned that there is no compensation proposed for items declared illegal under this new proposed legislation,—

That is a fair and reasonable point. They conclude that this seems unconstitutional. The Port Lincoln Firearms Collectors Club Inc. agree with the need for sensible, well balanced legislation, as we all do as members of parliament, as has been highlighted by everybody who has made a contribution so far, particularly with regard to serious criminal activity. They state:

> But in this instance we feel that there are many unintended consequences with this new proposed legislation that will adversely affect our law-abiding firearm owner members and other innocent members of the community.

That is just one of many letters that both I and other members on this side of the house have received over time. We have highlighted a few concerns. I do not usually read out correspondence from constituents but, given the fact that time and time again the lack of consultation was highlighted, I felt it was appropriate to raise those issues today and put them on the record. I look forward to the minister's response when the time comes. I think we have two more contributors, so I look forward to further discussion.

I will leave you with one observation that I made. It does not relate at all to this particular legislation, but it does relate to guns. At the Remembrance Day service that I attended just two days ago, I noticed (and I had noticed previously at an ANZAC ceremony in April) that our cadets were standing very proudly at the War Memorial looking smart and polished in their uniforms, and

were at arms, but, instead of holding a .303 rifle with the bolt removed or a deactivated army issue SLR, they were holding a plastic toy gun. It struck me as rather odd that we have got to the point where we require that these sorts of stipulations are put in place on days of remembrance. The diggers who were there were horrified, and I am sure those who were not there would have been turning in their graves. That is just a thought to leave with members.

Mr PEDERICK (Hammond) (17:15): I rise to speak to the Firearms (Miscellaneous) Amendment Bill 2013. I, too, wish to note the concerns that other members on this side of the house have put in regard to this bill. I do not think anyone could argue with the fact that we want to round up criminals and criminal weapons and illegal guns, but I think there are many, many unintended consequences of this legislation. It has certainly upset people across electorates, and people are just unsure where they stand in regard to many of the clauses in this legislation. Certainly, at no time, do we condone criminal activity or the activities of outlaw bikie gangs.

I struggle a bit with the part of the legislation that limits the magazines that can be used for bolt action rifles. These could be .22s but they also could be larger calibre weapons. Some of these weapons have been adjusted so that they can take bigger magazines and, from what I am told, magazines, depending on the rifle, can be 10, 15, 20, 30 or even 40-round magazines. I guess for criminal activity, I would not think—

Mr van Holst Pellekaan: Come to the point, please.

Mr PEDERICK: Yes, I will. I will get to it. I cannot see too many bikies using bolt action weapons—I just cannot see that happening—or outlaws, that is, anyone practising criminal activity. If they were going to do illegal acts, I am sure they would have some sort of semi-automatic or automatic weapon which is, more likely than not, illegal. So, I struggle with this part of the legislation that will impact on a lot of gun owners. A lot of gun owners were impacted after what happened at Port Arthur. Port Arthur was a terrible tragedy for many people and the families who have lived since. The gun laws that came in then impacted on a lot of people, especially in rural areas.

We need to have sensible gun laws but we need to understand that people in the bush, and a lot of farmers, use them as practical tools of trade and for vermin control, and there are also a lot of professional shooters and a lot of people in sporting clubs who use some of these weapons. I guess the thing that concerns me with this business about restricting the magazine size above 10 rounds is whether it will mean that some of the class B firearms will essentially become class D if they can only use it as expanded magazines. The problem is whether people, as a consequence of this legislation, will want access to class D firearms, and I read from a police website which states that the access to class D means:

> This will be limited to an applicant who gains their livelihood wholly or partly from professional shooting and the applicant needs the firearm to destroy animals in the course of professional shooting. If the applicant does not satisfy the legislative requirements to have possession of a class D firearm, the applicant will not be granted a firearms licence to possess these firearms.

I think there is something there we need to clear up, especially during the committee stage, regarding these firearms that have been adjusted to take bigger magazines, and I know that some can take bigger magazines without adjustment.

I am also very concerned with the fact that, in the handback provisions in the bill, there will be no compensation whatsoever. Some of these magazines that these people have invested in as legal gun owners in the community are worth hundreds of dollars. I just want to read into *Hansard* some correspondence from one of my constituents:

> I write now as a concerned firearms owner. I have legally owned and used a number of different classes of firearm since I was a teenager. I am now on the wrong side of 60! I have been a responsible hunter and target shooter for over 50 years, and wish to continue this sport until I am no longer able. I have served in the Australian military for a combination of 21 years and have instructed in the safe use of firearms and weapons to soldiers and cadets since the early 70s I am still actively involved in the ex-services community, through my involvement with a number of organisations, the local RSL and the RSAR Association being just two.
>
> I have always obeyed the various laws governing the use and possession of firearms, and have made sure that my firearms are stored in secure containers, as per the legislation. At one time I owned around 30 firearms, ranging from handguns, high powered rifles, military style firearms and shotguns. After the Federal Government's knee jerk reaction to the individual atrocities committed at Port Arthur, I, like many thousands of other law abiding gun owners, handed in certain firearms that were then deemed to be 'unacceptable' to the government. I 'lost' about 15 of my prized possessions at that time that were ostensibly going to be passed on to my children, or sold as their inheritance when I no longer desired to own them.

Although I was paid what was deemed by the government as being reasonable compensation, their value to me was far more than currency can provide! My family and I have lost that value forever!

I trust, as a former farmer and land owner, you have at one time possessed firearms yourself, whether it be for vermin control or pleasure? I'm trusting that the following affects you as much as it does me and other responsible firearms owners?

For the sake of the record, I am still a landowner and I have a class C firearm—a pump-action shotgun—and a little .410 shotgun.

Mr Treloar: For the snakes.

Mr PEDERICK: I will never admit to that. The letter continues:

As a member of the South Australian Parliament, you are obviously aware of the Firearms (Miscellaneous) Amendment Bill 2013, which was tabled during the sitting of the House Of Assembly (No. 210) on 30th October 2013...The so-called reasons for the amendments to the Firearms Act 1977 is to prevent firearms and associated equipment becoming available to bikies and purveyors of serious crime. This is great, if only those persons are affected, however the consultation process with authorised owners has been severely neglected by the government and the reasons given by the Premier, SAPOL and the Attorney General in recent media releases, that the new amendments will not affect lawful firearms users, is blatant lies. Many areas of these proposed amendments as they are written will affect me and many thousands of others responsible firearms owners.

After Port Arthur, we were made to hand in most military style semi automatic firearms with magazine capacities over 20 rounds. To compensate for this many firearms owners resorted to bolt action rifles with magazines of 10 or more rounds capacity. Now the amendments, once again as they are written, seek to make these magazines illegal, in that they must be surrendered to SAPOL for no compensation whatsoever!! How can this draconian move be legal? Some firearms owners have spent hundreds of dollars on magazines for their rifles, and to now have a proposed amendment seek to take away these items with no compensation is ludicrous!

The letter goes on:

After reading the proposed amendments to the Firearms ACT 1977, I see the government only pandering to a few individuals who would seek to disarm the entire population, with the exception of the police! How is the surrender of firearms magazines with a capacity of 10 or more rounds going to stop the current illegal activities carried out by outlaw bikie gangs? The new amendments seek to allow police to *break* into anyone's premises to conduct a search, if they have belief that certain items may be present! How is the breaking into, and search by SAPOL of my premises while I am not present going to affect the drug running and extortion of bikie gangs?? There has got to be better ways to police drug trafficking and drug manufacturing without assuming that all responsible (read legal) firearm owners are the cause of the problem.

I have had only 1 visit from SAPOL in my many years of being a law abiding, responsible firearms owner. In 2010 two young police officers knocked on my door in the evening and asked to do a stock take of my firearms. I obligingly let them in and showed them to my gun safe which I opened for their inspection. They advised me that I wasn't the 'legal owner' of one of the shotguns in my possession, however after I produced the original registration form (dated 1980 and signed by L. Draper, Commissioner of Police) which stated I was indeed the legal owner, they said they would check their records and get back to me. True to their word, I received a phone call two days later, and the young officer advised me there had been a mistake in their computer records (which I presume had been in place since 1980) and that they would rectify the mistake at once.

Just in line with that comment, I will make a comment on my personal experience when I purchased my pump action C-class grade weapon 14 or 15 years ago. I did the right thing. I picked it up, it was still in the box from the firearms store, I put it on the counter at the police station, did all the registration, no worries. I took it home, no problem. The next thing I got a message that I needed to ring the local police station. I rang up and they said, 'There's a problem with the registration of your weapon,' and I said, 'I'll go out to the box and I'll read you the number that is on the box,' which I did. He said, 'Well, it doesn't match our records.'

I said, 'Well, that is not my problem. I put this on the counter in front of one of your sergeants and I said that I have complied with everything I have to do.' Yet, the right number could not be written down. This is a real issue for gun owners when I see it brought to me by a constituent, and I had it happen to me, because there is a whole range of other things that can happen when police come to a person's residence in light of looking at firearms offences. It is something to note and it can create real issues for people when they have done the right thing. To continue quoting from the letter:

I have and always will comply with the law, but I refuse to accept this amendment in its current form, until the government and the law makers consult properly with the responsible people who will be most affected adversely by these proposed changes.

My concern is that Parliament is being asked to pass legislation that will prohibit peoples lawful property, and not define the true nature of their way of thinking. None of the proposed amendments has anything to do with bikies and serious organised crime. If the government and SAPOL were serious, they would simply ban bikes and

those associated with bikes from having any type of firearm or weapon whatsoever! If the bikies flaunt this law, then they should suffer the full force of the law and its consequences!

I certainly agree with that statement. Quoting again:

> This alone is enough not to support the Bill until these Regulations are known and proper consultation with stakeholders occurs. I ask that you argue my case and the case of thousands of other responsible citizens, and not support this bill.

In regard to this constituent, I asked him how many weapons could be affected by this issue about the magazines that are over 10 rounds? He made the point that this could potentially be thousands of rifles in South Australia. He made the comment that he is led to believe that there are over 100,000 registered firearm owners in South Australia. In regard to the sorts of weapons this man knows are held legally out there:

> A large number of my friends own bolt action rifles that accommodate 20 round magazines, and the magazines are similar to the type used in M16 rifles and SLR-type firearms, although these firearms are no longer legal to be owned by persons with A and B class licences. Their magazines at this time are.

There are some real concerns with the ownership of firearms and what will happen under this legislation. I fully understand some of these clauses in regard to possession of a prohibited accessory. In light of that, there has been lots of feedback that the shadow minister (the member for Stuart) has given us, and feedback we have had from our constituents, in regard to the many different types of firearm accessories that are legally owned by firearm owners that could be captured by the regulations through this amendment, because of the broad scope of the definitions in the amendment.

Then we have the possession of a silencer or other mechanisms. It is already an offence to possess a silencer, but this bill makes it an aggravated offence for offenders found with both a firearm with a silencer or a mechanism, or with a silencer or a mechanism attached to the firearm. The problem here is that there are evidently some easily accessible household items that can be used as a silencer to significantly reduce the noise produced by discharging firearms, and there is concern that responsible firearms owners could be unfairly captured.

There are also quite heavy fines in relation to the trafficking of firearms and possession of a loaded firearm. Again, possession of detachable magazines with a capacity of more than 10 rounds will come under this clause in the bill. Getting back to the issue of the magazines above 10 rounds that will not be allowed if this goes through, this is a new clause prohibiting a person from acquiring, owning or possessing a detachable magazine with a capacity of more than 10 rounds without written approval of the registrar.

The proposed amendment has caused much angst amongst many registered firearm users, collectors and firearm organisations. Large numbers of firearm users possess magazines with a capacity larger than 10 rounds for many types of uses, including display. I was informed of one use by a gun dealer today, which is that the International Practical Shooting Confederation has a discipline which needs to have magazines with more capacity than 10 rounds.

There are also historical firearm collections, particularly from both world wars, with very valuable magazines with a capacity of more than 10 rounds. There are also some class A and class B firearms that only accept magazines with more than 10 rounds, and this provision would render them unusable.

As I said when talking about compensation, there is none. There is a transitional clause attached to the clause in the bill which provides a person who owns or has possession of a magazine with 10 rounds or more six months to either obtain written approval to retain the magazine or surrender it. Firearms groups believe that people should be compensated for this loss.

I would like to think that perhaps there could be another change instituted here—and I have been informed that it should be able to happen—which is to put a block in these magazines so that they do not have to be discarded completely. Put a permanent block in so that, if this legislation goes through, at least the magazine is still there and, obviously, they would have to comply with the 10-round legislation.

The bill extends the provision of police power to search and detain vessels and aircraft. There is also the clause about seizure and forfeiture of equipment. I brought this up at the briefing, which we had only this morning. Regarding the term 'intend to use', every workshop in the state—any decent workshop—would have an angle grinder and some drills, saws, lathes, etc., and any of

this equipment could be used to make up firearms parts or manufacture firearms, so I am told. I am not into doing it myself.

Mr Treloar interjecting:

Mr PEDERICK: Yes. As the member for Flinders just said, every farm workshop could become a place where, next thing, you have a raid where four or five police cars turn up and everyone is wondering what the heck is going on. There needs to be some sense in this. I have talked about more than 10 rounds being used in a magazine. The maximum penalty for not complying with that is $10,000 or imprisonment for two years.

I have checked the bill, as I found out from the briefing this morning, to see what powers police officers have. They can already come into your premises to inspect if there is suspicion about weapons, but this bill proposes:

> A police officer may, with such assistance as he or she considers appropriate, use such reasonable force as is necessary to—
>
> (a) break into any premises, vehicle, vessel or aircraft in order to gain entry or conduct a search under this section; and
>
> (b) if reasonably necessary for the purposes of conducting a search, break into or open anything in or on the premises, vehicle, vessel or aircraft.

That clause has certainly raised a lot of questions out there in the general law-abiding community. Just in winding up, there are certainly a lot of concerns that will be raised during the committee stage. We on this side of the house do not condone blatant, unlawful activity, but, for the life of me, I do not think too many bikies would be using bolt-action weapons.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:35): I rise to speak on the Firearms (Miscellaneous) Amendment Bill 2013. It is a bill to amend the Firearms Act 1977, principally in two ways: one is to expand the number and nature of offences in respect to firearms; and, secondly, to enhance the enforcement agency powers (namely for South Australia Police) for the purposes of enforcement.

I will not traverse the detail of those, because they have been ably covered by our lead speaker and other competent speakers in this debate. Suffice to say, though, that the Firearms Act itself is one which provides for a licensing and registration permit scheme based on the fundamental premise that firearms are inherently dangerous pieces of equipment if in the wrong hands; if in immature or inexperienced hands, they can be a danger to themselves, let alone others.

It works on a principle similar to those we have for prescription drugs and explosives. There are various sets of rules for the protection of the community, and under this regime, as has been the case for decades, firearms must be approved, and the person in possession of them has to be licensed. The act provides for various review and appeal processes. If someone thinks they are unfairly excluded from the opportunity to have a pistol, air rifle or any other weapon—there is a whole list of rules that apply for different firearms—there is an appropriate process of appeal.

The concern that has been raised on this bill appears to be in two categories. One is: why has it been necessary for the government to introduce this so hastily without apparent consultation with the relevant stakeholders? I should say, added into that, it is not just South Australia Police; perhaps there are some of the sporting shooters, collectors clubs or firearms groups that have been consulted, but it seems, from the myriad of correspondence that all of us as members have probably received—I have certainly received more correspondence than I would expect to from local constituents in Bragg; they are members of groups such as the Combined Firearms Council of South Australia Inc.

These are people who live across the state in metropolitan and rural areas, and I do not doubt that others who have written and complained to me (and I am sure to other members) also use firearms as a sporting shooter and collector, but also those particularly in country regions who use them for stock disposal or vermin control. There are a host of quite legitimate activities and occupations of persons who currently comply with the Firearms Act rules, and they feel quite clearly and consistently that they have been ignored in the haste to introduce and progress this bill, and, secondly, they think that they are captured unfairly, and to some degree inadvertently, on their assessment of the proposed amendments.

By the tenor of some of the letters, they are quite angry and so they are very suspicious, but it is fair to say that most of what I have received is in the thrust of feeling aggrieved that they have not been consulted and really expressing their concern that they would be caught up in the flavour of being inadvertently captured by legislation which, on the face of it, was intended for an entire other purpose.

On consultation, I should add that I am a little bit concerned that nowhere have I received any indication from the government or during the offered briefing, which I was not at this morning but at which I understand there was no indication from the Firearms Review Committee, which I would have thought, as a committee of the government, would have had some say on this matter. They might have some other ideas about whether or not what we have currently is working well or is inadequate.

For the benefit of members, the Firearms Review Committee comprises members of the various professions, as required under the act. There has to be a legal practitioner of seven years' standing; a person nominated by the Commissioner of Police; a person who, in the opinion of the Governor, has wide experience in the use and control of firearms, a medical practitioner; and various others who relate to the discipline and profession of firearms.

This group is also a review panel in the appeal process for people who presumably feel that they should have some remedy against a decision of the registrar. It is comprised, under the current published list of Heather Dodd, Robert Hamdorf, Yvonne Hill, Geoffrey Hyde, George Katsaras, Richard Warwick, Jayne Basheer, Owen Bevan, and Elizabeth Kosmala, who I recognise as an Olympic champion of—

Mrs Vlahos: Yvonne is, too.

Ms CHAPMAN: Yes, I understand from my fellow member that Yvonne Hill is there and has experience in firearms from excelling in that as a sport. I do not know why that has not been the case. I hope the government has consulted with this committee and has ascertained from them whether the proposals here are going to be helpful or useful for their operation. I would have thought they would have had a regular appraisal of the enforcement of this act and would be eminently experienced to be able to provide advice to all of us here in the parliament. There is a complete absence of that.

Let's just look at what the government says. The second reading contribution opens with the following statement:

> Possession and use of illicit firearms are significant elements of criminal activity in South Australia. Trafficking of firearms, including the movement of firearms across borders, is an ongoing concern for police jurisdictions, as are the links to organised crime. Entrepreneurial criminals also exploit emerging technologies to support their activity.

That is it. We are supposed to change the law based on that; that is, there is activity occurring out there with the use of firearms, presumably illicit firearms, meaning those who possess firearms who do not have a permit to have them or, alternatively, the firearms are not registered to anyone, or both. It is out there, apparently.

We all saw the media hype that went around this on 30 October of the importance of having this extra legislation in the armament to deal with bikies. Well, I put this to the parliament: the police in this state know where the bikies are. They know mostly who they are. They apparently know that they have illicit firearms in their possession. They apparently know that there is activity happening and that there are some other entrepreneurial criminals, whoever they are, who are exploiting emerging technologies and presumably have some backyard operation for the manufacture of weapons. Why are they not doing anything about it? They have a whole host of laws that they are capable of exercising as we speak.

Whilst members will say that this raises a concern about the capacity to stop, break or enter any vessel that is being talked about in the amendments of this bill, the police already have these powers on premises. So why are they not doing anything about it? I raise this question quite seriously. We have a whole host of laws that deal with firearms, and we know there is a problem. The minister has told us again in this parliament that there is a problem out there and they have a whole host of laws that can deal with it, and yet they are not.

There is no suggestion in here that they have to have this particular law change to enable them to cover a specific event that has caused some concern. They may well be able to disclose in private briefings that there is a particular activity occurring in which manufactured weapons are

being taken out by fishing boat and they need to board and take possession of them. We are none the wiser.

We have no idea what they are talking about. Yet the minister has told us that there is a problem that already the possession of illicit firearms is a significant element of criminal activity in South Australia—it is here. If you read the media, it is in bikie groups. The police know where they are, they know where they live, they know what they are doing, and they know that they have illicit guns. Do something about it.

On the very next day, the government with its glorified 'we're going to do something about bikies' mantra in the press and in this parliament—another minister in this government tables the report on the Coroner's finding of the death of a woman in 2009 who had been shot with a firearm by her husband and listed a litany of failures on behalf of the police to protect that woman. The very next day we hear, 'We table the report on the inquest into the deaths of Robyn Eileen Hayward and Edwin Raymond Durance'—the next day.

So while there was the flurry of, 'We're going to take on the bikies', this woman died in 2009 and a report had been given by the Coroner as to what I would describe as a disgraceful litany of abandonment of that woman with a whole lot of laws, including firearm laws which were failed to be acted upon (and I will refer to a few of them in a moment), and what did the government do?

In all their glory and attention on what they were going to do about bikies they table a report about the death of a woman who had been killed by her estranged partner on 27 February 2009 as a response to the Coroner's report of 23 January 2012, and on 31 October they put their response in. So: died in 2009, Coroner's report in January 2012, a report to the parliament on what the government have done about it on 31 October 2013, which is 20 months later—and guess what they say at the end of the recommendations of the Coroner? They say:

> The Government is currently reviewing aspects of the Bail Act and has taken the Coroner's recommendations into account.

What a disgrace! What a disgrace! This is a recommendation of the Coroner that they need to tighten up the law in relation to the Bail Act. They needed to do a whole lot of other things, and the government goes on to say:

> The Intervention Orders (prevention of Abuse) Act 2009 came into effect on 9 December 2011 and the Statutes Amendment (Serious Firearm Offences) Act 2012 came into effect on 4 March 2013 creating a separate category of offenders called 'serious firearms offenders'.

That relates to bail, and I will not go into the detail of it. The point I make is this: years later, on the very day after they are covering themselves in glory about what they are doing on bikies, they table a report saying they are thinking about what the Coroner said about the circumstances of the death of a woman in 2009 who had been shot dead by her estranged husband.

He was ultimately shot dead by police officers during the time of apprehension, and I make no reflection on that at all, but just to give you a bo-peep of what had failed that woman in this circumstance. The offence and, ultimately, the death of the woman, occurred in February 2009. The month before, the accused, Mr Durance, had been arrested, and was subsequently named in the report and shot. A history of domestic violence was then disclosed against a number of different women going right back to 1995. The more recent was a 2006 partner who had made a complaint to the police, so a litany of history was exposed to the police.

On 4 January 2009, Mr Durance was arrested for assault (in the month Ms Hayward was shot dead) and no criminal history check was undertaken by the arresting officer, nor was one requested by the bail authority. The bail conditions were similar, as previously. One major error. Number two, the Coroner points out that it was a condition of bail that he reside at a specific premises, and no-one thought to check that the premises where he had to live were the very house that the subsequent victim lived in. Thirdly, there had been a domestic violence risk assessment of this person identifying a score of 97. I do not know how much higher out of 100 you can get than 97—presumably 98, 99—but a pretty high risk. As the Coroner says:

> However, neither the domestic violence risk assessment form, nor the result, was conveyed to the Constable on duty or the Bail Authority, prior to Durance...

What is going on here? Finally, another bizarre twist to all of this is that the Coroner goes on to talk about the firearm used having been apparently a rifle owned by another party, and reference to it having been brought onto the property, etc. The report says:

Whilst no licence or record was held by Mr Durance in relation to the rifle, the inquiry revealed the information was held by the Domestic Violence Service which indicated Durance had access to a firearm. Further, the father of Ms Hayward, who resided with the deceased, had knowledge of the rifle and had seen it on occasion. However, the night Mr Durance was arrested, no statement was taken from Mr Hayward, despite the fact that he had witnessed the assault. When questioned as to why the statement was not taken from Mr Hayward on the night of the assault, the investigating officer indicated he would have taken a statement from Mr Hayward if Durance had entered a guilty plea upon Durance's arraignment. The Deputy Coroner considered that, had a statement been taken or had further investigation been undertaken, it may have revealed the existence of a rifle and that this would have been highly relevant to the decision to grant bail.

How wrong can people get it? Here is the death of a lady in 2009, who has been the subject of a coronial inquiry and, years later, we get a government, who on day one is covering itself in glory about what it is going to do about bikies with this piece of legislation; and on day two is bringing into the parliament a statement to tell us that, after all that, they are going to review aspects of the Bail Act. Well, we have five days of sitting left—four after the next hour or so—and where are the amendments to the Bail Act?

Not a single piece of information, not a letter, not a request, not a draft—nothing—to come to us and say, 'Look we would be keen to advance this. This is what we should be doing. This is what the priority should be of this government.' Not what appears to be on the face of it a lot of legislation which will inadvertently harm the innocent, and do nothing else to ensure that we deal with what is apparently a problem, that is, the possession and use of illicit firearms out there in the bikie world.

So I say get to work on the powers that you already have; and come to us with a real and clear explanation if you need extra powers to do something different, not just some paragraph here that does not tell us anything; and, thirdly, give us some assurance that you have spoken to those who might be even inadvertently at best, caught by this legislation, before you bulldoze this legislation through. And, while you are at it, think about doing something useful like making sure that we change the law so that people like Ms Robyn Hayward are no longer the subject of reports that are tabled all too often in this parliament.

[Sitting extended beyond 18:00 on motion of Hon. M.F. O'Brien]

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:55): I would like to make several points. Firstly, this legislation is targeted very specifically at criminals and the criminal community. There has been comment about lack of consultation, and I am not going to be flippant: there obviously are concerns about unintended consequences, but the main focus of the bill has been criminals and we do not negotiate or consult with criminals.

In terms of legislation impacting on primary producers, recreational shooters and the like, we made a conscious decision that we would separate the legislation into that applying to criminals and there will be a later legislative proposition that will apply to recreational shooters, gun club members and the like. It is intended that there will be considerable consultation in relation to that bill that will run for four or more months.

There has been comment about the hasty manner in which this legislation has been introduced. I attended the Standing Council on Police and Emergency Management in Alice Springs on 7 and 8 November, just last week. It was attended by the Hon. Michael Keenan, the new federal justice minister. The sentiment at this meeting of police ministers, and also attended by police commissioners, was that we had to proceed with significant haste in addressing firearms not only on a state basis but on a national basis.

The reason we have to do that is to confront, deal with and ultimately destroy the emerging organised criminal gangs that are establishing themselves within our community, particularly outlaw motorcycle gangs. We have seen the patch-over from the Finks to the Mongols. We have seen the staunch, resolute action taken in Queensland, Victoria and New South Wales in dealing with outlaw motorcycle gangs. All state ministers and the federal minister were determined that we would beef up our firearms legislation to deal with this present danger.

South Australia is seen by the other states as the national leader in relation to firearm legislation. Our firearm prohibition orders are considered a national model. That was reflected in a COAG communiqué, that the South Australian firearm prohibition order legislation ought to be looked to as a model. New South Wales recently adopted many of the features of our firearm

prohibition orders, and today the Queensland government contacted SAPOL for information in relation to the way in which we basically control the possession of firearms by known criminals.

I am of the view that other states will over the coming months also adopt our firearm prohibition legislation. We have been a leader in dealing with this issue. I think we are probably national leaders also in dealing with outlaw motorcycle gangs. This legislation that is before us today is prudent and targeted, and it will serve as an effective adjunct to existing legislation we are employing successfully in dealing with outlaw motorcycle gangs. In South Australia, we do not have to bulldoze bikie fortresses. They realise that our legislation is so effective that they are prepared to roll over and do the dismantling of their own volition.

In relation to the meeting that I attended in Alice Springs, the Standing Council on Police and Emergency Management—which I repeat was attended by police ministers from around Australia—Michael Keenan, the new justice minister, made specific reference to an initiative instituted by the Gillard government in the establishment of an organised crime task force. The new commonwealth government (the new Liberal-National Party government) is very supportive of the crime task force. New South Wales in the last week has also made great play of the fact that they are endorsing this particular model as well.

What does the task force do? It combines the activities of state police forces and state attorney-general departments with the commonwealth. It brings together the Australian Crime Commission, the Australian Federal Police, Customs and the Australian Taxation Office, together with state-based police forces and state-based attorney-general departments to deal in a concerted manner with this risk facing the nation, that is, the widespread criminal activity of outlaw motorcycle gangs and organised crime.

They are responsible for a significant component, if you like, of the illicit drug trade in Australia, the importation of illegal weapons and attempts to infiltrate our bureaucracy. We had an example in South Australia where a bikie gang member infiltrated a government agency responsible for the issuing of motor vehicle licences with the purpose of creating false identities and using those false identities for a whole range of criminal activities.

We know that we are dealing with a highly effective set of criminal organisations, many of which are at loggerheads—although, interestingly, they seem to be able to combine when they have to fund a High Court challenge. There was reference, I think, in either *The Age* or *The Sydney Morning Herald* to a meeting which I understand was held in Queensland recently where all the bikie gangs that have had public brawls came together to find the necessary hundreds of thousands of dollars that would be required to take on state legislation basically breaking down outlaw motorcycle gangs.

That is the intent of the legislation: it is to deal with this very real and present danger to not only the South Australian community but also communities in other states and nationally. We have determined at the national level, through the Standing Council on Police and Emergency Management, that we are going to be resolute in controlling access and distribution of guns within criminal gangs.

All of the Liberal states around Australia are highly supportive of taking a hard line in relation to gun control as far as it relates to criminals and, similarly, the commonwealth government. I honestly believe they would be aghast to hear a lot of the discussion that has occurred in this chamber today where their ideological partners, if you like, who are currently in opposition, are opposing what they are seeking to do in their own states.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr VAN HOLST PELLEKAAN: Let me just take a brief moment to respond to the minister's closing comments. Minister, you know, from everything that every one of us has said, that we also are firm with regard to our desire to stamp out organised crime and, in fact, further than that, any illegal, irresponsible use of firearms. Where we differ is with the collateral damage that we are prepared to accept along the way. We do not say that we pursue that at all costs.

You said that South Australia is seen as a leader nationally with regard to the legislation that it puts in place to deal with these issues. Let me tell you that every state I visit to discuss these

issues—including Canberra last week in the ACT—thinks it is a national leader. Everybody thinks they are a national leader and I have no doubt that in certain areas, each state can claim that prize, but South Australia cannot say, unfortunately, that in every aspect of this part of the legislation, we are national leaders.

The other thing that is very important is that, in addition to being national leaders with regard to having legislation about firearms that makes it difficult—or, ideally, impossible—for criminals to use them, we should also aspire to being national leaders with regard to legislation that supports legal and responsible firearms ownership. As you know, we support you wholeheartedly with the one side, but the legislation does not yet do the other side. Hopefully, together, we can make a contribution towards that.

Clause 4 is about prohibited firearms accessories. The first question is with regard to the list of firearms which I dropped off to the minister at 12 o'clock. I did read it comprehensively into *Hansard*, so I do not expect the minister to have to go back through the whole list, but I would be very grateful if the minister could confirm that, with regard to that list, which is on *Hansard*—and I am happy to provide a copy to Hansard just to be sure that the record is 100 per cent accurate—responsible legal users of firearms who choose to use these accessories with their firearms will specifically be excluded from this legislation?

The Hon. M.F. O'BRIEN: I thank the member for Stuart and he did supply me with the list which I will table, just to make it easy for Hansard. It is set out in tabular form. I have consulted with SAPOL and they have given me an assurance that the accessories that are listed would not be picked up, if you like, in the legislation, that they would not be an unintended consequence of the legislation.

Mr VAN HOLST PELLEKAAN: Thank you very much, minister; that is terrific. Can you please share with the house the type of prohibited firearm accessories that will be included in the regulations?

The Hon. M.F. O'BRIEN: Member for Stuart, what we are dealing with is two matters. One is appearance where, by way of example, a weapon is altered by bolt-ons to make it look like a submachine gun. We believe that we do not want people running around confronting police officers, in particular, with what appears to be a submachine gun but is in fact a single action weapon. The other one is operation where the accessory can convert a single shot weapon into an automatic weapon.

Mr VAN HOLST PELLEKAAN: Accessories fitting those two broad descriptions will be the only ones in the regulations.

The Hon. M.F. O'BRIEN: Yes.

Clause passed.

Clauses 5 to 10 passed.

Clause 11.

Mr VAN HOLST PELLEKAAN: Minister, could you please share with the house the types of alterations to firearms? I am referring to alterations as opposed to accessories that will be specifically covered. Just to recap briefly, I understand from the briefing I had this morning that it is your specific intention that only alterations which would change the classification of a firearm from one class to another are what is intended to be included in the legislation, but as you know from my previous comments there is a much broader range of concerns. If you are able to make that crystal clear, we would have it on the record so that this information would be used by courts down the track if ever there is an issue and it would certainly contribute to the way SAPOL operate that, and that is the case I would be grateful.

The Hon. M.F. O'BRIEN: Sorry, member for Stuart. We are actually talking about clause 12. SAPOL think it is clause 12, not clause 11.

Mr VAN HOLST PELLEKAAN: Yes, you are right. I apologise.

The Hon. M.F. O'BRIEN: Member for Stuart, you are correct in that it prohibits the alteration of a firearm that changes the class, so we are being very specific about that and also the reactivation of a weapon. Unfortunately, through bitter experience, we are aware that weapons are being handed in elsewhere in the nation by way of surrender and are being deactivated and then reactivated and entering the black market, so we are trying to close down that particular trade.

Mr VAN HOLST PELLEKAAN: We support you in that wholeheartedly but, as you know, the concern is that there are very many good reasons for people to alter their firearms legally and responsibly. I am grateful for your confirmation that none of those legal and responsible activities will be captured. It is only in regard to alterations, not the reactivation issue, but only firearms where the alteration would mean that the firearm actually falls under a different class and that is not done responsibly through the firearms branch, advising everybody who needs to know and legally going and getting the reclassification. It is only those illegal reclassifications that will be covered by this.

The Hon. M.F. O'BRIEN: Exactly, member for Stuart. Well put.

Mr PEDERICK: In regard to clause 12 and section 1B regarding altering a firearm and that as a result of that alteration the firearm becomes a firearm of a different class, I guess my question is a little hypothetical. As I outlined in my speech, some people have altered firearms at the moment quite legally to take more than 10 rounds, bolt action weapons, so I would assume by default if those weapons can't be done something with, altered back to a satisfactory state or somehow they can use them if this legislation goes through with magazines of less than 10 rounds, that they will be illegal weapons under this clause.

The Hon. M.F. O'BRIEN: Member for Hammond, I think in essence what you are asking is in relation to an alteration that would allow a weapon to become self-loading.

Mr PEDERICK: I am still talking about a bolt-action weapon, but they have adjusted them to take bigger magazines. They are still bolt-action weapons, but they have had to make adjustments to those weapons because they want to use bigger magazines. They have adjusted some of these since the federal laws after Port Arthur.

The Hon. M.F. O'BRIEN: Putting any size magazine on a firearm is not going to have any impact. It is not going to change the class.

Mrs VLAHOS: In relation to collectors of militaria who currently collect items from, say, World War II, such items have large capacity magazines and other items. I understand that some exemption process is contemplated for such owners in the transition period. Can you explain the exemption process?

The Hon. M.F. O'BRIEN: I think we have moved on to clause 14 on that particular issue. Have we exhausted clause 12?

Mr PEDERICK: I just need a little confirmation. What concerns me is that, from what my constituent wrote to me—and obviously he had military experience and has lots of friends in the same situation—they have altered these rifles to take bigger magazines. My concern is if these rifles cannot be altered back. I do not know; they probably can be, more likely than not, but I am not entirely sure. If these rifles cannot be altered back to take a magazine that holds only 10 rounds, I assume that they would be deemed illegal under this bill, if it becomes an act, and they did not get an exemption.

The Hon. M.F. O'BRIEN: I think the way it has been explained to me—and it is kind of understandable—the firearm itself is legal, but the magazine is not, and if the firearm cannot be modified to take the smaller magazine, then there is provision within the bill for compensation. The owner would be compensated.

Mr PEDERICK: So, you are indicating the owner would be compensated for the actual firearm?

The Hon. M.F. O'BRIEN: That is correct, yes.

Mr PEDERICK: Would another option be, as I mentioned in my speech, to put permanent blocks in magazines?

The Hon. M.F. O'BRIEN: Yes, a very sensible and logical proposition. SAPOL have advised me that, during the surrender period, what you are suggesting would be a more than acceptable course of action.

Mr VAN HOLST PELLEKAAN: Minister, you mentioned compensation. It is the first time that has come up, and I am not aware that compensation is actually in the bill. The question from the member for Hammond related to a firearm that had a magazine with a capacity of in excess of 10 rounds. If that firearm owner had to surrender that magazine and could not find a replacement with 10 or less rounds that would fit that firearm, so that firearm was essentially rendered useless—

legal, above board but inoperable other than by putting one bullet at a time into the barrel—would compensation be paid to that person?

The Hon. M.F. O'BRIEN: Yes, compensation is within the existing act in schedule 1, but I think the suggestion of the member for Hammond that the way out of this quandary, if you want to call it that, is just to mechanically put blocks into the magazine solves the issue.

Mr VAN HOLST PELLEKAAN: I agree—that is a good suggestion. Mr Chair, the next clause that I am interested in is clause 14, which I think is the same as the member for Taylor, but I also have some questions about compensation, so I will leave it up to you whether we talk about that now or as part of clause 14.

The CHAIR: It is either now or later. I don't have a strong conviction with regard to that so, if you want to talk about compensation now, you may as well do it. You have already started along those lines.

Mr VAN HOLST PELLEKAAN: Okay, my questions about compensation relate specifically to magazines.

The CHAIR: Right.

Mr VAN HOLST PELLEKAAN: I know that the member for Hammond introduced magazines into this clause's discussion because it was actually about the operability and the modification of the firearm. Clause 14 is specifically about magazines. I have got questions about magazines and I have got questions about compensation that relate to magazines, so I am happy to go to 14 if that works and that suits the member for Taylor.

The CHAIR: Yes, save it for 14.

Clause passed.

Clause 12.

Mr PEDERICK: In relation to new section 27AAB—Seizure and forfeiture of equipment, etc., I know many of us talked about this in our speeches. Subclause (1) provides that:

> If a police officer suspects on reasonable grounds that an offence against section 27 or 27AA has been committed, is being committed or will be committed, the officer may seize any equipment, device, object or document reasonably suspected of being used, or intended for use, for, or in connection with, the commission of the offence.

I think this section deals with the bit about angle grinders, drills, lathes and other equipment. It is a fairly broad interpretation, if it was taken to the nth degree. I wonder what protection law-abiding citizens have against this clause if this goes through. I certainly can understand, if there is reasonable suspicion and it is criminal activity, that it needs to be held up, but as we indicated in our contributions from this side there are thousands of workshops across the state that could be captured under this clause.

The Hon. M.F. O'BRIEN: I will correct and clarify a statement I made a little earlier: I have been advised by SAPOL that there was a provision in the existing act in relation to compensation. We have now had a look at that clause, and it refers to a period of six months after the previous enactment, so I think we will have to look at the issue of compensation. I am pleased it has been raised. I think it is an oversight, given the fact that it is in the act applying to a previous raft of measures allowing compensation to be paid within a period of six months.

In relation to the issue of equipment devices or the like, machinery used to either manufacture a firearm or significantly modify a firearm, it says quite specifically in relation to the commission of an offence that, if no offence has been committed and no charge has been laid, this particular provision would not apply. I go back to the statement I made a little earlier: this legislation is targeted specifically at criminals and criminal activity. At some time in the new year there will be, in all probability, another raft of legislation in relation to firearms that will deal specifically with recreational users, and there will be a significant period of consultation in relation to that body of legislation, but today we are actually dealing with criminal activity.

As I said, there would have to be an offence committed or, I have been advised, where SAPOL through criminal intelligence has been able to determine that an offence may be created if they become aware that a workshop is under the operation or control of a criminal gang and are intending to manufacture submachine guns. On the basis of that intelligence the equipment could be seized.

Clause passed.

Clause 13 passed.

Clause 14.

Mrs VLAHOS: A strict reading of this clause makes no mention of an legally licensed gun owner's ability to continue to own a category H firearm more than 38 calibre, such as metallic silhouette shooters—they can—and collectors and students of modern arms can legally own these firearms too. Will a strict reading of 14(1)(a) be honoured?

The Hon. M.F. O'BRIEN: Member for Taylor, there is not a 14(1)(a)—there is a 14(4)(a) and (b): are you referring to the subclause (4)?

Mrs VLAHOS: The clause I was referring to earlier, that I asked the committee chairman to raise, was under clause 9, and then I was told I would have to come back to 14(1)(a). So, you have not told me that I was to raise it under 14(1)(a), and that is the reason I am raising it, committee chair.

The CHAIR: What I was planning to do with regard to clause 9 is that, at the end of all these clauses, I will get you to move that we recommit, so we will come back to clause 9.

Mrs VLAHOS: I thought you were talking about 14(1)(a) too.

Mr van Holst Pellekaan: I have questions about 14.

Mrs VLAHOS: Okay, then I have another two that can fit into that clause too. I asked previously, and the minister has not answered, about the collectors of militaria currently collecting items from World War II.

The CHAIR: Is that at clause 9 or clause 14?

Mrs VLAHOS: It can fit under either of those.

The CHAIR: Well, ask it now, then.

Mrs VLAHOS: Again, for *Hansard,* can collectors of militaria currently collect items from, say, World War II, such as items of large capacity magazines and other items? I understand that some exemption process is being contemplated for such owners in the transition period. Can you explain what the exemption process is?

The Hon. M.F. O'BRIEN: Member for Taylor, all that would be required is that the collector of militaria lodge an application with the Registrar of Firearms to seek permission to have possession of that particular weapon. It will be fairly straightforward.

Mrs VLAHOS: If a person wishes to alter a firearm from one category to another—namely, say, category H—what approval process will be required?

The Hon. M.F. O'BRIEN: The same process, member for Taylor: they will be required to make an application to the Registrar of Firearms. As I indicated, this legislation is targeted specifically at criminals. We will be very diligent in ensuring that bona fide collectors of militaria or firearms are not adversely impacted by the legislation.

Mr VAN HOLST PELLEKAAN: Minister, you mentioned that this legislation is clearly targeted at criminals and, as I have said many times, we support you in that. In clause 14, and I think in another place as well, it talks about magazines, and that is something that will clearly affect non-criminals. Everybody, whoever they are, will potentially have to hand in their magazine if it has the capacity for 11 or more rounds. That is clearly not criminals. I take your word that it is an unintended consequence, but I will not be able to accept, through the complete course of this legislation through both houses, that amendment, certainly not without some form of compensation.

I am really concerned for many reasons; one, as I have said, is that it is clearly affecting legal, responsible people, and that is not where this legislation is meant to be focused. It is a completely unknown quantity of impact at the moment. At the briefing this morning, I was told very directly that SAPOL and the government have absolutely no idea how many legally owned magazines there are out there in South Australia that would fit this category, so there is a certain impracticality about how you are actually going to go about collecting them all up. There is almost an unintended vindictiveness about it, too, that if you do not get them all up you have turned all these legal firearms owners into illegal firearms owners purely because they have one of these magazines.

To hand in a magazine affects people in many ways. You could be a historic collector who never, ever fires a firearm, but that magazine is the historical match with the firearm that is precious to you, all the way through to somebody who might have a very genuine need, as a primary producer, for more than 10 shots. That would certainly be the reality in the electorate that I represent and in many other places.

It could also go all the way through to another person who might be a recreational user who is quite prepared to hand in that magazine, but it is not necessarily a simple matter just to go and get another magazine that suits your rifle or pistol, but I am specifically thinking about rifles at the moment. They do not all just snap in and out of each other; they are not completely interchangeable.

That person might have every good intention to say, 'Yeah, no worries. I'm not happy but here is my magazine. But now what do I do? I can't get another one.' That harks back to the question the member for Hammond asked. I appreciate what you have said about essentially blocking out a certain amount of space so that it would permanently reduce the number of shots that could be fired or bullets that could be loaded.

However, I do not imagine that SAPOL is going to be too comfortable with that either. In terms of all the sorts of things that you have said and all the unintended consequences that come with this legislation, I do not really believe that it is going to be an acceptable solution to SAPOL or the government to say, 'But, you know, we'll just block them out and we'll find a way that can't be reversed', and all that sort of stuff.

There are a lot of really genuine, real world reasons why this is a big problem. It is not because people just want to go off and be able to shoot as many bullets as they like out of gigantic magazines and pretend they are Rambo. It has nothing to do with that. There are a lot of really good reasons why this is a very significant impost on people.

I flagged in my second reading speech that the opposition is very likely to come back with amendments in the upper house. I am sure this will be one area of amendment and, if the government happens to not be open to supporting a responsible amendment along this line, then I have no idea how the government would even consider the volume and the amount of compensation that is quite likely to be required.

I appreciate the comments that you made before and I accept the clarification that you made with regard to the existing act, but it is not going to be a practical solution to leave it as it is or adjust it by adding compensation. You would not even know what impact on the budget you might be having, let alone how you are going to ensure that it is actually usefully complied with by the whole community. I will ask you very directly: is this a part of your amendment bill that you would be prepared to withdraw?

The Hon. M.F. O'BRIEN: It is certainly one of the provisions in the bill that we would be prepared to discuss. I received a reasonable amount of correspondence on it as well, and I have to say a lot of correspondence I think was ill founded. However, this did have practical consequences, and I was alert to those consequences.

What we are trying to address is the ability of people to intimidate and even inflict injury on individuals by drive-by shootings. If you cast your mind back probably 12 or 18 months ago, we had a spate of them—every second night there seemed to be one—and the media was saying that something had to be done about firearms. You may well remember that there was great community concern about the number of drive-by shootings that was occurring.

We know that the modus operandi of outlaw motorcycle gangs is thuggery and intimidation. In addition to the sale of drugs, they also have a fairly lucrative line of business which is collecting overdue debt. One of the ways they terrify people into paying up is either by direct physical violence or by pumping a number of shots through their front door. That is what we are attempting to deal with.

However, I understand that there is obviously potential for an unintended consequence, and I hope that between the houses we can work out a solution—if there is a solution—that can address the concerns that I have and the concerns that SAPOL have to significantly reduce the incidence of drive-by shootings but, at the same time, address those concerns held by legitimate, law-abiding firearm owners in the community. How we do that is yet to be revealed to me, but we can talk.

Mr VAN HOLST PELLEKAAN: Thank you for that, and I certainly support you in your desire to stop a drive-by shooting if it is one shot. I don't know that the person is going to be necessarily more intimidated if 12 or 13 shots are fired or 7 or 8 shots are fired into their door or their living room window or whatever. I am not convinced that this part of your bill really is going to get to the heart of what you are trying to do right there, but I do support your ambition in that regard, and I am grateful that there is room to discuss this between the houses. I will certainly be pleased to participate with you in that regard.

Mr PEDERICK: In relation to tube magazines that hold over 10 rounds, I am assuming because they are part of the rifle they will be still deemed legal?

The Hon. M.F. O'BRIEN: I think we are talking about 29BA. There is a potential remedy there seeking written approval of the registrar to acquire, own or have possession of a detachable magazine with a capacity of more than 10 rounds, so the act actually has provision to apply for permission to have a detachable magazine that can handle more than 10 rounds. It has to establish a case.

Mr PEDERICK: I understand that, but I am just trying to verify. I am talking probably more like a .22 rifle here. I am not even sure if their tube magazine would hold more than 10 rounds, but I am assuming that a tube magazine is part of a rifle, so I am assuming it is non-detachable, so I am just wondering how the legislation fits around that particular weapon.

The Hon. M.F. O'BRIEN: Member for Hammond, the bill only applies to detachable magazines.

Mr PEDERICK: Thank you for that. Just one more in regards to that: how difficult will it be for sporting shooters—will they need to be in a club—to get authorisation from the registrar? Or, in fact, people who compete in these international practical shooting confederation events, what will be the difficulty for them to get an exemption for their high-powered bolt-action rifles that have a magazine capacity of more than 10 rounds and which are necessary for competition?

The Hon. M.F. O'BRIEN: We are cognisant of this issue, particularly in relation to international competitions where the magazine size is in excess of 10, and all that will be required is an application to the registrar. It will be fairly straightforward.

Clause passed.

Clause 15.

Mr PEDERICK: Subclause (9) provides:

Section 32—after subsection (3b) insert:

(3c) A police officer may, with such assistance as he or she considers appropriate, use such reasonable force as is necessary to—

(a) break into any premises, vehicle, vessel or aircraft in order to gain entry or conduct a search under this section; and

(b) if reasonably necessary for the purposes of conducting a search, break into or open anything in or on the premises, vehicle, vessel or aircraft.

Could you explain how this clause differs from the current section in the act?

The Hon. M.F. O'BRIEN: What the amendment does is clarify and extend the powers that police have. Firstly, police, under the current act, have the power to break into a premises, but then if they encounter a locked cabinet they suspect contains firearms and they have to call in a locksmith to gain access, under the current act they do not have the power to go that second step. Having gained access, they are pretty well prohibited from further forcible entry into cabinets or the like. It also extends the power from buildings into cars, vehicles, vessels or aircraft, which is not in the current act.

Clause passed.

Clauses 16 to 18 passed.

Clause 19.

Mr PEDERICK: This is still about the possession or ownership of magazines. I am glad that during the committee process we have worked out that perhaps be mechanical blocks could be put in magazines so that, if this bill becomes legislation, people do not have to surrender those magazines, which have potentially cost them hundreds of dollars, that are over 10-shot magazines.

What concerns me is that, unlike what happened federally several years ago, under clause 6(b)(ii), if people so wished, or if they could not be bothered to put a block in the magazine so they can still keep the magazine, they have to surrender that magazine. Compensation was mentioned earlier, and I certainly would like to think that appropriate compensation should be made in regard to weapons that essentially have been legal until this act is enacted.

The Hon. M.F. O'BRIEN: Definitely, member for Hammond. I definitely take on board your comments. As I said, the act as it currently stands has provision for compensation for, obviously, a project that was undertaken sometime in the past, where it was felt that compensation ought to be offered, and the period of compensation was six months. We can look at that between the houses.

Clause passed.

The CHAIR: The member for Taylor has indicated that she had a couple of questions at clause 9 so, with the indulgence of the committee, we will reconsider clause 9.

Clause 9—reconsidered.

Mrs VLAHOS: Thank you. It is only one now. Going back to the issue that I was raising before about a strict reading of 14(1)(a), a strict reading of this section makes no mention of legally licensed gun owners' ability to continue to own class H firearms above .38 calibre such as mechanic silhouette shooters can. Collectors and students of modern arms can currently legally own these. Will you honour a strict reading of 14(1)(a)?

The Hon. M.F. O'BRIEN: I am just having a little trouble finding the reference. Could you read out the first couple of words?

Mrs VLAHOS: I am happy to approach the minister and show him.

The Hon. M.F. O'BRIEN: The member for Taylor is seeking some assurance that the provisions currently in the act in relation to .38 calibre and class H weapons would remain in place as per the act as it currently stands. I can give the member for Taylor that assurance, and I understand she wants to be able to convey that to firearm clubs within her electorate. I think she can give that ironclad assurance.

Clause passed.

Title passed.

Bill reported without amendment.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (18:55): I move:

That this bill be now read a third time.

The opposition lead speaker wants to make a couple of concluding comments, and I am prepared to give him that leeway.

Mr VAN HOLST PELLEKAAN (Stuart) (18:55): Thank you, minister. I could have done it at the end of the committee stage, but I thought that this was slightly more appropriate. This is an important issue, and I really do understand that for the police it is an important issue; they are trying to do their job. I understand that for the government, in trying to support the police and for other motivations, it is an important issue. But it is also a really important issue for the legal and responsible firearm owners out there. I did not delve too much into the committee stage because I had the good fortune to have unlimited time when I was speaking. I hope that the government will very seriously consider the things I put to them during my second reading speech.

The legal and responsible firearm owners and users must not be considered to be some group that is getting in the way of the government and the police trying to do what they do for good reasons. The minister talked about trying to be a leader and aspiring to be a leader in the nation with regard to legislation that allows our police to pursue crime. I say again that we also must aspire to be a leader in the nation with regard to allowing our legal and responsible firearm users and owners to go about what they are typically allowed to go about.

You cannot stop road fatalities by making everybody drive at 40 km/h; you cannot stop obesity by putting everybody on a diet; and you cannot stop organised crime and criminals using firearms illegally by penalising everybody else who does use them responsibly. I welcome the commitments you have made during this debate, minister, and I thank you for those. I look forward

to working well with you between the houses and, hopefully, we can come to a good resolution on this in the other place.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (PROTECTION FOR WORKING ANIMALS) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly.

No. 1. Clause 4, page 3, after line 35 [clause 4, inserted section 83H, definition of *working animal*]—After inserted paragraph (c) insert:

(ca) a dog used by, or on behalf of, a council (within the meaning of the *Local Government Act 1999*) for the purpose of enforcing council by-laws, conducting security patrols or protecting or guarding property in the council area; or

No. 2. Clause 4, page 3, lines 37 and 38 [clause 4, inserted section 83H(1), definition of *working animal*, (e)]—Delete paragraph (e)

At 18:57 the house adjourned until Thursday 14 November 2013 at 10:30.