

HOUSE OF ASSEMBLY

Thursday, 24 September 2015

The **SPEAKER (Hon. M.J. Atkinson)** took the chair at 10:29 and read prayers.

Bills

STOLEN GENERATIONS (COMPENSATION) BILL

Introduction

Mr GARDNER (Morialta) (10:31): On behalf of the member for Dunstan, I move:

That the Stolen Generations Compensation Bill 2014 be restored to the *Notice Paper* as a lapsed bill pursuant to section 57 of the Constitution Act 1934.

Motion carried.

ROAD TRAFFIC (ISSUE OF FREE TICKETS BY PARKING TICKET-VENDING MACHINES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 July 2015.)

Mr TARZIA (Hartley) (10:33): Thank you, Mr Speaker, and can I compliment you on your passionate support of your local team this week and wish them well in the grand final, but only because Norwood are not in the grand final.

I today rise in favour of the Road Traffic (Issue of Free Tickets by Parking Ticket-Vending Machines) Amendment Bill 2015. I commend the member for Unley who is in touch with his local community. He is a very hardworking local member who has brought this issue to the house after having an anomaly put forward to him in his local community.

The Hon. J.M. Rankine interjecting:

Mr TARZIA: Some things we can't change, exactly. In mid-2014—

The Hon. J.M. Rankine interjecting:

Mr TARZIA: Yes, he did help me in my election.

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

Mr TARZIA: In mid-2014, the City of Unley, as we heard, attempted to begin a 12-month trial period of fee-free, time-limited parking on land which was owned by the council. I understand that this was in Boffa Street, just off King William Road. The trial required that motorists who use the car park had to display a valid ticket on their dashboard allowing them to park for up to several hours free of charge. A ticket was obtained through a machine and provided free of charge. A number of issues were raised with the council in regards to motorists who have disputed fines that they had received in this area for not complying with the instructions at the car park. The City of Unley, from there, obtained some legal advice in relation to this matter.

It was determined, I am informed, that the car park could not be operated under the Private Parking Areas Act, because, even though land was owned privately by the City of Unley council, I understand that the car park was not used for the parking of vehicles by persons frequenting the premises of the owner, as there were no council offices nearby and nor was any venue used by council. Therefore, the Australian Road Rules, together with the South Australian road rules, do not permit a ticketing system where there is no payment, in accordance with that advice.

This implies that fee-free tickets would be permitted; however, the ARA refers to South Australian Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations

2014. Rule 22—Parking and parking ticket-vending machines or parking meters provides, and I quote:

- (1) for the purposes of rule 207(1) (Parking where fees are payable), if the word 'TICKET' is displayed on a permissive parking sign, the word is to be taken to indicate that a fee is payable by buying a ticket through the operation of a parking ticket-vending machine.

I understand that there was a lot of confusion around this issue; in fact, in recent times, it has even been suggested by local media channels that motorists found the system of free, gratis, three-hour parking through obtaining a free ticket seemed a bit confusing. I can understand why it is confusing. It is confusing to get a ticket for free parking. Usually, when you get a ticket you are of the understanding that you have to pay for something, so I can understand the issue.

I now note that the City of Unley was looking to charge motorists to park in this car park that has been mentioned, with several shop owners suggesting that customers, on their advice, might even boycott the car park if fees were introduced.

This is an enormous issue surrounding local shopping areas. Especially in an area like King William Road, a lot of our suburban retail strips at the moment are feeling the pinch of the economic climate. Therefore, we need to be encouraging more people to frequent these shops in the suburbs, especially when their competitors have a competitive advantage in that some locations in the suburbs provide free parking. If they provide free car parking and others do not, obviously there is an incentive to go where it is cheaper to park their car. Therefore, the member for Unley has put a bill forward. I thank parliamentary counsel for putting this forward.

During the discussions between the member for Unley and parliamentary counsel it was raised that this kind of situation might be solved by raising the issue with the minister directly to regress the changes to the regulations, which is also an option.

But I am here to support the member for Unley in what he is doing, and I understand that we also have our shadow minister for transport who is also on board with this. It seems like a simple change. It would have the backing of the local community. I commend the member for Unley for taking it on and I commend the bill to the house.

Debate adjourned on motion of Mr Gardner.

NATIVE VEGETATION (ROAD VERGES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 September 2015.)

Dr McFETRIDGE (Morphett) (10:40): Mr Speaker, I understand that, as the person who moved this bill, if I speak now I close the debate.

The SPEAKER: If the member for Morphett speaks he closes the debate.

Dr McFETRIDGE: Thank you, Mr Speaker. This bill is a very straightforward piece of legislation that has been put forward to this place. It is common-sense legislation. It is a reasonable piece of legislation. I use that word 'reasonable' deliberately, because the whole impetus behind this bill is to allow the people of South Australia who I trust to act in a reasonable manner to undertake reasonable activities to reduce the risks of bushfires impinging and threatening their lives and properties.

As we approach the fire-danger season in South Australia in the not too many weeks away, certainly everybody will hopefully be getting their bushfire survival plans in place, but more importantly also to prepare their properties to reduce the threat and impacts of any bushfires that should start. We do not want to have to go through another Sampson Flat; we certainly do not want to have to go through an Ash Wednesday.

Unfortunately, this year has been a year—in some ways fortunately for the farmers but unfortunately for firefighters—where there has been very good rains and there is a lot of growth. I said to the Chief Officer of the CFS the other day, 'You can just about hear the grass growing; the farmers will love it.' He just said to me, 'More fuel.'

There is a real need to allow landowners to go out and clear to their expectations of what is reasonable to reduce the impact of fire on their property should a bushfire start. They have got some fuel reduction in place, they have got some firebreaks in place. They are going to be able to have some ability to concentrate on other tasks at hand, not just preventing a fire jumping the road.

The Coroner's reports in the past on numbers of fires around the place have emphasised the fact that the big danger along roadsides is the huge build-up of fuel. This bill does not allow people to get a chainsaw out and clear every tree, or get the bulldozer out and reduce the verges back to bare earth. That is not what it is about. It is about allowing them to not have to go through myriad red tape and through councils.

I know that the bureaucrats do not want to lose control. It is about keeping their jobs in many ways. I think it is no more than that, because I cannot see any reasonable argument coming from these people, but I can see the will and the need and the want of landowners to undertake reasonable clearing of the verges, reasonable fuel reduction, without having to go through all the unreasonable red tape that they have to go through now.

CFS members have spoken to me about this at length. I know that members on the other side have said that the CFS does not agree with it. Well, that is not my impression speaking to many CFS members, at all ranks, from the baggy pants right through to brigade captains and higher ranks. When you explain to them about what the bill is all about, they understand and they say that this is a common-sense thing.

I had a lady phone me the other day who said that her mobiles were out in the Sampson Flat bushfire. She could not use the landline either, because, while the underground telephone lines going through her property had very little fuel on them, they were fine, along the road verges where there were heavy fuel loads—and even though the telephone lines were quite deep (she said about two feet under the ground)—and because of the impact of heat those telephone lines, those landlines, had been destroyed. There was no means of contact for those people. That is just one small example of not only the impact of heavy fuel loads along road verges but, more importantly, the impact on human life.

We have seen tragedy after tragedy, and I know that if there is another tragedy involving people trapped on roads because of heavy fuel loads on roads, I will be at the Coroner's inquiry to listen to the evidence that is given and to say, to the shame of this place, that reasonable steps were not allowed because of people's egotistical drive. I think it is a shame that egos get in the way of intellect in this place, and I really do not understand why we have to have this adversarial system all the time.

To make sure that we get not just what people need but what they want and to trust people in South Australia is something we do not do enough in this place. This is a reasonable piece of legislation and I expect the people in this place to take the action they need in a reasonable manner to allow people to do what they want.

The house divided on the second reading:

Ayes 19
 Noes 20
 Majority 1

AYES

Bell, T.S.
 Duluk, S.
 Griffiths, S.P.
 Pederick, A.S.
 Sanderson, R.
 Treloar, P.A.
 Wingard, C.

Brock, G.G.
 Gardner, J.A.W.
 Knoll, S.K.
 Pisoni, D.G.
 Speirs, D.
 van Holst Pellekaan, D.C.

Chapman, V.A.
 Goldsworthy, R.M.
 McFetridge, D. (teller)
 Redmond, I.M.
 Tarzia, V.A.
 Whetstone, T.J.

NOES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Caica, P.	Close, S.E.	Digance, A.F.C.
Gee, J.P.	Hildyard, K.	Kenyon, T.R. (teller)
Key, S.W.	Koutsantonis, A.	Mullighan, S.C.
Odenwalder, L.K.	Picton, C.J.	Rankine, J.M.
Rau, J.R.	Snelling, J.J.	Vlahos, L.A.
Weatherill, J.W.	Wortley, D.	

PAIRS

Marshall, S.S.	Cook, N.	Pengilly, M.R.
Piccolo, A.	Williams, M.R.	Hughes, E.J.

Second reading thus negated.

CONTROLLED SUBSTANCES (COMMERCIAL OFFENCES) AMENDMENT BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 10 September 2015.)

Mr ODENWALDER (Little Para) (10:52): I rise today to speak on behalf of the government in opposition to the Controlled Substances (Commercial Offences) Amendment Bill. I do not oppose the bill because it is a terrible idea, I oppose it because it is not necessary, upon proper consideration of the current provisions of the Controlled Substances Act (the existing act). The bill proposes amendments to the act to provide that it is an offence to carry on a business of trafficking or manufacturing a controlled drug or selling or manufacturing a controlled precursor or cultivating for sale or selling controlled plants. The bill replicates, essentially, section 5(1) of the Drugs Misuse Act 1986 (the Queensland act) that provides for the offence of carrying on the business of trafficking in a dangerous drug.

When the bill was introduced, there was no mention by the mover of section 33N of the Controlled Substances Act, which allows for the aggregation of drug offences. Section 33N provides the prosecution with a mechanism to charge and prosecute an individual with one single drug offence if they have committed a number of drug offences over a period of time. This provision is directed squarely towards those offenders who carry on a business of drug dealing.

Mr Speaker, those supporting this bill have also failed to have regard to the heavy penalty provisions which already exist in the Controlled Substances Act. There are serious consequences for those who deal in commercial quantities of controlled substances; for some quantities the maximum penalty is imprisonment for life, which is equivalent to the penalties for the most serious of crimes. If an accused person is appropriately charged by the prosecuting authorities as to the nature and number of offences pursuant to the act, a court is well equipped with the penalties provided for by the act to impose a sentence that adequately reflects the criminality of commercial dealing an accused has engaged in.

Mr Tarzia: What did the Supreme Court say?

Mr ODENWALDER: Well, interesting you should ask. The decision of the Court of Criminal Appeal in R v Faehrmann examined the sentences of two defendants who were sentenced to a number of cannabis offences against the background of a course of conduct of cannabis trading over a four and a half month period. It is a fundamental principle of sentencing law that a person can only be sentenced for the offences for which they have been convicted.

The background conduct of trading over a 4½ month period in Faehrmann was thus relevant upon sentence to such matters as questions of leniency and prospects of rehabilitation. However, it could not operate to impose a higher sentence than would otherwise be appropriate. As with any

offence, uncharged conduct that is considered relevant upon sentence cannot increase a sentence. It rather operates to deny the leniency that might be forwarded to a defendant who commits an isolated offence.

When the Court of Criminal Appeal commented on the merits of adopting a provision in South Australia like that in Queensland, it was in the context of the court considering difficult topics such as parity of sentences, the use of uncharged acts upon sentence and the construction of sentences to account for the overall undercharging of defendants. So, it is not quite right to say that the court ruled that the current legislative regime is limited and prevents drug traffickers being sentenced to higher terms of imprisonment. It is plain upon any examination of the sentences imposed by the courts in this state for the commercial dealing of cannabis and other substances that the existing penalties adequately equip a sentencing judge to impose a sentence that reflects the level of criminality engaged in by a defendant.

When the bill was introduced, it was said that the law in this state did not consider commercial drug dealing as a continuing business. It was said that this bill would streamline the prosecution of those charged with commercial drug dealing and allow the DPP to prosecute alleged drug traffickers for the totality of their offending. The prosecution of commercial drug offences in South Australia commonly involves an accused who is participating in an ongoing business. The prosecution can charge an accused involved in an ongoing enterprise with a number of offences during the relevant period that will particularise the drug transactions alleged to have occurred.

The expansive definitions of trafficking, manufacturing and cultivating in the existing Controlled Substances Act contemplate any step that may be taken in the process of sale, manufacturing or cultivation of a controlled substance. The prosecution has the discretion to charge as many or as few offences as the evidence discloses to adequately reflect the accused's conduct and level of criminality. Those transactions will likely not have occurred out of the blue. There will be evidence that will be presented to the court to place the transaction in its proper context.

Introducing a provision like that of Queensland to charge a single offence as representative of the totality of the enterprise will not streamline or simplify the case that the prosecution must prove. Each transaction alleged to give rise to the offence of carrying on a business will still need to be presented to a court for the offence to be proved to the requisite standard. It will not streamline the prosecution of drug offenders who are engaged in a sophisticated drug trafficking business, which is most often a very lengthy and complex process that can involve evidence of surveillance, telephone intercepts, covert operations and undercover operatives, with a number of defendants, and evidence spanning a period of months or longer.

The introduction of this bill will not change or streamline the evidence that will be presented to a court by the prosecution for the purposes of a trial or indeed to inform the court of a proper basis for sentence. As I have already mentioned, the Controlled Substances Act presently provides in section 33N for the charging of a single offence to encompass an ongoing commercial business. Section 33N arose out of recommendations that were made in the 1998 report on serious drug offences by the Model Criminal Court Officers Committee, and the section commenced operation in December 2007.

Section 33N provides for aggregating transactions or offences so that if a person has committed offences in relation to different batches of controlled substances (being a controlled drug, controlled precursor or controlled plant), and the offences were committed on the same occasion, or within seven days of each other, or in the course of an organised commercial activity, the person may be charged with a single offence in respect of all the different batches of controlled substances.

This provision thus achieves the very purpose that this bill is directed towards. It does not create a separate offence, but rather it provides that a number of separate offences can be aggregated into one offence if they are proximate in time or occur as a result of an organised commercial business. This section is directed squarely towards an accused who is involved in the trade or business of drug dealing, rather than towards those who commit isolated incidents or transactions.

The present offence regime in the Controlled Substances Act as well as the maximum penalties available upon sentence are sufficient for a court to impose a sentence upon an accused

who is convicted of a commercial drug enterprise that adequately reflects the scope of the accused's conduct. Where offenders engage in commercial drug offending, it is expected that the courts will impose heavy sentences that reflect a significant deterrent penalty. This bill does not increase the maximum penalties available under the Controlled Substances Act. Both the member for Morialta and the member for Morphett referred to the bill providing a maximum penalty of \$500,000 or imprisonment for life, or both, for the new offence it creates. The member for Morphett referred to increasing and expanding the penalties and adding an extra deterrent for drug offenders.

The Controlled Substances Act already prescribes such a penalty for those who deal in large commercial quantities of controlled drugs or who commit aggravated offences involving commercial quantities of controlled drugs. Indeed, the penalty provisions of the Controlled Substances Act are more stringent than those provided in the Queensland Drugs Misuse Act on which this bill is modelled, where the maximum penalty is 25 years' imprisonment.

This bill will not enhance the current provisions for the prosecution and sentencing of commercial drug offenders that are available in the Controlled Substances Act, and for this reason I and the government oppose this bill.

Mr KNOLL (Schubert) (11:00): I rise to support this very worthwhile piece of legislation introduced by the member for Hartley. Over my time in this place, and in memory of the great Dr Bob Such, we here try to use this time to promote worthwhile causes and to help bring forward issues that are perhaps smaller in nature that do not necessarily fit into the time frame and the dealings of government legislation. However, we can use private members' time for private members' bills to fix smaller parts of the legislation—and this is something the member for Hartley has sought to do.

Obviously, it is a bill that seeks to group together different drug offences in order for courts to be able to prosecute people based on the history of drug offending, as opposed to each individual instance. I will soon get to why not only that is important but also why it is something that the government has otherwise been a great supporter of. First, I will start by talking more generally about drugs in our society, and I want to talk about an instance in my own life.

I am somebody who in all seriousness has never tried drugs, never inhaled or looked to inhale or anything of that nature. Having said that, I am somebody who has seen drugs around me, and I will tell the story of a friend I had in high school. He started off as a great friend in year 8. He was an occasional smoker of cannabis, but over the years of high school, from years 8, 9 and 10, he became an increasingly heavy user, to the point where he used it on a daily basis.

He was my best friend for quite a time, but increasingly he started to feel the negative side effects of continual cannabis use—becoming increasingly erratic, paranoid and irrational—and he also started to make plans that he would forget he had made. I could see his cognitive abilities dissipating to the point where he struggled to talk in concepts, where he struggled to remember things he had said or done in the days and weeks previously. Essentially, he became a haze of mild, gentle ambivalence. For a guy I had spent a lot of time with and knew extremely well, this was very sad for me to see.

The difference between the two of us could not have been more stark—he was quite happy in his use and I was extremely happy in my non-use. In a gentle way, I would try to suggest to him that what he was doing was not good for his health. I also tried to suggest to him that it was not good for his grades, which did suffer a severe deterioration. In the end, I felt that the only thing I could do to help wake him up was to stop talking to him. Essentially, I made the decision that not only was he not the kind of person I wanted in my life but also that if he valued our friendship he would take some steps to remedy his behaviour: unfortunately, he did not.

That was about 12 or 13 years ago and I have really only seen him once or twice since. I think he has been able to pull his life together and deal with the issue of consistent cannabis use. I used to see his parents on a semiregular basis and they would often lament his behaviour. Having seen it firsthand, I know what persistent cannabis use does to people. I applaud any attempts to help restrict the supply, restrict the sale and restrict the use of cannabis in our society.

For those who think it is a benign drug, something we can allow in recreational quantities in our society and it will cause no harm, I have had this very personal experience that leads me to see

firsthand that this is not the case. Cannabis is not a drug that is safe to use, especially when people who use it have a predisposition towards being addicted to these types of substances.

If I talk a bit more generally about this Labor government over 13 years, one of the easiest shoeboxes Mike Rann as premier would pull out of the top drawer whenever life got a bit hard in government was the tough on crime angle. In this place, this Labor government continually tests legal principle in its pursuit of seeming to be ever more tough on crime. That mantra has been one of the few consistent things we know about this government—trying to find increasingly wider ways to abuse our legal system in pursuit of a decent media headline. That is why I find this quite surprising.

When a very simple measure, a measure the Supreme Court thinks worthy of attention, is brought to this house by the member for Hartley, the government opposes it. We are creating a new paradigm where the government is tough on crime, unless of course it is an idea the opposition proposes. So, we are tough on crime, but only if we get to own it. We are tough on crime, except when we cannot make political mileage out of it because otherwise what is the point.

It shows the crass nature of this government and the crass way it uses the legal system for its own political benefit, as opposed to necessarily the benefit of the people of South Australia. It is disappointing to hear the member for Little Para stand up and oppose what is otherwise a very worthwhile, very simple, piece of legislation. As the member for Newland has stated in this house before, it is the type of legislation that private members' time was designed to deal with—these smaller issues that otherwise do not get broader attention.

Here is the ultimate hypocrisy of this Labor government—the ultimate hypocrisy. It was only a couple of months ago that we in this place were debating a bill to change the way family protection works in South Australia. One of the main objectives of that bill was to group together instances of notification of child neglect to create a consistent history of child abuse and neglect when considering taking children away from their parents.

This concept that you cannot look at instances in isolation, that you need to group together to get a consistent history of people's patterns of behaviour in order to make judgements about them, is a concept this government introduced in child protection legislation only a couple of months ago. So, it is okay for it to have to happen when it comes to child protection, but it is obviously not okay when it comes to cannabis use or issues relating to drug use.

The idea of grouping together to be able to understand someone's history to determine a pattern of behaviour in order to make a judgement about them or, in the case of child protection, children under their care, is okay, but if we want to develop and understand a pattern of behaviour and history of behaviour in relation to cannabis use, that is not okay. I find that rank hypocrisy because, if the concept is good for one, surely it should be good for another. Surely, if that is a consistent concept that is worthy of attention, it should be worthy in this instance.

Again, it highlights the hypocrisy of this Labor government on these issues simply because they are not able to make the political mileage, simply because they want to score cheap political points by trying to stymie the good work of the member for Hartley in this place by bringing forward something that is common sense and commonplace. After 13 years, you would have to consider that most people who sit on the Supreme Court bench were appointed under this Labor government. I am not entirely sure, but I would say that the majority were appointed under this government.

Surely, when these recommendations are brought down they are worthy of consideration by this government but, unfortunately, that has not been the case. So, it is a disappointing day and disappointing that we cannot look past cheap political points, especially when we in opposition, when it comes to things like WorkCover and a whole host of other legislation, have been in lockstep with the government on things that are sensible. We only need to look at the Nuclear Fuel Cycle Royal Commission to understand how we as an opposition are being constructive in this debate, when it would be very easy for us to stand here and score political points. I know it is something that members of the Labor Party and the Labor government have expressed to me.

So it is disappointing that, in this instance, the government has not seen fit to work with us, to make a small but significant change to make sure that it is harder in the future for former friends,

such as mine, to be able to kick the habit and to make it harder for them to fall into this deep, dark trap that is drug use in South Australia.

Ms DIGANCE (Elder) (11:10): I move:

That the debate be adjourned.

The house divided on the motion:

Ayes 23
Noes 18
Majority 5

AYES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Brock, G.G.	Caica, P.	Close, S.E.
Digance, A.F.C.	Gee, J.P.	Hamilton-Smith, M.L.J.
Hildyard, K.	Kenyon, T.R. (teller)	Key, S.W.
Koutsantonis, A.	Mullighan, S.C.	Odenwalder, L.K.
Piccolo, A.	Picton, C.J.	Rankine, J.M.
Rau, J.R.	Snelling, J.J.	Vlahos, L.A.
Weatherill, J.W.	Wortley, D.	

NOES

Bell, T.S.	Chapman, V.A.	Duluk, S.
Gardner, J.A.W. (teller)	Goldsworthy, R.M.	Griffiths, S.P.
Knoll, S.K.	McFetridge, D.	Pengilly, M.R.
Redmond, I.M.	Sanderson, R.	Speirs, D.
Tarzia, V.A.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Williams, M.R.	Wingard, C.

PAIRS

Cook, N.	Marshall, S.S.	Hughes, E.J.
Pisoni, D.G.		

Motion thus carried; debate adjourned.

FIRE AND EMERGENCY SERVICES (VOLUNTEER CHARTERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 May 2015.)

Ms DIGANCE (Elder) (11:16): I rise to respond to the honourable member's bill, which seeks an amendment to the Fire and Emergency Services Act 2005 to include the Country Fire Service and State Emergency Service volunteer charters into the act. On 16 May 2015, the Minister for Emergency Services announced that the key elements of the emergency services reform were not being progressed as it was becoming a barrier to achieving the objects of the reform, which was closer collaboration between the services and creating efficiencies and savings to invest into frontline services.

Throughout the reform process, all key stakeholders agreed that some reform is needed. As such, the minister also announced that the 13 reform working groups, which are comprised of expert staff and volunteers from the sector, will continue. Their purpose will be to inform the longer-term structural and organisational changes required. One of the first working groups to be established was the legislation working group. One of the primary tasks of this group is to examine how the charters

or their successor will be incorporated into legislation. This is not a new concept. The minister advised the sector in mid 2014 that he supported this idea and it would be undertaken as part of the reform process.

At present, there are two volunteer charters, one for the CFS and one for the SES. The working group will consider if it is appropriate to have one charter for all volunteers, including the Volunteer Marine Rescue, who have advised they want to become part of the emergency services sector. The group will also consider how the charters can be further modernised or enhanced. The working group will also consider the impact of the legislation on the chief officers. For example, the working group needs to consider what changes in policy or practice are required to ensure the chiefs do not inadvertently break the law.

It may appear ironic that the member for Morphett, who is also the shadow minister for emergency services and who is advocating for greater consultation in the sector through his bill, I am told did not consult the chief officers, the chief executive of SAFECOM or the government about his bill, particularly as the abovementioned parties are all signatories to the existing charters. While I expect the chiefs will be supportive of the concept, the chiefs will also be aware of the implications it will have on their policies and practices. I ask the member for Morphett: have you reviewed SAFECOM's policy on referral and consultation? Have you spoken with the experts in the Volunteer Services Branch?

Dr McFetridge: I spoke to volunteers.

The DEPUTY SPEAKER: Order!

Ms DIGANCE: Have you consulted the Minister for Volunteers? And is the answer no, no and no? Furthermore, is the member aware of the work carried out by the Australian Volunteer Rights and Advocacy Working Group in regard to a volunteer sector ombudsman?

Mr Whetstone interjecting:

The DEPUTY SPEAKER: Alright; Member for Chaffey, you are called to order.

Ms Chapman interjecting:

The DEPUTY SPEAKER: The deputy leader is called to order. She is not in her own place, anyway.

Ms DIGANCE: Was this important work considered when drafting your bill? At this point the government digresses for a moment to note the comments made by the member for Schubert on 7 May 2015 in this place, when discussing this issue, when he stated that the Minister for Emergency Services failed to consult. I also note the comments made by the member for Kavel on 7 May who, rather than providing a considered analysis of the bill, I am told, chose to use the opportunity to perpetuate the myth that the UFU was driving sector reform.

The member for Morphett, who bombards the emergency services agencies with, I am told, dozens of freedom of information requests, should already know—

Mr Knoll: How do you know that?

The DEPUTY SPEAKER: The member for Schubert is called to order.

Ms DIGANCE: —from these costly expeditions that—

Mr Whetstone interjecting:

The DEPUTY SPEAKER: The member for Chaffey is warned for the first time.

Ms DIGANCE: —the legislation working group is already undertaking this important work through the agreed process.

Members interjecting:

The DEPUTY SPEAKER: I am on my feet; please sit down. I am not going to have interjections, I am not going to have noise. Every member is entitled to be heard in silence, and I will

afford you the same treatment. I am asking members to cooperate with these rulings. You know the standing orders. Continue, member for Elder.

Ms DIGANCE: Thank you, Deputy Speaker. In summary, while the government supports the concept proposed by the member's bill, the consultation process undertaken by the member for Morphett—or perhaps I could suggest the lack of consultation process—is completely unacceptable and makes it impossible to support this bill.

A better outcome for volunteers is certainly possible. While the member has good intentions, we will hold him and his party to the same high standards of due process and extensive consultation expected of the government when developing legislation. While the government has no choice but to oppose the bill, the government sincerely invites the member for Morphett to join or contribute to the legislation working party. We welcome a bipartisan approach, as we are seeking the same ends.

Mr ODENWALDER (Little Para) (11:22): I move:

That the debate be adjourned.

The house divided on the motion:

Ayes 23
Noes 19
Majority 4

AYES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Brock, G.G.	Caica, P.	Close, S.E.
Digance, A.F.C. (teller)	Gee, J.P.	Hamilton-Smith, M.L.J.
Hildyard, K.	Kenyon, T.R.	Key, S.W.
Koutsantonis, A.	Mullighan, S.C.	Odenwalder, L.K.
Piccolo, A.	Picton, C.J.	Rankine, J.M.
Rau, J.R.	Snelling, J.J.	Vlahos, L.A.
Weatherill, J.W.	Wortley, D.	

NOES

Bell, T.S.	Chapman, V.A.	Duluk, S.
Gardner, J.A.W.	Goldsworthy, R.M.	Griffiths, S.P.
Knoll, S.K.	McFetridge, D. (teller)	Pederick, A.S.
Pengilly, M.R.	Redmond, I.M.	Sanderson, R.
Speirs, D.	Tarzia, V.A.	Treloar, P.A.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Williams, M.R.
Wingard, C.		

PAIRS

Cook, N.	Marshall, S.S.	Hughes, E.J.
Pisoni, D.G.		

Motion thus carried; debate adjourned.

Motions

GALLIPOLI CENTENARY

Ms BEDFORD (Florey) (11:29): I move:

That this house notes the centenary of the battles of Lone Pine and The Nek at Gallipoli, gratefully acknowledges the courage and heroism displayed by the forces involved and the significant deaths and injuries suffered by the gallant ANZACs—the soldiers of Australia and New Zealand—and the tenacity of the opposing Turkish forces.

There can be no greater honour than to represent the people of South Australia in any capacity and, even more so, to be part of the delegation to be present at the ceremony to commemorate the centenary of the battles of Lone Pine and The Nek. The August offensive of 1915, only a few months following the landings of 25 April, was a push planned to break the stalemate that had developed. With the Turkish forces dug in above them, the Allied forces began to realise that what had been hoped to be a quick operation had become bogged down.

Seated in readiness for the ceremony at Lone Pine with my colleagues the members for Taylor and Morphett and the Hon. Andrew McLachlan, and the delegation led by the Minister for Defence Industries and Veterans' Affairs, the Chair of the Veterans Advisory Council, Sir Eric Neal, and Lady Neal, Veterans SA director Rob Manton and Legacy representative Mr Alex Hibbard, the enormity of the deeds of the campaign we had come to honour became very real.

The serving forces of New Zealand combined with the Australians in these two battles, forging a legend rightly commemorated because of the importance of the enterprise and the high price the men paid for holding their new position. Seven Australians won a VC, with four going to a single battalion in just 24 hours. In all of this, the Turkish soldiers were tenacious and yet respectful of their opposing forces to the degree that great kindnesses were shown, and the now famous speech of Turkish leader Kemal Ataturk serves in perpetuity to show that the heroism and courage of all who fought and died will always be held dear.

So much had happened there. So many lives had ended or were changed forever. So many of South Australia's finest went to their death courageously with their mates in defence of the Empire. I will not talk about the strategies or tactics, as many others have already done so in more detail than I could hope to present.

I commend to the house the book *Fallen Saints*. Authored by Mr Robert Kearney, himself a veteran, it tells the stories of the 180 students from St Peter's College who gave their lives while serving in the Great War of 1914 to 1919, of which the Gallipoli campaign was just the beginning. Robert is now championing the Virtual Memorial project through the RSL of South Australia, with the research assistance of Mr Nicholas Egan. I am confident we will soon have a record of every South Australian man who enlisted.

One such man was Charles Adam Matters, brother of Muriel Matters. Born in Port Augusta, Charles was living in Perth when he enlisted and, because of illness, he eventually embarked from Melbourne and thus his links to South Australia were lost in history. His nieces and nephew—Jocelyn, Adrienne, Lynette, Elaine and Keith—and their families were thrilled to know that their uncle's name on the Lone Pine memorial had been visited for the first time.

Another local man or, more properly, boy soldier was Tea Tree Gully native bugler Ira Smart whose remains, while identified at one stage, are now buried as 'believed to be the remains of' because such was the enormity of the task of burying the fallen that, years after the conflicts, no-one was really certain who lies where despite the best and marvellous efforts of the Commonwealth War Graves Commission.

I was able to bring home the first photo of Ira's grave for the archives of the City of Tea Tree Gully Library and local historian Mr David Brooks who, along with many staff and volunteers, held a really moving event—the Field of Remembrance in May this year, soon after ANZAC Day, attended by Mayor Kevin Knight and many councillors, residents and students from nearby schools.

The delegation to Lone Pine was also able to attend the Bringing Their Spirits Home ceremony, something of great significance for the families of the Indigenous soldiers who fought, often unrecognised, with their comrades in the armies for love of country. Governor-General Sir Peter Cosgrove and VC winners Keith Payne, Mark Donaldson and Daniel Keighran lent their combined considerable presence to the proceedings which were also attended by the family of Corporal Cameron Baird, VC.

By remembering, through such events as the centenary of the Dardanelles Cenotaph, held here in Adelaide on Sunday 6 September at the almost forgotten simple cross memorial now standing near the corner of West Terrace and South Terrace, the sacrifices of serving personnel and their loved ones who stayed behind, present generations are reminded of the importance of peace. This

simple monument will soon be part of the new Anzac Centenary Memorial Garden Walk—a project that will link sites of significance from North Terrace to the Torrens Parade Ground. Our observances of the battles of Lone Pine and The Nek will be something that generations will speak of in the future, and I commend the motion to the house.

Dr McFETRIDGE (Morphett) (11:34): I rise to support this motion from the member for Florey. Can I just say that it was a privilege to be a representative of the people of South Australia at the centenary of Lone Pine on the Gallipoli peninsula a few weeks ago. The opportunity to do this as a member of parliament is something that we get occasionally, and I would encourage every member to take up this opportunity to represent the people of South Australia. It was very disappointing that the South Australian parliamentary delegation was the only parliamentary delegation that was at the Lone Pine ceremony.

The Gallipoli campaign, as we all know, was a disastrous campaign. One hundred years ago yesterday, Keith Murdoch's letter was written to then prime minister Andrew Fisher. I will just quickly quote from Keith Murdoch's letter. He said:

It is undoubtedly one of the most terrible chapters in our history. Your fears have been justified. I have not military knowledge to be able to say whether the enterprise ever had a chance of succeeding...

Nearly 9,000 Australians died, nearly 3,000 New Zealanders died and over 21,000 British soldiers died. There is an estimate that 10,000 French soldiers died, yet we had the privilege of visiting the French cemetery, where there were four ossuaries. These ossuaries were a compound where bones were collected from soldiers. In each of those ossuaries, there were an estimated 3,000 sets of bones, so there were 12,000 just in those ossuaries. There were also around another 500 graves. So, I think the figure of 10,000 French soldiers who died is quite wrong. There were nearly 1,500 soldiers from India and 49 from Newfoundland. A total of nearly 45,000 Australian allies died on the Gallipoli Peninsula.

The need to never, ever forget, and to always remember is something that we as members of parliament emphasise at every ceremony we go to to remember our veterans. I do so at every ANZAC Day and every other ceremony I have the privilege of going to as the shadow minister for veterans' affairs. This opportunity was unique. I hope that members of parliament will consider talking to the members who went to Gallipoli about their experiences, look at the photographs and see what our troops were up against. It was a very moving experience for all of us and one that will last my lifetime.

I would be happy to talk to people and various groups about the experience we had, and to show them pictures of where we went, to try and get them to understand the issues that our soldiers were facing. The gallantry and courage that was shown is just typical of the young men and women in our military forces. They were all men then, apart from the nurses that were there.

The trip with Sir Eric and Lady Neal was an extra bonus. For me, as a veterinary surgeon, I was pleased we had a young lad who was a veterinary student there, Alex Hibbins. Alex was representing Legacy in South Australia. Alex's father, I understand, was in the Air Force and had died. Alex was able to participate in the services with us. I know that, speaking to Alex, it was a very moving experience and one which will last his lifetime. I am sure he will be out there speaking, not only to Legacy, but to other groups about the experience.

There is a need, as I said, to continue to remember and to never forget. I think we as members of parliament should consider sending a delegation over to the event at the Western Front next year. I am looking forward to talking to the new Minister for Veterans' Affairs about what the federal government will be doing this time. I hope we are not the only parliamentary representation there.

I thank the good constituents of Morphett for having me as their representative to go on these sorts of experiences and represent the people of South Australia in a completely bipartisan way. It was a wonderful experience to be there as members of the parliament—not as members of a party—and to undertake the whole experience and bring that experience back to our constituents.

I understand there are no survivors of this campaign left anywhere in the world. There are continuing battles and warfare going on in the world today, and the injuries and mental health of our

soldiers is something that we need to be aware of in this place. This trip helps cement that attitude, not only with me, but I know with all the other members, including the Hon. Andrew McLachlan from the other place, who came with myself, the member for Taylor and the member for Florey.

It was an absolutely unforgettable experience. I encourage members to take the opportunity to visit the other Western Front sites next year and, as we all do, take every possible opportunity to remember our veterans.

Ms VLAHOS (Taylor) (11:39): I wish to speak today about my involvement in the recent 100-year celebrations of the battle for Lone Pine. Earlier this year, in my role as an MP, I was at Virginia Primary School where they dedicated an ANZAC Day centenary mosaic to peace and also paid recognition to the people from the local community who had gone to World War I. One of the names that is memorialised on that mosaic that the children created was a gentleman called James John Sheedy.

Many of my colleagues have spoken about what we did on our trip, but one of the most moving things that I did during that time was to walk along the beach at Anzac Cove and take a vial of sand from Semaphore beach that two local RSL members had given to me to remember one of their family members who had traversed that small beach, which is smaller than the carpet between these two benches in the chamber. The geography and the topography and the sheer brutality of that campaign is laid bare when you go to these sites from Helles Point to Suvla Bay, and it was a privilege to be there and lay this sand on behalf of that family. Their family member got out of that campaign, mercifully, but then went on to fight in another battle, unlike James John Sheedy who actually died in the battle for Lone Pine.

On the afternoon that we went to the final commemoration of our trip after traversing all the cemeteries along the way, and understanding the depth and ferocity, depravation and courage that was witnessed on that peninsula, we sat there with our guides and thought of it being a hot and dusty August day, and to think of what they had gone through on that day with that battle, and the time they had been there, was truly remarkable.

James John Sheedy arrived and was killed pretty much as soon as he got onto the peninsula. He was one of the first early enrollees when World War I commenced, and his mother was the local postmistress at Virginia. James was well known. He was about 35 years old and was educated at the Virginia public school, which is why his name is on the memorial. He was involved in the local cricket and footy clubs, which are institutions that are still vibrant in Virginia today, and was a member of the Two Wells Light Horse. When World War I broke out he volunteered, and was in the famous 10th Battalion.

James was a very popular man. When he died, his mother, who was the postmistress, would have been one of the first to receive the notice from the government via the postbox. In the proceeding years the death notices came out, the pension notices came out, the plaques to remember the fallen came out, and the final things that happened later. Unfortunately, she was not there at the seventh-year mark to see it as she had passed on. However, every time someone in the district received a letter notifying them that their next of kin had died, she was the person who carried that letter out to those families, and that shows the depth of scarring of those people who died in that community. So many towns like that around Australia are marked by the battle of Gallipoli.

Prior to us visiting this peninsula, I knew of Kemal Ataturk but I did not understand how pivotal Gallipoli was in the nationhood of Australia and our cultural identity, but also to the Turkish. Kemal Ataturk became the leader of modern Turkey, and his vision of things was forged around the time that they came together and rose up to fight off the westerners who were trying to take over the peninsula at the time during World War I to make sure the Dardanelles were free for the traffic of supplies. For both of our countries to have such a pivotal time in our nationhood is an interesting twinning of identity, and it was interesting to unpack that.

One of the other things the member for Morphett also spoke about is the tragic circumstances around the French involvement in this campaign. France was under attack, and the people who lie in those ossuaries are largely African-French colonial brigades because the French people were defending their own border and they mustered their colonial forces. You never see any pictures of black African soldiers fighting for the French brigade, and that is the sad part of our history:

12,000-odd people lie there, and it is something that we have never discussed in our ANZAC history in Australia. We never see that imagery.

It was a deeply moving time and something I will never forget—I agree with the member for Morphett. It was a true privilege to be there on behalf of Virginia, the Two Wells RSL and the many other RSLs in my area that I will be going back and speaking to. I will never forget the story of the postmistress and the Sheedys from Virginia. Lest we forget.

Mr PEDERICK (Hammond) (11:45): I would like to commend motion by the member for Florey that this house notes the centenary of the battles of Lone Pine and The Nek at Gallipoli, gratefully acknowledges the courage and heroism displayed by the forces involved and the significant deaths and injuries suffered by the gallant ANZACs—the soldiers of Australia and New Zealand—and the tenacity of the opposing Turkish forces.

In relation to the overall number of losses, at Gallipoli about 9,000 Australian lives were lost and 3,000 New Zealand soldiers were lost and, as the member for Morphett stated, almost 45,000 allied forces. The number for the Turkish forces, from memory, was around double that, at least 90,000, and probably more. We have to remember that the Turkish forces were fighting for their homeland and were very keen to lay their lives on the line for that cause.

The Battle of Lone Pine was one of the most recognised as being partly a success, I guess, in World War I. There were several Victoria Crosses, one during that battle which raged for several days. There were some great acts of heroism, including one soldier who kept throwing bombs back that had come over from the Turkish lines. It shows how close people were. In fact, in the Battle of The Nek, the lines were only 27 metres apart and, because of the lack of synchronisation of watches, the artillery stopped seven minutes in advance of the attack.

The first wave of men went over the top and were butchered, and the same thing happened with second wave. However, there were not as many casualties with the third wave because men were going over the top and searching for cover as they went because they could sense the suicide and the futility of the assault. And because of confusion in the trench and soldiers not being able to find commanding officers, and that sort of thing, quite a few men in the fourth wave went over and lost their lives as well. Overall, World War I showed some terrible losses of men. I think it just goes to show that we come from the Middle Ages style of warfare, where people were basically face-to-face. Here were men going over the top, up against machine guns on either side.

I have not had the privilege to visit Gallipoli, and I hope I will at some time in the future, but I have certainly had the opportunity to visit the battlefields of the Western Front, and that was very sobering. I spent four days there in late 2010; it is an amazing place. Certainly from every position I visited, whether it was Passchendaele or Messines, Ypres and around the Somme, it looked like our trenches and our men were always downhill of the enemy. There were some courageous acts in charging uphill, and this was certainly the case at Gallipoli. What happened there is a terrible tragedy.

I note the letter that came back from Keith Murdoch, which certainly changed the face of the Gallipoli campaign. I suppose the one success was the withdrawal. We noted on the most recent Gallipoli teledrama the tenacity of the Australians and other forces in getting off the beach, so to speak, and back to their ships without one casualty, using devices such as water dripping into jam tins hanging from the triggers of 303s so that the Turks thought people were still in the trenches firing at them.

We must never forget the sacrifice of our Diggers, and there were far too many sacrificed in World War I. I was very fortunate to have a great uncle come home from the war. He was serving on the Western Front and got shot through the nose sideways; he was walking between two other troops. He was fortunate enough to be repatriated back to England and, by the time he was ready to go back to service, the war was over. We must never forget the gallant feats.

I visited many sites on the Western Front like Villers-Bretonneux and others and, as I said, it is a sobering thought. You look at the many graves—3,500 war graves just on the Western Front. I also visited a German cemetery on the Western Front where there were single graves, but also there were four communal graves with 3,000 soldiers in each, so there were 12,000 men buried there. I say that because there has been a lot of discussion—and I know I am digressing a little—about what happened at Fromelles with the allied soldiers, the Aussies and New Zealanders and British soldiers,

who were buried in a communal grave. But from some of the history I have researched on that, the efficiency—and that is probably the wrong word but it was what the Germans used, and they used it with their own people, and I am not suggesting it is right. I commend the people of the war graves units who have found our soldiers and put them in the new cemetery at Fromelles which is a beautiful spot for them to rest in peace.

There is a lot of futility in war. I suppose if you have to have war, it is good in a way that things are a lot better managed and I guess there are a lot better communications and that kind of thing. As we know, it is the centenary of World War I. It was a long time ago and communications were not the same. I commend the motion. Lest we forget.

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (11:52): I commend you, Madam Deputy Speaker, for bringing this matter to the house. I commend the contribution of the member for Hammond and others because the Battle of Lone Pine was the last Allied offensive of the Gallipoli campaign designed to break the stalemate that had occurred on the Gallipoli peninsula since the landings of 25 April. The Lone Pine offensive from 6 to 10 August saw some of the most brutal fighting of the campaign. Having recently visited the site as the Minister for Veterans, it was extremely sobering as a soldier to look at that terrain and ask myself, what on earth were they thinking?

It was difficult to fathom the courage displayed by the Australian Imperial Force who launched this Lone Pine attack in the late afternoon against formidably entrenched Turkish positions, leading to four days of intense hand-to-hand fighting. The 9th Light Horse Regiment, raised in South Australia, was in reserve for the Lone Pine offensive tasked with providing supporting fire at The Nek. The regiment lost its commanding officer, Lieutenant Colonel Albert Miell, from Crystal Brook at The Nek. His final burial place is unknown.

The perilous existence of an Australian soldier on the front line was aptly explained in a letter Lieutenant Colonel Miell wrote to his family, dated 8 June 1915, when he described surviving a bullet wound to his head and another instance when his dugout was bombed. He said:

A shell-case came crashing into my dugout last week. It struck the wall and rebounded and hit me on the calf of the leg, but did no harm at all. Tell the kiddies that every day my boys shot several Turkish snipers. We lost a few good men.

In another note from the Gallipoli Peninsula in August 1915, he wrote:

...at present every part of our position can be shelled any hour. As I scrawl these few lines in my dugout, overlooking the blue waters of the Mediterranean, a few shells are playfully shrieking overhead. Sometimes one plumps into a dugout. If it bursts, and the occupants are at home, some souls go out on the east wind.

Gallipoli holds particular significance for South Australians. Bravo and Charlie Companies of the 10th Battalion, raised in South Australia, were part of the covering force for the landings and among the first ashore on 25 April 1915. More than 8,000 Australian soldiers died in the eight months of the Gallipoli campaign.

As I mentioned, I was privileged to lead a bipartisan parliamentary and veteran delegation recently to the centenary commemorations of the Battle of Lone Pine with Sir Eric and Lady Neal; the member for Morphett; yourself, Madam Deputy Speaker; the member for Taylor; the Hon. Andrew McLachlan MLC in the other place; and a legatee, a wonderful young man and the head of the veterans agency. We were very pleased to attend at this site on behalf of the South Australian people and it was a very sobering experience indeed and, as I said, my first visit to the peninsula.

Standing at Anzac Cove where the initial landings occurred on 25 April, I was taken aback by the enormity of the task faced by Australians and New Zealanders that morning. As I toured the various battle sites that day, I could not help but admire the courage and tenacity of the Turkish defenders as well. The visit gave me an opportunity to reflect on some of the personal stories of soldiers in my own electorate.

Henry Dawson Tutt from Kingswood left his job as a woodworking machinist and went on to serve in the 10th Battalion. He was killed in action and buried at Lone Pine Cemetery. His brother, Albert Tutt of the 48th Battalion, died at Bullecourt two years later. Mitcham's Harold Mitchell, who

was employed as a presser, enlisted at 23 years of age and was killed less than nine months later. Interestingly, one of these graves unusually did not have a Christian cross upon it and simply had the epitaph 'He gave his life for others'. This was unusual at the time where nearly all tombstones had the Christian cross and something slightly different on the epitaph, opening all sorts of questions. These two boys grew up in the same street, I noted, and would have known each other well.

Another young South Australian who was full of potential only to be killed in the bloody battle of Lone Pine was 21-year-old Corporal Cuthbert Glen Davison who was born in Mount Gambier and attended St Peter's College. A statement from witness Private Charles Lind said Corporal Davison was 'shot through the head during a bayonet charge at the edge of the Turkish trenches just before the taking of Lone Pine'. Following his death, the Mount Gambier newspaper published an article about his short life. It said 'he was a scholar, athlete, gentleman and soldier—and is the first native of Mount Gambier to forfeit his life in Britain's cause'.

There is also the remarkable story of 13-year-old Private Albert Francis Dunncliff from Normanville. His father was killed in action on 6 August at Lone Pine and young Albert enlisted three weeks later, one week shy of his 14th birthday. He is thought to have been one of the youngest soldiers to serve in the AIF. Not long after arriving in Egypt, he was shipped out to France. In December 1916, Albert wrote an application for discharge stating that his father and brother had been killed at Lone Pine and he could not stand the strain of the front in France for much longer. He also admitted to lying about his age. Albert returned to Australia on 12 April 1917 after 16 months of service.

The Lone Pine Memorial commemorates 3,268 Australians and 456 New Zealanders who have no known grave and the many hundreds more who were buried at sea after evacuation due to wounds or disease. The memorial stands over the centre of the Turkish trenches and tunnels which were the scene of heavy fighting during the August offensive. More than 300 diggers were found in an area no bigger than three tennis courts.

Today we remember their families and communities, changed forever. We reflect on all in our community who endure the physical and psychological impact of war, and we take this moment to thank Australia's servicemen and servicewomen for their service and sacrifice in all wars, conflicts and peace operations to ensure the preservation of the way of life we enjoy today.

Ms BEDFORD (Florey) (11:58): I acknowledge the indulgence of members who have allowed this motion to be dealt with today and thank all members for their contribution.

Motion carried.

WORLD CEREBRAL PALSY DAY

Ms DIGANCE (Elder) (11:59): I move:

That this house—

- (a) recognises that 1 October 2015 is World Cerebral Palsy Day;
- (b) acknowledges this year's theme to take the opportunity for people across South Australia to change the lives of people with cerebral palsy; and
- (c) acknowledges the positive contribution provided by Cerebral Palsy Australia through research and service development for children and adults living with cerebral palsy.

I rise today to move a motion to recognise and support World Cerebral Palsy Day, to be held on Wednesday 7 October 2015. World Cerebral Palsy Day is a relatively new initiative which was jointly launched in 2012 by the Australian Cerebral Palsy Alliance and United Cerebral Palsy USA. This global initiative has an ambitious and very significant goal. It is to 'change the world for people living with cerebral palsy and their friends'. World Cerebral Palsy Day focuses on lifestyle innovation for people living with the condition. It does not allow the usual pattern of marking a world day with an event in each city or country. Instead, it offers incentives for the development of products that will positively affect the day-to-day lives of people with cerebral palsy, their families and providers.

The 2012-15 theme 'change my world in one minute' reflects the novel approach taken by the organisers, who asked that interested people submit a one-minute presentation outlining an inventive product or service that could change the world of people living with cerebral palsy. One

idea from Sally Garster, a six-year-old girl from England living with the condition, sparked a global competition to design a sponge house, a bump-proof home for people living with cerebral palsy. The house, with its bump-proof space, aimed to improve the day-to-day safety of people who have unsteady balance and movement, the most obvious sign of people living with cerebral palsy. This lighthearted approach belies the underlying functional problems that people living with cerebral palsy and their families face.

Cerebral palsy affects a child's developing brain. In addition to movement issues, the disorder can also result in difficulties in learning, hearing and speech, along with intellectual disability, emotional and behavioural challenges. Cerebral palsy is one of the most commonly occurring childhood disabilities in Australia, with one in every 500 babies being diagnosed with this complex and permanent disability. The peak organisation, Cerebral Palsy Australia, estimates that 300,000 people live with cerebral palsy nationwide.

I would like to acknowledge the contribution made by Cerebral Palsy Australia in advancing the knowledge of cerebral palsy through the learning centre as well as maintaining the national Cerebral Palsy Register. The register is a confidential database accessed by researchers to monitor the prevalence of cerebral palsy and assist them in understanding the causes and evaluating and improving on preventative strategies. Most children with cerebral palsy are healthy and can experience a normal lifespan and participate in meaningful studies, employment and recreation. However, those with moderate to severe cerebral palsy need an individualised treatment program to support their development.

In South Australia, the Department for Communities and Social Inclusion provides early intervention programs and active therapy for children with disability, support and information for families, and training to maximise independence at home and in the community as children become adults. Additionally, the state government, through this department, provides funding to four non-government organisations that also support people with cerebral palsy. These four organisations—Novita Children's Services, the Spastic Centre of South Australia, Community Accommodation and Respite Services, and Lighthouse Disability (previously known as Leveda Incorporated)—are well known in South Australia for the remarkable work they do for people with disability, including cerebral palsy, in metropolitan Adelaide as well as in country and remote areas.

The National Disability Insurance Scheme also provides funding to eligible participants for reasonable and necessary supports that may help them reach their goals and aspirations. World Cerebral Palsy Day is about improving the life of people living with cerebral palsy one step at a time. I wish Cerebral Palsy Australia and its South Australian members continued success in promoting awareness of cerebral palsy and working towards a better life for all those living with cerebral palsy beyond the 1 October World Cerebral Palsy Day.

Dr McFETRIDGE (Morphett) (12:04): I rise to support the motion from the member for Elder that this house recognises that 1 October 2015 is World Cerebral Palsy Day and other issues. Can I just say that people who I meet in my shadow ministry of disabilities are some of the most amazing people you can ever come across. It is a real privilege to be in this place, but it is a real privilege to then be given the opportunity to go and meet families, carers and people who have a disability and to see how they cope with everyday life and manage their ability to do things, not so much the disability.

The courage that you see is something that, if I ever feel down, if I ever feel a bit frustrated with some of the things that go on in life, particularly in this place, I just think of those people in particular. I do not have any problems—24/7, 365 days of the year, they are coping with issues that, thanks be to circumstances and life, I have not had to face. When we celebrate days like World Cerebral Palsy Day it gives us an opportunity to really recognise and to celebrate the ability of people who are afflicted with cerebral palsy to get out there and achieve their ambitions and their wants.

The most important thing that we can do in this place is to remove the barriers, to remove the red tape from the lives of these people so that they can then go out and really achieve 100 per cent of their goals. It is very important that we do not stand in their way or attempt in any way to obstruct or delay them in dealing with bureaucracies, planning for homes or just doing the things they

do in their normal lives, such as accessing public transport. It is very important that we make sure that we stand up in this place, forget any partisan politics, and look at where we want to be.

I can say that I was very pleased to stand on the stage at Novita with the Premier, not last Christmas but the Christmas before, in fact, and say that if you cannot be bipartisan about disability what can you be bipartisan about? It gives me great pleasure to support this motion.

I just digress very slightly from the actual motion to highlight what is actually happening in research in cerebral palsy in South Australia. One of the people I met when I had the health portfolio was Emeritus Professor Alastair MacLennan. Alastair and his team work out of the Women's and Children's Hospital. They have the Australian Cerebral Palsy Biobank. They have just received an \$800,000 grant from the Cerebral Palsy Alliance of Australia.

The work they are doing is really quite ground breaking. When you ask about cerebral palsy people say, 'Oh, that's the disability people get when the umbilical cord is wrapped around the baby's neck as they are being born and they are starved of oxygen.' Well, that is one very small part of the number of people who end up with cerebral palsy. There is a distinct genetic background to people developing cerebral palsy, as well as many other reasons why people are developing cerebral palsy or who are afflicted with cerebral palsy.

The work that Professor MacLennan is doing is just a small part of the amazing work that is being done in South Australia in medical and health research. I just hope that the research that is being carried out and being supported by all of us in this place, and the federal government as well, is able to be funded well so that we can make the lives of people with disabilities—in this case cerebral palsy—a lot better.

If there is any way we can use some therapy of some sort that may be completely unknown, unrecognised now, to improve the quality of life of people with disabilities and cerebral palsy, well then would that not be a wonderful thing. This is a good motion. The things that the member for Elder has spoken about in addressing the motion are all very important. I will not go over them again, but we need to recognise the obligation that we have as members of parliament, not only to be here on a Thursday morning for private member's time and put these motions up and to speak to them but then to go on and put our money where our mouth is.

We must put our actions where our thoughts are and get out there and help make the lives of every South Australian what we would want it to be. That is why it is a privilege to be here, to stand here, and to support these sorts of motions on a Thursday morning, and I do that with 100 per cent conviction.

Motion carried.

NATIONAL POLICE REMEMBRANCE DAY

Mr ODENWALDER (Little Para) (12:09): I move:

That this house—

- (a) recognises that 29 September 2015 is National Police Remembrance Day;
- (b) acknowledges the great work of the South Australia Police and the Australian Federal Police in protecting our communities; and
- (c) remembers those officers who have lost their lives or have been seriously injured while on duty.

I am really pleased and proud to bring this motion to the house today. This year, 29 September marks the 26th National Police Remembrance Day, and it will be celebrated all over the state with ceremonies to remember and honour those South Australian police officers who have died while on duty. South Australia Police, of course, have been serving our community for over 175 years, and over that time we have lost 61 of our officers while on duty.

I know from my brief time in the job—and, indeed, one only needs to spend a short time to appreciate this—how dangerous and unpredictable the working life of a police officer is. You drive in dangerous ways, you handle firearms and other dangerous equipment, and of course you are dealing with difficult and unpredictable people, probably more so than in any other profession. You never

know, going from job to job, what is going to happen, what is going to confront you as you open a door or pull over a car, and situations obviously can go from benign to very dangerous very quickly.

It is dangerous and, sadly, sometimes lives are lost. Police officers understand this going in, and while, especially these days, every possible precaution is taken to ensure that the proper tactical procedures are followed to minimise their risk, it is inherently a risky business. Our community is kept safer for the police's efforts and for the risks they take and, sometimes, for the sacrifices they make.

I will just go through some of the figures. The first South Australian police officers to die while on duty were Mounted Constable John Carter, aged 22, and also Lance Corporal William Wickham, aged 24, who both died by drowning on 7 May 1847. The most recent officer, of course, was Senior Constable Bob Sobczak, aged 52, who died, tragically, on 26 May 2002 in a motorcycle accident.

Sadly, police officers have also died in the line of duty from six drownings, two accidental shootings, four horse accidents, one stabbing, eight murders, one from thirst, two assaults, one case of sunstroke, two cases of pneumonia, one bicycle accident, and four in bushfires, including what must have been an incredibly sad situation at the time, when three officers were lost—Special Constables Mervyn Casey and Colin Kroemer and Sergeant Cecil William Sparkes—all on the same day, 19 January 1951. They were trapped and died together in a bushfire in the Adelaide Hills.

There have been 25 motor vehicle accidents, one gassing, one hit-and-run by a motor vehicle, and two other unspecified motor vehicle accidents. It is not surprising perhaps that the majority of loss of life has been from motor vehicle accidents, as a lot of a police officer's work involves, as I said, driving not dangerously but urgently in their pursuit of—

Mr Gardner: In risky situations.

Mr ODENWALDER: In risky situations, thank you. Perhaps the more tragic frequent cause of death of a South Australian police officer while on duty has been murder, which underlines of course the danger of dealing with people who are unpredictable, often drunk, occasionally drug-addled but most often drunk, and people who are for various other reasons unpredictable. In addition to those officers who have lost their life while on duty, of course countless police men and women have been injured while on duty, and I would also like to pay tribute to them. On average, a South Australian police officer has died while on duty every 2.9 years; obviously, this is too many.

National Police Remembrance Day is traditionally held on 29 September, that being the feast day of St Michael the Archangel, the patron saint of police. National Police Remembrance Day is a significant day of commemoration when people can reflect on each individual police force and remember those officers killed on duty. It provides an opportunity to honour all police who have given their life serving the Australian and south-west Pacific communities and also those police who have served in various theatres overseas, as the member for Waite alluded to in a previous motion.

The 61 SAPOL officers killed in the course of their service are deeply missed and very much appreciated by South Australians right across the community. Respect for our hardworking police is, of course, felt on all sides. It is not a political issue. It is a bipartisan respect we feel for these hardworking men and women. We remember today that 29 September is National Police Remembrance Day and we pay tribute to the 61 members of the South Australian police force who have paid the ultimate sacrifice while performing their duty.

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (12:14): I rise today as the South Australian Minister for Police and the member for Light in support of the motion recognising the 26th national remembrance day to be commemorated next Tuesday 29 September. I will keep my remarks brief as I am sure there are others in this place who will wish to contribute to the motion marking this important day. In my role as Minister for Police I have come to learn of the true dedication that every member of the South Australia Police places in their role in keeping our community safe. Sadly, this comes with inherent risks, which have led to the untimely death of 61 police officers in the line of duty.

Earlier today, I met with the president of the South Australia Police Legacy, Sergeant Mark Willing, and vice president, Sergeant Jodi-Lee Black, which supports the families of police officers who have lost their lives. I would like to voice my support for Police Legacy for the important work

they do and encourage people to support them by donating and wearing the police remembrance ribbon. In closing, I would like to take this opportunity to express my gratitude to all our past and present members of the South Australia Police and remember those who have tragically given their lives to keep our community safe, and I also keep in mind their families.

Mr GARDNER (Morialta) (12:16): I appreciate there will be a number of members who wish to speak on this motion as is the case every year when we debate motions of this nature. It is appropriate that a motion such as this is considered every year because I think our police have a unique role in our community. It is the only job in public service where we ask as much of serving officers as we do.

As the shadow minister for police I have great pleasure in supporting the motion as, of course, do all members of the opposition. Along with everyone here, I have an enormous amount of respect for our state's police officers and the work they do. In our role as members of parliament, we are often the first to hear about particular issues relating to crime within our electorates. A strong relationship with local police is pivotal and necessary in carrying out our roles. We are lucky in South Australia to have a police force deeply connected to the community and always interested in looking at new ways to connect.

A police officer, when they wake up in the morning, is conscious that there is a risk to their life when they go to work, that is the nature of their work. While other jobs may be inherently risky, there is always an extra element of danger when dealing with people, especially dangerous people, when they encounter them in the community. Many of us in the house never thought of pursuing a career as dangerous as being a police officer. Each individual here has come from a different background, but when we came to parliament the risk to our lives in doing so was slim to none, but for police officers the chance of them putting their life on the line exists every time they put on their uniform and knock on a door when they do not know what is on the other side.

We acknowledge that the removal of all risk to a police officer's life is impossible, but reducing that risk is something that we work at whenever we can. This week we have passed legislation allowing police to scan people's fingerprints if there is reasonable presumption that they have committed a crime, which allows for the speedy identification of possible criminals. This is another example of giving police the tools they need to complete their job.

Part of our job as parliamentarians is, I think, to try to understand the risk police officers face while at their job. It is a difficult task, given that for the most part we cannot rely on firsthand experience, the member for Little Para excluded as someone who has served in this capacity. It is still a very real risk, as one recent event reminded us. The Taillem Bend shooting is a recent example of the dangerous work undertaken by police. After refusing to cooperate with police, a 50 year old man went back into his house and returned with a shotgun. Several shots were fired near officers by the man, before the man directly shot at a STAR Group officer, who returned fire at about midnight, apparently fatally wounding the man. The STAR Group officer attempted CPR on the man but unfortunately he died at the scene.

Police always try to resolve incidents in a way that protects all life, although sometimes the outcome is not what they hope for. I think any member reflecting on international news broadcasts in recent months and years from countries and jurisdictions in many ways similar to ours would be especially grateful for the extraordinary capacity and restraint that our police show in such situations and that I think citizens of other similar jurisdictions would be grateful for and glad of if they had the opportunity.

The South Australia Police have been around with us for 177 years, and in those years, 61 officers have died while on duty. That is the truth confronting every police officer who wakes up to go to work in the morning. We are lucky that it is now 13 years since we last had a fatality, with the officer Sobczak whom the member for Little Para referred to earlier. In previous years, I have listed all the names of those who have died while on duty. I do not propose to do so again this morning.

It is not just up to police to take responsibility for this. It is a shared responsibility for this parliament in enacting legislation, the government in allocating resources for appropriate training and equipment, and the commissioner and senior ranks of SA Police in ensuring a safe working

environment exists as much as possible, and it is up to all members of our community. The community must take partial responsibility for keeping our officers safe. There is, of course, a small percentage of people in our community for whom this is not a focus, but the vast majority of South Australians value and respect their police officers and understand the key role that they play in keeping all members of our community safe.

I would like to thank the magnificent officers who do their work for us but, as the minister did, particularly identify members of their families and their friends and community, who give them the support they need to do their job. We here in the parliament are often reminded in our work that we cannot be a good member, we cannot represent our communities to the best of our abilities without the support of our families, without our friends and our communities. This is just as relevant for our police officers here in South Australia. They could not do their work as efficiently and as well as they do without the strong network of supporting people around them. I commend the motion to the house. I thank all our police officers and their families for the risks that they take every day.

Ms WORTLEY (Torrens) (12:22): For police throughout Australia, New Zealand, Papa New Guinea, Samoa and the Solomon Islands, 29 September holds a special significance every year: it is Police Remembrance Day. This is a significant day of commemoration, when police pause to honour officers who have lost their lives in the service of their communities. It is a day, too, when police officers remember colleagues who have lost their lives through illness or other circumstances.

National Police Remembrance Day was instigated in April 1988 during the conference of Commissioners of Police of Australasia and the South West Pacific region. It was unanimously agreed that the day would be observed and services held on 29 September, the feast day of St Michael the Archangel, patron saint of police. National Police Remembrance Day is a day when all members of the police, both serving and retired, their families and the wider community, take time to reflect on the dangers of police work and pay tribute to those who have made the ultimate sacrifice.

The selfless commitment of our police in the face of the constant risk of danger is so often taken for granted, but we should acknowledge our debt to every man and woman in the service. I have a family member who serves in the police force, and I am fully aware of the concerns that we have when they are out in the line of duty in their everyday working life.

It is important that we come together to remember those who have fallen in their service. I have always had an enormous amount of respect for police officers in our community and this has only been enhanced as I have come to know the police officers who work at the Holden Hill police office in my electorate of Torrens. I pay my respects to the officers, families and colleagues of police officers who have fallen in the line of duty as today we acknowledge Police Remembrance Day.

Mr VAN HOLST PELLEKAAN (Stuart) (12:24): It gives me great pleasure to support the member for Little Para in moving this motion. I know that all members who have had the opportunity to speak do so very genuinely and I am confident that all other members who have not had the chance to speak today would also support this motion unanimously in this chamber.

Police work is risky. I suppose the difficulty for police is the risk that the risk itself might come up that day, if that makes sense. Some days for a police officer can be pretty straightforward, in the same way as they can be for most people in their work. Occasionally, though, a day for a police officer will be very risky and very dangerous. The key is that police officers just cannot plan for this.

They cannot say, 'Today I'll take the easy path,' or, 'Today I'm feeling fit and wide awake and energetic and I'll take a risky path today.' It is just not an option for police officers. Every single day they face the real probability that today might be a very dangerous day. That is a very difficult thing, I am sure, for police officers and their families to try to get their head around—and yet they do it and they do it day after day. I thank them very genuinely and very warmly for that.

Policing is very much about trust. Our parliament creates laws and our courts try to deal with people who fall foul of those laws, either deliberately or accidentally. The police are the people in the middle with a great deal of authority and a great deal of power with regard to implementing the laws. One of the things that is critical, and always in the forefront of my mind with regard to policing, is that the police need to be given the opportunity to use their judgement when enforcing laws. I think that overwhelmingly they do that appropriately.

Of course, it is not always possible that every single officer on every single day does it just right, but having that discretion about how to enforce the laws our parliament creates I think is incredibly important, and that the public has trust in the police to use that discretion well is incredibly important. Year after year, our South Australian police officers are judged by the public of South Australia as the most trusted police force of all the states in Australia. I think it is important that they are recognised for that. Again, it is not that they can get it right every single time, but overwhelmingly they do get it right, and I think that is very important.

I would like to pay particular tribute to regional police officers. Much like people who work in other professional areas, usually when you work in a regional area you need to be better at a wider range of skills. General practitioners in a medical business are good examples of that. If you are a city-based GP, you can really confine the work you do and limit it to a fairly narrow scope if you want to. However, if you are a country-based GP, you need to deal with whatever is going to come through the door and you have no choice. Country-based GPs do things that only specialists in the city would do—and policing is no different.

Police officers in the country and regional areas, particularly in very small, often one-officer stations in regional areas, need to be prepared to deal with absolutely anything that comes their way that day, in a way that their city-based colleagues do not have to because there is always much more support very close at hand. So, I would like to pay particular tribute to the regional-based police officers who serve us. When I say 'us', I do not just mean regionally based people like me; I mean all of us.

Even city-based people can benefit from country-based police officers if they go on a holiday in a region. It might be that, unfortunately, you are involved in a car crash or it might be that you have some crime committed against you in a regional area. It will be a regional police officer who will support you in that way, and they need to be more flexible, more diverse, more broadly skilled than their city-based colleagues. I really do commend them for that.

On Police Remembrance Day I look forward to attending a service at Port Augusta with my friends who are local serving police officers there, and also with other friends who are not police officers but who will come to show their respect and support for the police at the service at 11 o'clock on 29 September. I encourage all members of parliament to participate in their local electorates if it is at all possible for them to do so.

The last thing I would like to say on this topic is that a couple of years ago I was able to visit the national memorial to police in Canberra on the shores of Lake Burley Griffin, and it is a truly beautiful memorial, and I really encourage all members of the South Australian parliament to do that when they get the opportunity. All of us have a reason to go to Canberra for meetings of one sort or another with our federal colleagues at some time throughout the year, so I encourage anyone who has an extra 15 or 20 minutes on a trip to Canberra to call past the national police memorial, which is a really special, beautiful and appropriate memorial.

It is national and not just for ACT police or just for Australian Federal Police but actually for police across the entire nation, and it is a wonderful way to mark respect and pay tribute to the officers across Australia who have lost their life in their service as police officers, and of course the people who are most important to us, the South Australian police officers, who have done so are respected at that memorial too.

Mr PENGILLY (Finniss) (12:30): I have spoken before about my family member, and I am pleased to support the motion moved by the member for Little Para today. I am wondering whether he might include the other state and territory police as well as South Australian and Federal Police, but that is his business. I particularly would like to talk about paragraph (c) of the member's motion as my great-great-uncle, Constable William Hyde, was murdered in the line of duty on 2 January 1909. He was shot by highway men. He was pulled from a game of cricket—he was a big strong man—and is fondly remembered by our family. I am not sure what he would think of his great-great-nephew standing up in parliament over 100 years later a couple of times to speak about him.

He was a formidable man and the Police Association of South Australia very appropriately and to their eternal credit undertook to upgrade Uncle Bill's (he was always referred to as Uncle Bill in our family) grave in West Terrace cemetery. In January 2009 my late great-aunt, who at that stage

I think was 95, and my late mother, who was 85, both attended the unveiling of the upgraded grave. It was a great day, the police commissioner was there, and quite a crowd. We then all repaired to the Police Association to remember Uncle Bill and have a few discussions and chats around lunch and a couple of beers in memory of him.

He was only 35, and there are ample perpetual memories of him around—the Hyde Park gardens and what not—which are a testament to his bravery on that day when he was shot. The murderers were never caught, regrettably they escaped, but it is significant that here we are, well over 100 years later, still remembering Uncle Bill Hyde. His memory goes on in our family.

I am enlarging somewhat on the police, particularly SAPOL: I commend them for the work they do. It is said from time to time that most people only want to see a police officer when they need one—most of the time they do not want to see them. Within SAPOL itself there is a bit of competition and not so gracious words from officers of some sections about sections of others, but I guess that is the same in every job. They are put in inherently difficult situations reasonably regularly, and with particularly the rise lately of methamphetamines and ice in our nation they are at increasing levels of danger and never know just what is around the corner, as was put earlier by someone.

Members interjecting:

Mr PENGILLY: Do you mind? When they go to work in the morning or the afternoon or evening, they are not quite sure what they are going to encounter, and I think that is indicative of the courage they show. I have a good relationship with the police in my electorate. We meet and talk from time to time, and I am quite happy to pass on information.

I think one of the problems we have is that the general public is reluctant to pass on information to the police, whether it be drug related or anything else for that matter, for fear of intimidation. There is a latent fear that the perpetrators of such actions will get to them in legal actions. I find that unfortunate, so I do encourage people in my electorate, if they have a problem and they are not prepared to ring Crime Stoppers or their local police, to let me know and I will follow through on it.

Our society is reliant on law and order, and in our state particularly, it is reliant on a police force that is full of integrity, takes its job very seriously and does the right thing. From time to time, there is the odd errant police officer who has ended up in a penal institution. That is unfortunate, but that is just how things go.

As the member for Stuart, I think, mentioned regarding police officers in regional areas, they are very much part of the community. They get involved in community activities, go to football, play sport and are part and parcel of the community. Of course, they have to go about their job, and it is difficult for them to be out some days going about their job when they have perhaps kicked the footy or played bowls or something and then have to deal with one of their constituents in another matter the next day, but that is life, I am afraid. That is just how things are.

The member for Little Para is, I believe, a former police officer himself, so it is appropriate that he puts forward this motion today at this time. I am hopeful that, in every year to follow, we do pay tribute to our police officers in this house. I think it is good to spend a short time on a motion such as this. I commend the motion to the house and remember my great-great-uncle, William Hyde—Uncle Bill.

Mr ODENWALDER (Little Para) (12:37): Just briefly, I thank everyone for their contributions—the minister, the member for Morialta, the member for Stuart, who always makes a thoughtful contribution on this topic, the member for Torrens and, of course, the member for Finnis. I just want to touch on a couple of things. I, too, hope we keep doing this every year. I hope someone, whether it is me or someone else, brings this motion, because it is important to keep remembering, and I hope the number stays at 61. I hope that number is etched on our memory now.

Both the members for Morialta and Finnis mentioned the restraint and the professionalism shown generally by the South Australian police and I think that contributes, particularly now that we have not seen a death since 2002. I think that is largely due to qualities such as their professionalism and their restraint. They deal with situations with difficult people not in a confrontational way,

generally speaking. They try to resolve things through talking rather than through action or violence, as we see in other countries.

The members for Finniss and Stuart also touched on the role of the country police officer. When I was going through the job, that was an archetype—the country cop who was involved in every aspect of the community—and we are seeing that more and more, happily. Elizabeth police, I am pleased to say, are really leading the way in community-led policing and, I think, in many ways they emulate what comes naturally to a country police officer. With those words, I commend the motion to the house.

Motion carried.

WINSTON CHURCHILL MEMORIAL TRUST

Mr GRIFFITHS (Goyder) (12:39): I move:

That this house—

- (a) acknowledges the 50th anniversary of the formation of the Winston Churchill Memorial Trust in 1965;
- (b) congratulates and pays tribute to the committee and volunteers at the Churchill Fellows Association of South Australia on their commitment to honour the legacy of Sir Winston Churchill; and
- (c) recognises the achievements of Churchill Fellows for their outstanding research and contribution to Australian society.

I appreciate the opportunity to put some level of record before the house. I am not sure if others will make contributions towards this motion, but I believe there are some important words that need to be said. The motion intends to acknowledge the legacy of a remarkable man whose achievements and fields of endeavour were as diverse as the fellowships which have lived on in his name now for some 50 years. This motion serves to honour the memory of a significant political leader who, after his death, continues to bring positive benefits to Australians.

The Winston Churchill Memorial Trust was established in April 1965, just some three months following the death of Sir Winston Churchill. The aim of the trust is to provide an opportunity for Australians to travel overseas to conduct research in their chosen field that is not readily available in Australia. Travelling fellowships, known as Churchill Fellowships, reward proven achievement of talented and deserving Australians. Notably, no prescribed qualifications are required and the subject of research is limitless: it depends on the imagination and what the need is.

The idea of a fellowship came from Sir Winston himself, when asked by the Duke of Edinburgh in 1962 what type of memorial he would like so that the world could remember him. His suggestion was 'something like the Rhodes Scholarships, but available to all people on a much wider basis, men and women from all walks of life', and his emphasis was that merit be the primary qualifier. This led to the concept of travelling fellowships to give the opportunity to ordinary people to travel overseas to meet people, to learn and to bring back what they have learnt.

Sir Winston wanted to recognise individuals with determination, drive and dedication in their specialised field, ultimately for skills transfer that would benefit the nation of Australia. The concept was developed jointly by the English-Speaking Unions of the commonwealth and of the United States, and Australia was among the countries that laid plans for a nationwide appeal on the death of Sir Winston Churchill to set up the national Churchill Trust. Sir Robert Menzies launched the appeal immediately after Sir Winston's death on 24 January 1965, with a generous response.

The RSL executed a nationwide doorknock on Churchill Memorial Sunday, 28 February 1965, being just four weeks after Sir Winston's funeral. It became the greatest one-day doorknock in Australian history at that time, which is further testament to the admiration and respect the Australian fighting men and women of World War II had for Churchill. That one doorknock raised £911,000, or over \$2 million. By the time pledges from commonwealth and state governments, Australian companies, institutions and individuals had been collected, the appeal target had more than doubled, to £2.206 million. In South Australia, the equivalent of \$428,000 was collected, which was a truly remarkable achievement.

In the 50 years since, some 3,000 fellowships have been awarded across Australia, including approximately 300 to South Australians. The fields of study have been as diverse as Sir Winston's

own achievements. He is a man well known as the prime minister of the United Kingdom from 1940 to 1945 and again from 1951 to 1955 and, arguably, as one of the greatest wartime leaders of the 20th century. Perhaps lesser known are his other fields of endeavour. Sir Winston Churchill was also a historian, a writer, a journalist and an artist, the latter yielding more than 500 works over a near 50-year period.

He won the Nobel Prize in Literature in 1953 for his numerous published works, especially his six-volume work, *The Second World War*. That same year, he was invested as a Knight of the Garter. He was Chancellor of the University of Bristol. In 1963, he was the first person to be made an honorary citizen of the United States. In 1964, Civitan International presented Sir Winston its first World Citizenship Award for service to the world community. The Winston Churchill Range in the Canadian Rockies was named in his honour, and in 1965 he was the first commoner to be placed on a British coin.

Winston Churchill can be said to have achieved the extraordinary. The Churchill Fellowships fittingly serve to inspire individuals to reach similar heights for the betterment of our nation. Over the past 50 years, Churchill Fellowships have been awarded in just about every field imaginable. There have been studies, for example, in clinical psychology and patient rehabilitation practices, therapeutic and remedial farriery techniques, design of prisons for Indigenous prisoners, use of improvisation in teaching classical music, disability service provision, AIDS research, urban renewal and housing crises, and treatments of infantile club foot, to name just a few.

South Australian Fellows have studied topics such as: electrical stimulation for people with spinal cord injury (Mr Henry Rischeth); palliative care for people with intellectual and/or physical disability (that was Karen Glaetzer); cancer survivorship monitoring tools (Dr Marion Eckert); exceptional visual arts events (Penelope Griggs); low-cost drones for improving environmental research (Tyson Grubb), modern technology; mental health treatments for Defence Force members (Joe Zada); and development of a national centre for cheese education (Gina Dal Santo). So it is a very diverse area of—

The Hon. T.R. Kenyon interjecting:

Mr GRIFFITHS: Absolutely; very diverse. I will put on the record that I do not have a personal interest in this, but my father-in-law is a Churchill Fellow. He received it in about 1990 or 1991 when he studied manganese deficiencies in soils and travelled through America for a two-month period. I remember that he missed his grandson's first birthday; I remember that, that he was away when that occurred—

The DEPUTY SPEAKER: Oh dear.

Mr GRIFFITHS: Yes; but it goes to show that no matter where you are from there is an opportunity to develop your area of interest, and to educate yourself and bring back what you learn from what occurs around the world to benefit your own community. That is just a small snapshot of some of the areas where this national fund, established in 1965, has been involved and what it has been able to achieve. I also recognise, in my own electorate, a more contemporary Fellow, Mr Bill Long, who is known to some people in here. He received a Churchill Fellowship in 2009.

I believe that Sir Winston himself would be well satisfied with the continuing legacy provided by the fellowship trust. It is thus an honour to pay tribute to Sir Winston Churchill and to the Churchill Fellows across Australia for their endeavour and effort, to the dedicated administrators of the trust over the last half century, and to the Churchill Fellows Association of South Australia for its 50 years of achievements. I know they meet regularly, as well; I have seen it advertised.

I commend the motion to the house. It is rather unusual for me because I am someone who tries to look to the future, and this one reflects upon the history of what our nation did on behalf of someone it believes to be a very important man in the history of the world. That legacy will be a profound one and should be supported. I look forward to the passage of the motion.

Mr TRELOAR (Flinders) (12:47): I rise to support this motion, that the member for Goyder has brought to the house this Thursday morning: that this house acknowledges the 50th anniversary of the formation of the Winston Churchill Trust in 1965, congratulates and pays tribute to the committee and volunteers of the Churchill Fellowship Association of South Australia for their

commitment to the legacy of Sir Winston Churchill, and recognises the achievements of Churchill Fellows for their outstanding research and contribution to Australian society.

The member for Goyder summarised the lifelong achievements of Sir Winston Churchill, which were significant to say the least. There is no need for me to go over that; they are well documented, of course. However, the trust itself is known as the Winston Churchill Memorial Trust and is a company, limited by guarantee, that was established in 1965 after the death of Sir Winston Churchill. It was an idea that was discussed prior to his death, and there was some talk of establishing an ongoing memorial to recognise the good work he had done not just throughout his life but also, in particular, during those dark years of World War II.

The memorial fellowships were to be established and known as the Churchill Fellowships, and the aim of the trust was to provide an opportunity—in our case, for Australians—to travel overseas to conduct research, in their chosen field, that is not readily available in Australia. It also aims to reward proven achievement of talented and deserving Australians with further opportunity in their pursuit of excellence for the enrichment of Australian society.

Interestingly, no prescribed qualifications are required in order to apply for a Churchill Fellowship. The subject of the proposed project is limitless, provided a benefit to Australia is evident and a willingness to share the research findings with the Australian community is displayed. Over the years, that has been well evidenced by the broad spectrum of studies undertaken and the research and contribution that fellows have made once they have arrived home.

The concept bearing his name originally began to give an opportunity to ordinary people from participating countries (in the first instance, the English-speaking countries of the world, generally commonwealth but also the United States of America), primarily, to travel, to meet people and to learn. There was, of course, the small matter of funding the fellowships and a significant fundraising effort took place during the 1950s. The call went out because the need was recognised and there was a generous response from the commonwealth and the state governments and by Australian companies and individuals.

The Returned & Services League (of course, a very vibrant organisation which in those days had a huge membership) brilliantly planned and executed a nationwide doorknock on Churchill Memorial Sunday on 28 February 1965. It was only four weeks after Churchill's funeral. I note the member for Goyder mentioned that it was the largest single doorknocking effort in Australia's history. It was an incredible effort and people were exceedingly generous. That fundraising effort kicked off the Churchill fellowship in Australia. It was established in the UK but was extended to include Australia.

I note that this year, in South Australia, there are a number of fellowships awarded. I might just go through them and indicate to the house the diversity of the people and, also, their studies:

- Dr Marion Eckert from Camden Park has her fellowship to gain knowledge to develop a cancer survivorship monitoring tool for South Australia.
- Ms Donna Mayhew from Black Forest is to investigate interagency information sharing practice and protocols and their effect on safeguarding.
- Ms Necia Mickel is to investigate the role of built landscape and environment in improving wellbeing.
- Ms Penelope Griggs from Coromandel Valley is to investigate exceptional visual arts events that attract tourism and opportunities for local artists.
- Ms Heather Smith from Adelaide is to identify robust governance structures and community energy systems.
- Mr Tyson Grubb from Rostrevor is to investigate the use of low-cost drones for improving environmental research with reduced funding.
- Ms Jodie Zada from Thebarton is to study family inclusive programs in the mental health treatment of defence force members.

- Ms Gina Dal Santo is to develop a national centre for cheese education, creating a paddock-to-plate artisan cheese industry.
- Dr Edward Bullitis from North Brighton (known to the member behind) is to investigate services and practices relevant to homeless individuals exhibiting premature ageing.

That is an extraordinary range of studies and South Australia will be the beneficiary of all those studies and reports and the contributions to those. Congratulations to those people.

I particularly wanted to make a contribution today because this fellowship trust has some significant parallels with the well-known Nuffield memorial trust that was established also in the UK. It was established by Lord Nuffield immediately post-war and, like the Winston Churchill Memorial Trust, it was rolled out throughout the English-speaking and commonwealth countries. I wanted to talk briefly about the Nuffield scholarships because, just this last week, Nuffield Australia has held their annual conference and awarded this year's scholarships.

I will declare an interest here. I was awarded a Nuffield scholarship in 2002. Once again, as does the Winston Churchill Memorial Trust, it gave people without, necessarily, any qualifications the opportunity to travel, study and learn and bring their findings home to their own business and the broader community.

I had that opportunity, and so I am well aware of the benefits that it can bring to all of those who are lucky enough to be involved in schemes such as this. The member for Goyder mentioned his father-in-law, Mr McEvoy, who I know a little from the days when we were involved in the South Australian Farmers Federation together.

The annual Nuffield conference was held in Albury just last week. Of the Nuffield scholarships awarded, four went to South Australians this year. Jack England from Kingston received a Nuffield scholarship supported by Australian Wool Innovation. Jack will investigate the benefits and costs of using variable-rate technology for fertiliser and trace element prescription use in livestock systems. Mr Dennis Holder from Largs North, adjacent to Port Adelaide, received a Nuffield scholarship supported by the Fisheries Research and Development Corporation. He will investigate technologies to reduce the carbon footprint of commercial fishing vessels.

Michael Vorrasi from Adelaide in South Australia received a Nuffield scholarship supported by Horticulture Innovation Australia. He will investigate opportunities for value-added vegetables to boost grower returns, consumption of fresh produce and markets for second-grade produce. That is a most important issue, I would suggest, given that it is estimated that about a third of what we produce as farmers is wasted. You can imagine the tonnages involved if you include the entire Western world, so good luck to Michael on that.

From my own patch, congratulations to Randall Wilksch, who is a grain grower from Yeelanna. He received a Nuffield scholarship supported by the Grains Research and Development Corporation. Randall will study two topics: broadscale spraying systems used in grain production with a particular focus on improving the efficiency of self-propelled sprayers and advocating for agriculture positively through social media.

Congratulations to all of those who have been awarded Nuffield scholarships but particularly those four South Australians. One of them I know, and I look forward to meeting the others. They will enjoy the experience of a lifetime. They will learn incredible amounts of information. They will bring that information home and I know will apply it to their own businesses and for the benefit of the broader community here in South Australia.

Motion carried.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: I would like to acknowledge the presence in the gallery today of the Alberton Primary School's years 4 to 7 student parliament; welcome. You are guests of the Premier, being very ably looked after by the member for Elder and our parliamentary education officer. Are you coming back for question time? Excellent. Well, don't take any notice of it when you

get here, alright? Thank you very much for coming today. We really hope you enjoy your time with us.

Sitting suspended from 12:58 to 14:00.

ANSWERS TABLED

The SPEAKER: I direct that the written answers to questions be distributed and printed in *Hansard*.

PAPERS

The following papers were laid on the table:

By the Minister for Health (Hon. J.J. Snelling)—

Death of—Theodoras Joannas Simos, Report prepared by SA Health of actions taken by SA Health following the Deputy State Coroner's findings into his death

By the Minister for Police (Hon. A. Piccolo)—

Protective Security Act 2007—Annual Report 2014-15
Witness Protection Act 1996—Annual Report 2014-15

By the Minister for Education and Child Development (Hon. S.E. Close)—

Council for the Care of Children, The—Annual Report 2014-15

Ministerial Statement

SAMPSON FLAT AND TANTANOOLA BUSHFIRES

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:00): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. PICCOLO: Following the devastating Sampson Flat and Tantanoola bushfires in January this year, the Australasian Fire and Emergency Services Authorities Council (also known as AFAC) was commissioned by the South Australian Country Fire Service to provide an independent operational audit of the response to those fires and identify where there may be opportunities for improvement. This audit was undertaken in addition to internal debriefs and multi-agency investigations.

AFAC, the peak body for public sector fire, land management and emergency service organisations in Australia and New Zealand, has conducted similar operational audits following bushfires in Tasmania, New South Wales and Western Australia. The audits are conducted by experienced operational fire practitioners drawn from interstate fire agencies. In this case, two officers from New South Wales and one from Tasmania were involved. All were senior ranked officers in their respective services.

The AFAC report has now been completed and has identified 18 recommendations which might be considered for adoption within the CFS and agencies that support the CFS during major events. The majority of these recommendations have been accepted by the CFS. However, some will require adjustment to CFS policies and procedures, and further consultation and training will be required before implementation ahead of the 2016-17 fire season. Some of the recommendations also impact other agencies, including the need for a multi-agency coordination centre. These recommendations require a whole-of-government response and will be considered by the government in the coming months.

I am pleased to note that the report concludes that none of the observations or recommendations significantly impeded the firefighting operations or management of these fires. I would once again like to put on the record the government's appreciation of the magnificent effort of

everyone involved in responding to the January fires. I table the AFAC Independent Operational Audit January Fires 2015.

BISHOP, MRS L.

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (14:03): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.G. BROCK: On 16 September 2015, a ceremony was held to celebrate the life of a very significant South Australian woman, Mrs Lenora Bishop, a former mayor of Mount Gambier. While I did not know Mrs Bishop personally, I think it is certainly appropriate that, as the Minister for Local Government, and indeed as a former mayor myself, I draw members' attention to just some of the achievements of Mrs Bishop. I understand that the member for Mount Gambier may speak a bit later about Mrs Bishop and perhaps outline more vividly the significant influence Mrs Bishop had on the local community.

I am informed that Mrs Bishop was the first woman in South Australia to become mayor and, at this point in time, is the only woman to have been mayor of Mount Gambier. I understand that Mrs Bishop was born in 1919, attended school locally and excelled in aspects that would have been expected of many young women at that time—needlework, cooking, and playing the piano. But Mrs Bishop's ambitions went beyond the social norms, as evidenced by her interest in medicine, a career option she was not able to pursue.

Not to be deterred from serving the community in jobs not typically apportioned to women at that time, I am told that Mrs Bishop's first job was in the office of the District Council of Mount Gambier before she moved on to work as a legal secretary to a solicitor, Mr Pyne, who later became mayor. Mrs Bishop created other firsts for South Australia in becoming a teller at the National Bank of Australia and a reporter at *The Border Watch* newspaper. Each of these roles brought Mrs Bishop into close contact with the activities of councils, and I suspect it may have been no surprise when she became a councillor for the first time in July 1959.

I understand that, just half an hour before nominations closed for mayor in 1964, Mrs Bishop lodged her nomination and, subsequently, became the first woman to become mayor in our state. In another first, Mayor Bishop was elected to the executive of the Municipal Association of South Australia, which as we all know, is the forerunner of today's LGA.

The community of Mount Gambier, indeed communities all around South Australia, owe a debt of gratitude to women like Mrs Bishop, whose courage, determination and vision underpinned social and economic progress and laid the foundation for other women to take up leadership roles in all levels of government. Mrs Bishop was a person who achieved many firsts as a woman, but her lasting legacy is that she was able to demonstrate the capacity of women to lead and to make significant contributions in all aspects of life.

I thank Councillor Penny Richardson, Deputy Mayor of Mount Gambier, for providing me with some of this information, and I join with Mrs Bishop's family and friends in celebrating a life well lived and full of achievement—a very, very significant South Australian life.

Parliamentary Committees

PUBLIC WORKS COMMITTEE

Ms DIGANCE (Elder) (14:06): I bring up the 531st report of the committee, entitled Proposal to Expand Port Augusta Prison.

Report received and ordered to be published.

Ms DIGANCE: I bring up the 532nd report of the committee, entitled North-South Corridor Darlington Upgrade Project.

Report received and ordered to be published.

*Question Time***HOSPITALITY GROUP TRAINING**

Mr PISONI (Unley) (14:08): My question is to the Premier: can the Premier inform the house whether any of the 100 apprentices who lost their jobs following the collapse of Hospitality Group Training in February are still without work despite the Premier's assurances in February that, 'Where the host employers don't want to place them directly, we are offering the assistance of the South Australian government'?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:08): I am not aware of the answer to that question. We made that offer in good faith at that time, and I certainly am not aware of any personal approach that has been made by the hospitality and training organisation to assist them in that regard. I think, at the time, we had in mind a number of the hospitality organisations that we run, such as the Convention Centre and other institutions that may have assisted, or others that we may have been able to influence to take on some of these apprentices so that they could complete their training. I am not aware whether any of them have been unable to complete their apprenticeship and I am not familiar with any approach that has been made to us, but I will certainly take that on notice and bring back an answer.

HOSPITALITY GROUP TRAINING

Mr PISONI (Unley) (14:09): Again to the Premier: were any of the sacked apprentices taken on by the Entertainment Centre or the Convention Centre as promised by the Premier?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:10): As I said, we made that offer. Perhaps the second question should be conditioned to listen to the first answer. We did make that offer at the time. I am not aware that it has been taken up, but it is an offer that certainly stands. It may well be that those workers or those apprentices have been able to find other host employers. I am not familiar with that situation, but am more than happy to inquire and make a response to the house.

HOSPITALITY GROUP TRAINING

Mr PISONI (Unley) (14:10): My question again is to the Premier. Will the Premier now take action to ensure that the apprentices who are still without work are given the assistance promised by the Premier over seven months ago?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:10): Once again, I think that the member for Unley, as nimble as ever, has been unable to recalibrate the question—

Members interjecting:

The Hon. J.W. WEATHERILL: One of the problems when you come in here with pre-prepared questions and do not listen to the answers is that they do not flow each from the other. We made an offer in good faith and the offer remains open, and I will certainly make some inquiries about that. We, of course, strongly support the idea of apprentices being able to complete their training. It is important, especially for those who have invested time and effort in their training, that they get the opportunity to complete those but, as I said, in answer to the previous two questions, I will bring back an answer.

Members interjecting:

The SPEAKER: Is the Premier finished?

The Hon. J.W. WEATHERILL: Yes.

The SPEAKER: I call to order the Minister for Investment and Trade, the member for Unley, the leader, the deputy leader, and the members for Morialta and Schubert. I warn for the first time the deputy leader, the member for Unley and the leader, and I warn for the second and final time the member for Unley.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12): My question is to the Minister for Health. Does the minister still plan to run the Royal Adelaide Hospital at half capacity prior to transitioning patients to the new Royal Adelaide Hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:12): Yes, we do. We need to significantly ramp down the Royal Adelaide Hospital before the move from the old to the new because we need to move as few patients as we possibly can, and that is one of the reasons why we will not be attempting the move in the middle of winter because, of course, that would be impossible to do at that time.

The SPEAKER: Just before the leader asks the next question, I notice that the deputy leader and the member for Schubert had warnings hanging over from the morning session, so the member for Schubert is upgraded to a first warning and the deputy leader to a second and final warning.

Ms CHAPMAN: Rare as it might be, sir, I want to plead my innocence.

The SPEAKER: I will consult the Deputy Speaker.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13): Supplementary: what number of beds will be deactivated at the existing Royal Adelaide Hospital before the transfer to the new Royal Adelaide Hospital, and at what point will this deactivation occur?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:14): These are operational matters being worked through at the moment, but we suspect it probably needs to be, given that there are 670 beds in the Royal Adelaide Hospital, 300 to 400 beds for what the capacity of the Royal Adelaide would be. What we would do is not simply take 300 or 400 beds out of the system. We would have to displace that activity to other hospitals in the metropolitan area, so that is how we would achieve it. We probably would also be looking at speaking to the private sector and displacing some activity to the private sector as well.

While this is still a work in progress and working through it, taking the activity at the Royal Adelaide Hospital down to, say, roughly 400 beds doesn't necessarily mean we're going to take 300 or 400 beds out of the system. We would be looking at displacing that activity at the other places. Obviously we wouldn't be doing elective surgery as well for a period time at the Royal Adelaide Hospital. They would be the things that we would do to ensure that we were able to get the hospital down to that number.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): Supplementary, sir: for what period of time will the elective surgery at the existing Royal Adelaide Hospital cease?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:15): We don't know at the moment. We will work that through, and that's still a piece of work that's being done in my department with the NRAH transition team.

Parliamentary Procedure

VISITORS

The SPEAKER: Before the leader asks the next question, I welcome to parliament students from Alberton Primary School, who are guests of the member for Cheltenham; also the Associazione Molisani and residents from Sepino, Molise, Italy, who are guests of the Premier and the Minister for Police; and members of the Bhutanese Australian Association, who are guests of the member for Ramsay.

*Question Time***ROYAL ADELAIDE HOSPITAL**

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): Can the minister outline to the house what period of time this diminution in the number of acute inpatient beds at the Royal Adelaide Hospital will occur? Is it one month prior to the move, two months, six months prior to the move? Can the minister outline some more detail to the house?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:16): I'm not in a position at the moment to provide that detail. It's work that we're working through; but, obviously, we wouldn't be able to do it until the end of the peak in the winter activity in the hospital.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:16): Is the cost associated with the provision of beds in the private sector incorporated into the \$176 million transition budget?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:16): Yes, it would be; but, as I say, this is just one option we would be looking at in terms of how we dealt with activity. We would have to displace activity from the Royal Adelaide Hospital to other hospitals, both our hospitals and, as I said, potentially private hospitals. If you're moving beds, though, from the public to the private sector, that wouldn't have a budget impact because you would simply be moving the activity from one place to another.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:16): Just for clarity, can the minister provide some detail to the house regarding the 340, or approximate, beds that are going to be reduced at the Royal Adelaide Hospital? We then move the remaining beds over to the new Royal Adelaide Hospital, and then is it still the intention of the government that it is 72 days until the new Royal Adelaide Hospital is at full capacity?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:17): No; I think it would take longer than 72 days. It would probably be a number of months before we built the new Royal Adelaide Hospital up to its full capacity.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): The \$176 million transition budget is for 72 days of operating on both sites. So, what you're suggesting is that the other displaced beds would have to be in place much longer than the 72 days accommodated for in the \$176 million transition budget.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:17): I think the leader is a little bit confused. The budget allocation for the 72 days doesn't in and of itself provide for extra bed capacity. I would suspect that across the two sites it's probably going to be lower bed capacity; but when you're running across two sites there's maintenance, there's all the fixed costs associated with running a hospital regardless of how many beds you've got there. So, what the budget provision is for that 72 days, and as I've said repeatedly before, we're doing everything we can to try to contract that down to a much shorter period of time, but that's not necessarily activity related. They are just the fixed costs associated with running a hospital across two different sites. We have to run, obviously, power to two sites and have services across two sites. There are certain staffing levels we have to have across two sites regardless of how many beds we have activated across both those sites.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18): Has the minister got a date in November that has been fixed yet for the transition to the new hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:19): No, we don't; but what we have said is that the transition would happen by November, and I think we said that in terms of a precise date we would be making an announcement I think either later this year or early next year.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19): Just for clarity, it is going to occur before; so, it could be October it could be even earlier, but essentially the doors will open by November 2016?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:19): Yes, that is what I have said.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19): Can the minister confirm that the Modbury and The Queen Elizabeth Hospital redevelopments will occur in 2016 at the very time that the government is completing the new Royal Adelaide Hospital and expecting The Queen Elizabeth Hospital, Modbury and other hospitals to take up the slack for the transition?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:19): Yes, but I do not expect there to be an enormous amount of disruption. In terms of the Flinders Medical Centre, it is basically a new build, and we do not expect there to be an enormous amount of disruption or interference with the ability of those two hospitals to take extra patients if that is what we need to do.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20): Supplementary: is the minister aware that, during those redevelopments, there is in fact the repurposing of many of the inpatient acute beds at the same time; and, in fact, there are 62 beds that are going to be repurposed at The Queen Elizabeth Hospital and 32 beds that are going to be repurposed at the Modbury Hospital, leading to a net loss of 94 general inpatient beds at exactly the same time that he is going to have to be finding an additional 340 inpatient beds displaced from the Royal Adelaide Hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:20): It is not that difficult to find alternative spaces to put beds. The issue with beds is actually the cost of staffing those beds. We can accommodate those beds elsewhere, and I do not expect that to be a particular problem with the transition, but I am more than happy to check with my department and get back to the Leader of the Opposition with a report.

The SPEAKER: I call to order the members for Hammond, Hartley and Flinders. Leader.

REPATRIATION GENERAL HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:21): Thank you very much, sir. Will any of the Repat hospital beds be lost by the end of 2016?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:21): Not that I expect. The transition off the Repat site will be in 2017.

EMERGENCY SERVICES LEVY

Dr McFETRIDGE (Morphett) (14:21): My question is to the Minister for Emergency Services. Has SAFECOM investigated or discussed the removal of the ESL for recreational boats?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:21): I thank the honourable member for his question. The implementation of the ESL is actually the responsibility of the Treasurer. My job is actually to spend what the Treasurer collects on my behalf.

EMERGENCY SERVICES LEVY

Dr McFETRIDGE (Morphett) (14:22): Supplementary, Mr Speaker.

Mr van Holst Pellekaan interjecting:

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

Dr McFETRIDGE: Is the minister aware of any investigations or discussions about the removal of the ESL remission from recreational boating?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:22): There are a number of people who are agitated about the emergency services levy. I am not aware of any organisation that the member is talking about, but I will do a quick ask of Treasury. The truth is, though, that the money is hypothecated and goes directly to the people on the front lines. This money goes directly to the people who are out there, our first responders.

So, any money that is taken out of the system means that we will have to find resources from elsewhere to fill the gap; and, given the cuts made by the commonwealth to health and education, that means more than likely that money will have to come from somewhere else, like health and education. We have said that we did not want to increase the emergency services levy. There are still rebates in place for people in country areas and people who live further and further away from the metropolitan areas. But the truth is that all of this money goes to the people who use it, our first responders.

The SPEAKER: Before the member for Morphett asks another question, I call to order the member for Mitchell. I warn the members for Stuart and Mitchell for the first time, and I warn for the second and final time the leader, the member for Stuart and the member for Schubert. The member for Morphett.

EMERGENCY SERVICES LEVY

Dr McFETRIDGE (Morphett) (14:23): Supplementary: can the Treasurer then tell the house, has the government considered removing the ESL remission from recreational boats and will he rule out removal of the ESL remission from recreational boating?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:23): First and foremost the government makes its policy decisions on these matters in the budget. Second of all, if we did do what the member was asking us to do that would mean that other people would be paying a higher amount on their emergency services levy bill because, like council rates, we calculate the budget for our emergency services and then have to retrofit the rates on property owners and, of course, people who have recreational vehicles and motor vehicles.

That would mean that if we exempted one group everyone else would have to pay more, and I think that the member probably knows that. What we are attempting to do, in the most equitable way possible, is to make sure that those who can least afford to pay pay the least and those who can afford to pay pay the most. That is the way, when the Liberal Party first introduced the emergency services levy, it was designed, then they offered remissions on top of that.

Unfortunately, we had to remove those remissions on the basis of the first commonwealth budget introduced by former prime minister Abbott and former treasurer Hockey, because of the dramatic cuts made to health and education.

Mr Bell: Look forward, Tom, look forward.

The SPEAKER: The member for Mount Gambier is called to order.

EMERGENCY SERVICES LEVY

Dr McFETRIDGE (Morphett) (14:25): Supplementary: can the Treasurer then tell the over 60,000 recreational boat owners how much extra ESL they will be paying, if he won't rule out not removing the remission?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:25): If I understood the question correctly, they won't be paying anything extra, they will be paying what they are paying now. Depending on what the budget is next year—

Dr McFetridge: There was a 100 per cent remission though.

The Hon. A. KOUTSANTONIS: If the opposition have a policy of 100 per cent remission, we will put that into our costings so we can then, of course, make the argument that the opposition have unfunded election commitments. The truth is that the ESL remissions were removed because of the dramatic cuts made by the commonwealth in health and education. If they reverse those cuts, we will reverse the remission increases.

Members interjecting:

The Hon. A. KOUTSANTONIS: I do note that the Leader of the Opposition just yelled out 'massive deficits'. He did say in his budget reply speech, either this one or the one previously, that a budget surplus this year would not occur; let's wait and see.

The SPEAKER: The member for Adelaide is called to order and the member for Chaffey is warned for the second and final time.

EMERGENCY SERVICES LEVY

Dr McFETRIDGE (Morphett) (14:26): Supplementary again: the Treasurer mentioned deficits. Has the remission on recreational boating been considered to be removed to make up for the \$2 million deficit that the SAFECOM budget has?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:26): Those issues aren't linked to the best of my knowledge. The reason the remissions on the emergency services levy were removed was because of cuts made by the commonwealth government to health and education grants they give the states. We had to obviously fill that dramatic hole because of the \$80 billion worth of cuts made by the commonwealth government to health and education funding. So I think the two issues aren't linked, but I will get a more detailed answer for the member.

GOVERNMENT PROCUREMENT

Ms DIGANCE (Elder) (14:27): My question is to the Minister for Small Business. Minister, can you inform the house about how the industry—

The Hon. A. Koutsantonis: I'm listening.

Ms DIGANCE: It's to you. Can the minister inform the house about how the Industry Participation Advocate is working with local government to encourage councils to adopt industry participation principles in their procurement activities?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:27): I thank the member for this question and her keen interest in supporting small business, being a former small business owner, or current small business owner herself. Growing the economy, jobs and the diversification of declining industry sectors has been front and centre for the South Australian government in recent times, and I am sure that many local councils are concerned with similar issues in their communities.

By virtue of its collective size, public procurement is recognised as an important means of implementing government policy in respect of industry development, innovation and, of course, the long-term wellbeing of our economy. Public procurement is an essential mechanism for the delivery of the government's broader economic and social objectives. Strategic public procurement, focused on creating employment and economic development, can also establish confidence in the market.

Since the creation of the role in 2013, the Industry Participation Advocate—which was going to be abolished under the opposition if they were successful—has worked to meet three fundamental objectives:

- to build the capacity of local businesses to successfully tender for government contracts;
- to recommend changes to policy and practices that remove impediments to local industry participation; and
- to initiate procurement reforms that provide greater economic benefit to the state and local businesses.

The state government has made significant reforms to procurement policy over the past two years, based on recommendations from the Industry Participation Advocate, with a view to maximising the economic benefits from government expenditure. Through the combined expenditure of state and local governments, our potential to shape the local market is enhanced.

The government is one of the largest, if not the largest, buyer of goods and services in our local economy. The Industry Participation Advocate has invited the local government authority and each local government chief executive officer to collaborate to develop a consistent approach across both levels of government, promoting industry participation and its benefits for South Australian business.

The IPP takes effect with \$22,000 worth of procurement with an emphasis on local jobs associated with the contract. Above \$1 million in regional areas and \$4 million in metropolitan Adelaide, an Industry Participation Plan is required and, in addition to jobs, the economic benefit to the state from capital investment and supply inputs are also assessed. For larger projects, or in more specialised areas, the Office of the Industry Advocate works closely with the purchasing agency to develop a tailored Industry Participation Plan. The standard weightings can also be lifted in circumstances where the expenditure can be used to stimulate the economy, create new industry development opportunities and to attract investment.

We can confidently say that South Australia has now the most sophisticated, but still relatively simple, appraisal of economic contribution of any jurisdiction and has a weighting system that balances the economic benefit to the state as part of a holistic value-for-money assessment. With the support of local government, applying this system across council procurement will create even more jobs and opportunities for South Australian employees and businesses. I urge councils to work collaboratively with the government and the Office of the Industry Advocate to try to develop these broader plans.

GOVERNMENT PROCUREMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:31): Supplementary, if I may, to the Treasurer: could the Treasurer indicate to the house whether the industry advocate has negotiated the resumption of the South Australian police wearing Rossi boots?

Mr Marshall: Hear, hear! How's that one going?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:31): While the opposition is talking to us about Rossi boots, how about we build 12 submarines in South Australia first before they lecture us about local procurement—the shadow minister for Japan, Germany and France, rather than fighting for South Australia. Obviously, the advocate works passionately to make sure there is as much local procurement as possible. I do note that, if the Leader of the Opposition had been a better campaigner, the industry advocate would have been abolished.

The Hon. J.M. Rankine interjecting:

The SPEAKER: The member for Wright is called to order. Supplementary, member for Goyder.

GOVERNMENT PROCUREMENT

Mr GRIFFITHS (Goyder) (14:32): My supplementary is to the Minister for Local Government: it follows the question to the Treasurer. Was this topic one of the issues discussed at the Premier's local government forum last week and, if not, why not, given that it has been announced by the Treasurer that—

The SPEAKER: I don't think that is a supplementary. The member for Kaurna.

SHANDONG-SOUTH AUSTRALIA ACTION PLAN

Mr PICTON (Kaurna) (14:32): My question is to the Minister for Investment and Trade. How is the South Australian government strengthening ties with the next generation of Shandong leaders?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (14:32): I thank the member for his question because trade and exports are very important in his electorate. The South Australian government has worked hard to build relationships with our sister state Shandong at all levels of government.

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is living dangerously.

The Hon. M.L.J. HAMILTON-SMITH: In April 2014, the Premier discussed the opportunity to share expertise on planning and urbanisation with the Governor of Shandong, Mr Guo Shuqing. The Shandong government is eager to understand the policy and practices that have led to Adelaide being globally recognised as a smart city. The Shandong government is, indeed, managing the challenges associated with a rapidly urbanising population driven by impressive economic growth.

That is why, as part of Party Secretary Jiang Yikang's recent visit to South Australia, a group of county level mayors was led by the Deputy Director General of the Shandong Housing and Urban Renewal Development to Australia for a three-week self-funded training program. The program was developed by the Department of State Development and the cultural and business adviser, Dr Alfred Huang, to showcase South Australia's expertise. This includes green buildings, climate change adaptation, public transport systems, water and waste management systems, social welfare and city services and tourism.

The group's itinerary included briefings and site visits with a wide range of state government departments and four councils—the City of Adelaide, the City of Onkaparinga, the City of Mount Gambier and Naracoorte Lucindale. The Premier, the Minister for Employment, Higher Education and Skills and the Minister for Local Government also had the opportunity to meet with the group.

Further highlights included site visits to The Square apartments in Woodville West, designed for people with a disability; the Traffic Management Centre in Norwood; Cleland Wildlife Park; and the University of South Australia. The program is an important initiative under the recently signed Shandong-South Australia Friendly Cooperation Action Plan. It is also an investment in the long-term sister-state relationship as we broaden South Australia's influence throughout Shandong to the next generation of senior leaders.

A vote of confidence in that relationship came earlier this week when the ANZ Bank announced it would open a branch in Qingdao. ANZ Chief Executive Officer Mike Smith said at the opening that:

Qingdao and Shandong have established long-term relationships with Australia and there is major potential for further growth in bilateral trade and investment.

Reference was also made to the sister-state relationship between Shandong Province and South Australia and our history of cultural and academic exchange.

The impacts of the state government's trade relationships are being noticed around the world as we take businesses to Shandong and welcome return visits here as we seek to create more jobs from export, and that is exactly what is happening in the SME sector. I look forward to welcoming the next group to visit South Australia from Shandong.

RURAL ROAD SAFETY PROGRAM

The Hon. T.R. KENYON (Newland) (14:36): My question is to the Minister for Road Safety. Will the minister inform the house about how the infrastructure investments in the state government's 2015-16 Rural Road Safety Program will assist in reducing road trauma on South Australia's rural roads?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:36): I thank the honourable member for his question and, if my memory serves me correctly, he was previous minister for road safety, so I thank him for his interest in this matter. Every road crash fatality is a tragedy and many serious injuries also permanently incapacitate road crash victims. No death or injury on our roads is acceptable and we must address the trauma that is caused by everyday use of the roads, regardless of the circumstances or the people involved.

In 2014, 65 per cent of fatal crashes in South Australia occurred on rural roads which compares to 61 per cent as the previous five-year average between 2009 and 2013. Part of the task in reducing the over-representation of road crash fatalities on South Australia's rural and regional roads involves making targeted investment in road infrastructure treatments.

Road crash statistics show that the most common type of fatal and serious injury crashes in rural South Australia are what we call 'hit fixed object' crashes. These types of crashes commonly involve a single vehicle leaving the road surface and hitting a tree or Stobie pole or other item. The Rural Road Safety Program is designed to assist in reducing these types of crashes on high-speed rural arterial roads.

Projects have been selected from across rural South Australia, including in the South-East, Fleurieu Peninsula, Adelaide Hills, Mid North and Yorke Peninsula regions. The program will invest \$8.8 million in 2015-16 on projects which include:

- the installation of guard rails and crash barriers designed to shield errant vehicles from fixed objects. An investment of \$450,000 will be made on Redbanks Road in the District Council of Mallala;
- a \$1.5 million investment on the Yorke Highway will include the removal of hazardous trees while other sites will receive vegetation and tree removal where it poses a significant safety hazard;
- shoulder sealing works such as the \$149,500 project on the Riddoch Highway in the South-East; and
- upgrades on high-risk rural intersections such as the installation of a roundabout at the intersection of Onkaparinga Valley and Woodside Roads.

The government's \$8.8 million investment in the Rural Road Safety Program is part of the approximately \$136 million the government is investing in rural roads in 2015-16, designed to improve the quality of rural roads and assist in reducing the disproportionate rate of road trauma in rural and regional South Australia.

OZASIA FESTIVAL

The Hon. S.W. KEY (Ashford) (14:39): My question is directed to the Minister for the Arts. I have to say that having attended the OzAsia Festival last year and thought it was fabulous, I am also booked up again this year to attend many of the events. I am wondering, minister, whether you can tell the house about some of the highlights of this year's OzAsia Festival.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:39): OzAsia kicks off tonight and will run until 4 October. Under the leadership of the new artistic director, Joseph Mitchell, this OzAsia is the largest Asian-focused arts festival in Australia. With 180 programmed performances and events over the 11 days, this year's festival is a delight for all the senses, with an eclectic mix of music, dance, theatre, exhibitions and talks. For the first time the

festival will also host the night noodle market, which will see the riverbank transformed into an Asian hawker-style marketplace.

The Hon. J.W. Weatherill interjecting:

The Hon. J.J. SNELLING: It could, indeed. I have checked in with the Bureau of Meteorology, and with a forecast of 24° and a zero per cent chance of rain—touch wood—this year's Moon Lantern Festival will see Elder Park come alive on Sunday. It being just a short stroll across the footbridge, it will provide the perfect backdrop to, hopefully, celebrate a Woodville-West Torrens premiership. This year's Moon Lantern Festival will feature never before seen lanterns, food trucks—

Mr KNOLL: Point of order, Mr Speaker.

The SPEAKER: I do not see anything about the Woodville-West Torrens premiership on the website.

Mr KNOLL: Sir, I have diligently listened and there is nothing new that is not on the website that I have provided a link to you, so far at least—

Members interjecting:

The SPEAKER: Hang on. Is the member for Schubert asserting that the content of this answer is available in another place?

Mr KNOLL: Yes, sir.

The SPEAKER: What place is that?

Mr KNOLL: As directed to your inbox, it is on the Adelaide Festival Theatre's website: /ozasia-festival.

The Hon. S.W. KEY: Point of order, sir.

The SPEAKER: Point of order, member for Ashford.

The Hon. S.W. KEY: My point of order, sir, is that I am asking the minister what he considers to be the highlights, so I cannot see how that could be on the—

Members interjecting:

The Hon. S.W. KEY: I would have finished my point of order except I was yelled at by somebody.

The SPEAKER: I am sorry; I cannot find these words on the net. If the member for Schubert can show me where these words are—

An honourable member: He is very good with the computer, sir; he will be able to.

The SPEAKER: The member for Mount Gambier is warned. The cultural attaché.

The Hon. J.J. SNELLING: This year's Moon Lantern Festival will feature never before seen lanterns, food trucks, roving street performances and a spectacular fireworks display, and I encourage all members of the house to get along.

One show that Joseph Mitchell has recommended as not to be missed in this year's program is *Amber*. China's leading theatre director, Meng Jinghui, will wow audiences with what has been described as a 'mind-blowing, impromptu rock, dance and rapid-fire multimedia' performance, exploring love and the loss of innocence in modern China.

OzAsia not only provides South Australians with an opportunity to immerse ourselves in the cultures of our nearest neighbours, it also helps us forge strong economic engagement with the fastest-growing regions in the world. This year's OzAsia focus is on West Java, and yesterday I was pleased to welcome the region's Vice Governor Mr Deddy Mizwar, who is in Adelaide as a guest of the festival. Last year's focus on the Shandong province in China was a catalyst from which many strong trade and economic connections have since been forged. Likewise, this year's focus on West Java provides a great opportunity to build stronger ties between our state and the rich and diverse Indonesian region.

The strength of our OzAsia Festival is a credit to the Adelaide Festival Centre, and I thank the centre's chief executive Douglas Gautier, the director Joseph Mitchell, and the rest of the team at the centre for the hard work they have put into this important event. OzAsia is an event that all South Australians should embrace and be proud of, and I encourage everyone to get along and support this fantastic festival.

NORTHERN ADELAIDE SENIOR COLLEGE

The SPEAKER: The member for Napier.

Members interjecting:

Mr GEE (Napier) (14:44): It is hard for those on your left to try to be relevant, sir. My question is to the Minister for Education and Child Development. Can the minister give details of the new Northern Adelaide Senior College and, in particular, how it is supporting early school leavers to re-engage with education as adults?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:44): I am delighted to answer this question because I had the very great pleasure last week of going to formally open the new Northern Adelaide Senior College, which has come of the former Para West campus in Davoren Park, which for many years has been an incredibly important location for young adults who had disengaged from school and were finding a path back to completing their schooling.

What has happened, though, is that we are now moving into the next level of offering for students in that situation by creating the Northern Adelaide Senior College, which is in Elizabeth. It is adjacent to, and in some ways part of, the TAFE complex there. It has fantastic access for transport so that far more people are able to have easy access to the centre.

What is really special about it is that it has created an environment where the young adults who are re-engaging in education truly feel valued. It is a pleasant, learning-focused area which is highly flexible. It is a school in which the young adults are treated as individuals who deserve respect and attention. I say that not just through my own observation of the physical environment. When I went on the tour prior to officially opening the college, talking to some of the mature-age students who had come back to find success was absolutely inspirational.

Students who had completely disengaged from schooling previously and who had a range of issues that may have been drug related, trauma with their families, bullying, or simply that the school did not respond to the needs that they had, have all been able to find a place where they can continue their education, get their SACE, and, because of the colocation with TAFE, also explore other alternatives which might in fact suit them more than strictly completing their SACE at that time in their lives.

What I said to those students, in opening, was how important it is that they recognise that they have the capability of getting a good education. Everyone in South Australia, because of the way in which the SACE has been designed, has that capability, but not every model suits every individual and some people require more accommodation than others. They require a school that is more flexible and more attune to their needs.

This school, for example, has a crèche available. When young women fall pregnant in high school it is extremely difficult for them to continue to engage in their studies, so this school has a crèche to enable them to come back and do their SACE. It is absolutely impressive and exactly what we should be doing, and I expect even greater things from the Northern Adelaide Senior College than we have already seen from Para West.

KINSHIP CARE

Ms SANDERSON (Adelaide) (14:47): My question is to the Minister for Education and Child Development. Can the minister advise why kinship care was removed from non-government organisations and is now carried out in-house by Families SA?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:47): I think that the question refers to a time prior to my being minister. I believe that that has largely been handled within the department since I have been the

minister, so I will have to look back on what the history of that is. I would point out that since 2001—I think they are the figures usually used—kinship care has increased 700 per cent, so it is absolutely a success story.

That is not to say that we cannot have more kinship carers; I think we absolutely can. It is one of the areas I am most interested in expanding our offering of out-of-home care for children who are unfortunately not able to be with their birth parents. In terms of the history of who is responsible and why it is that way, I will look into it and provide an answer back to the house.

FAMILIES SA DISPUTES PROCESS

Ms SANDERSON (Adelaide) (14:48): My question is again to the Minister for Education and Child Development. Can the minister advise when the government will establish an independent panel to hear complaints about Families SA? Many parents, foster parents and workers have complained that there is no ability to independently dispute a decision or care concern against them.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:49): I think the questions that the member for Adelaide has been asking—certainly the last one—is starting to traverse the material that is being looked at by Commissioner Nyland. The government has encouraged all people—including members of the department, I might say—who have things to say that might advance the cause of child safety here in South Australia to get in touch with Commissioner Nyland to—

Mr Marshall: It's not a complaints authority, it is the royal commission.

The Hon. J.R. RAU: The Leader of the Opposition says it's not a complaints authority, but what I am trying to say to members opposite is if they think there should be a complaints authority and if they have good reasons for arguing there should be a—

Mr Marshall: So if they have got a complaint they go to the royal commissioner, is that what you are suggesting to the house?

The Hon. J.R. RAU: Can I just finish. I'm building up to this slowly because I am trying to take one step at a time until we get to the crescendo.

The SPEAKER: Beginning at year zero.

The Hon. J.R. RAU: Exactly, exactly. So, as I was saying, if somebody has an idea as to how they might improve the system, including a complaints authority—

Mr Marshall interjecting:

The Hon. J.R. RAU: Yes, I know. I am explaining this. I have to keep starting again every time you do this. What I am trying to say, and this is very important, is that if people have suggestions—helpful, driving hints—or anything else they would like to share with the royal commissioner, she is keen to hear, including whether the member for Adelaide or anyone with whom she has been speaking has a long-term or medium-term solution beyond the royal commission—this is the bit the member opposite is waiting for, 'beyond the royal commission'—to deal with complaints. Commissioner Nyland has a very broad remit; a very broad remit.

Mr Marshall interjecting:

The SPEAKER: The leader is living dangerously.

The Hon. J.R. RAU: Commissioner Nyland is so open to not only receiving anybody's complaint but also making a complaint about the fact you can't make a complaint. She wants to know about that too.

FAMILIES SA DISPUTES PROCESS

Ms SANDERSON (Adelaide) (14:51): A supplementary: despite that very confusing answer that didn't really relate to my question—

The SPEAKER: The member for Adelaide will be seated and not make an impromptu speech. The member for Hammond.

BELVIDERE WAR MEMORIAL

Mr PEDERICK (Hammond) (14:51): My question is to the Minister for Transport and Infrastructure. What is the minister doing to protect the Belvidere War Memorial in light of the upgrading of the Langhorne Creek-Milang-Strathalbyn roads intersection? The transport department have pegged the realignment of the roads straight through a triangle of trees planted in 1946 to remember the contribution of local World War II servicemen, some of whom made the ultimate sacrifice.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:52): I thank the member for his question. Thanks to the representations from the member, I do know that this is an issue of great concern to the local community. My understanding of the issue is that this is a federally funded project and the—

Ms Chapman interjecting:

The Hon. S.C. MULLIGHAN: Yes, that's right, as the deputy leader says, the state transport department is undertaking the works. There was a public meeting some days ago when many locals voiced their discontent about the proposed route which had been marked out, and there was an alternative suggestion, I understand, at that public meeting about how else that alignment could be achieved to deliver the desired road upgrade that the funds are designed to go towards. That alternative route which was suggested at that public meeting, I am advised, is under investigation now.

Mr PEDERICK: Are you going to save the trees?

The SPEAKER: By dropping explanations and by members not giving impromptu speeches before asking questions, we managed to get through 21 opposition questions in a row, so I would invite the member for Adelaide, does she have a supplementary question that she can now ask in order?

FAMILIES SA DISPUTES PROCESS

Ms SANDERSON (Adelaide) (14:53): Yes, I do. How long should people be expected to wait for an investigation to be completed?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:53): That's a little bit like asking how long is a piece of string because it begs many questions. But can I say—

An honourable member interjecting:

The Hon. J.R. RAU: At its smallest—well, it varies you see. Because we have very little particularity in that question, it is difficult for me to answer it with great particularity, but I will attempt my best to answer it. Obviously, an investigation, if directed to the correct agency or investigating person, will obviously proceed at the pace that it is able to proceed according to the procedures and practices that are required by that agency or person, whichever it might be.

But in this case it seems to me that, given that we have Commissioner Nyland there to deal with all matters, including both the complaint in the short-term sense and the mechanism by which complaints in the future might be dealt with in the larger and more intermediate-term sense, and given that she is intending to report, as I understand it, in the first part of next year in April or May, I would think that, if the honourable member proceeded with her matter now, then at its very worst there would be some dealing with the matter in a fashion that she should find satisfactory by the earlier part of next year.

LEVEL CROSSINGS

Mr DULUK (Davenport) (14:55): My question is to the Minister for Transport and Infrastructure. Does the minister have any plans to fix level crossings along the Belair line or more general plans for grade separation at level crossings in the Mitcham Hills area? Mitcham Hills

residents and commuters continue to face uncertainty on their daily travels with repeated level crossing failures, including most recently the Glenalta crossing failures on 10 and 12 September.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:56): I thank the member for Davenport for his question. This is something that he has corresponded with me about. Members may be aware that the Rail Commissioner has been undertaking investigations across our rail network into the safety, as well as the ongoing operation, of level crossings on the Adelaide metro passenger line service for several reasons.

One, of course, is for safety reasons to make sure that, following the horrendous incident that occurred in 2002 in Salisbury and the changes that were made to the treatment of level crossings, those sorts of practices are continuing to be maintained across the network, and also to identify whether there are any other opportunities on the lines to perhaps consider changing how the level crossings operate and even perhaps consider whether we need all the level crossings, whether they be road level crossings or whether they be pedestrian crossings.

Of course, there is a great inconvenience to people using the road network when they come across a level crossing which is in operation because a train is in the close vicinity of that level crossing, and there is also an operational issue which is caused for the running of the trains and the timetabling of the trains, and how quickly the trains can run from one part of the line to the other having to traverse parts of the track where level crossings are. There are quite often speed restrictions and cautions that drivers abide by when they go past these level crossings.

As it relates specifically to the Glenalta level crossing, I will come back to the house and to the member if there is any further information to add about whether there are any works which are planned to be undertaken to improve the operation of that level crossing. But, in general, this is an area that is getting some significant attention from the government in an effort to improve the experience for motorists, to improve the experience for people on the trains, and to improve the safety for all concerned.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to the South Australian parliament the newly appointed Assistant Minister for Agriculture and Water Resources, Senator Anne Ruston.

Question Time

ROCK MACHINE MOTORCYCLE CLUB

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:58): My question is to the Attorney-General. What action is the Attorney taking to protect South Australians against the Rock Machine outlaw motorcycle gang given the current case of a South Australian police officer who claims to have been threatened by the gang?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:59): First of all, I thank the honourable member for her question. Obviously, the government has demonstrated quite recently that we take the threat of criminal groups, whether they ride motorcycles or otherwise, very seriously. My position on this remains as it has been consistently, certainly since we have been debating this legislation recently this year.

If I have an approach from the Commissioner of Police saying to me that he believes that certain steps are necessary in respect of a particular group, I would think very carefully about his concerns. I would try and discharge my function under the legislation. I would, if necessary, then contact the Crime and Public Integrity Policy Committee of the parliament, which now has a role to play in relation to these matters, and I would consider the introduction of an appropriate regulation under the act. So far as I am aware, the commissioner has not approached me. There might be a letter in the works somewhere that I haven't seen, but I can say with some confidence that I would remember a request of that type if it had been made to me.

URBAN RENEWAL AUTHORITY BOARD

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:00): A further question to the Minister for Housing and Urban Development: why does the Urban Renewal Authority Board only consist of five members, as published in a 30 June 2015 report tabled on Tuesday this week, when section 7B of the Urban Renewal Act 1995 states that it is to be constituted of seven persons?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:00): It's a fair enough question. Obviously, these boards have some degree of movement in them. They have people coming on, they have people going off. I'm not sure what the exact wording of the relevant legislation is, although I will check it, and I'm not sure what the position was on that date. My belief is that presently there is a full complement on the Urban Renewal Authority Board; but, yes, it does happen from time to time that people leave, and there is an interval between when people leave, perhaps, and when people are appointed, but I will check.

I will check first of all as to the wording of the legislation, and I would be surprised if it's worded in such a way that you can't even have an interregnum between the point where a person finishes up or retires and when another person is appointed, but I'll check that. Again, I'll check this as well, but my understanding is there is a full complement on that board.

URBAN RENEWAL AUTHORITY BOARD

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:02): Supplementary: who's been appointed since 30 June?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:02): I believe there were two appointments made.

The Hon. J.J. Snelling: They've been gazetted.

The Hon. J.R. RAU: They've been gazetted, yes, they have been gazetted, and that was a few weeks back. Off the top of my head, I can't remember one of them; I do remember the other, but so as not to make a point of it, I'll just simply say it happened a couple of weeks ago. It was gazetted. I will check the full details and provide the full details to the member.

WEST JAVA MEMORANDUM OF UNDERSTANDING

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:02): My question is to the Minister for Industry and Trade. Given that we've heard today of the visit to South Australia, as part of the OzAsia Festival, of a West Javan delegation, can the minister update the house on the status of the sister-state MOU signed with West Java?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (15:03): The Leader of the Opposition might be aware that for some years South Australia enjoyed an MOU with West Java that expired, I think, in 1987. The government in its efforts—

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: I'll come back to you and clarify that. The point is that part of our—

Mr Marshall interjecting:

Ms Vlahos: Stop verballing him.

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

The Hon. M.L.J. HAMILTON-SMITH: Are you interested in an answer? As part of our effort to grow trade and exports, we've developed a strategy for South-East Asia that includes Indonesia. We are hosting a delegation from West Java here during the Oz Asia conference, and I think there

will be a signing imminently of a renewal of the MOU by the Premier and the Vice Governor from West Java as soon as tonight. I think you will read quite a bit about it tomorrow morning in the paper.

WEST JAVA MEMORANDUM OF UNDERSTANDING

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:04): Supplementary, sir: why did the MOU with West Java lapse?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (15:04): You could go back in history on that into the life of former governments, because it was in place for some time. You know, the important thing—

Members interjecting:

The SPEAKER: The Treasurer and the member for Adelaide are warned.

The Hon. M.L.J. HAMILTON-SMITH: —with the sister-state relationships that we are developing with Shandong—and we are also seeking to rejuvenate our relationship, by the way, with Penang, which was more of a sister-city relationship and now with West Java—is that we are getting on with breathing life back into them.

The City of Adelaide had a number of sister-state relationships with a number of sister cities. From time to time they have been active, from time to time they have lapsed, and, frankly, I think we could have done more, and so that is what we are doing. We are reactivating some relationships that needed reactivation and further attention.

The MOU with West Java is an example of that because we see our relationship with Indonesia as being critically important. These things need constant attention from government, and you will find that, under this Premier and under this minister, we are going to reactivate those relationships and get value out of them.

WEST JAVA MEMORANDUM OF UNDERSTANDING

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:05): Supplementary: can the minister outline to the house what the difference is with the original sister-state MOU and the one that is about to be signed with West Java ?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (15:06): I will come back to the house with a considered response.

Mr Marshall interjecting:

The SPEAKER: The leader.

Mr Marshall interjecting:

The SPEAKER: The leader.

The Hon. M.L.J. HAMILTON-SMITH: I would just say this to a Leader of the Opposition who puts himself out to the people of South Australia as a businessman, it is a little bit underwhelming for this line of questioning because he has done absolutely nothing.

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: Well, you asked the question.

Ms CHAPMAN: Point of order. This is definitely debate.

The SPEAKER: I do not uphold the point of order because the minister was responding to a barrage of out-of-order conduct, including that of the deputy leader; so it does not lie in her mouth to say when he responds to that wall of noise that it is debate. Well, yes it is, but I am not going to take the point of order.

The Hon. M.L.J. HAMILTON-SMITH: Thank you, Mr Speaker, because this Leader of the Opposition and his trade spokesman have described our Shandong relationship as a 'media

opportunity'. They have got no interest in supporting farmers or small business to sell their products. They have done nothing to promote exports or trade, and they are not even communicating with the Hon. Andrew Robb in the federal parliament to better understand the efforts he is undertaking.

What we are doing is growing trade and exports, helping small business—our West Java relationship. You could not have an opposition more out of touch with the business community than this one, and that is why they are still in opposition, have been there for 12 years and probably will be for another 12 years. They are completely out of touch, led by somebody who doesn't get it.

The SPEAKER: The member for Morphett.

EMERGENCY SERVICES LEVY

Dr McFETRIDGE (Morphett) (15:07): Thank you, Mr Speaker. My question—

Members interjecting:

Dr McFETRIDGE: Settle down.

The Hon. M.L.J. Hamilton-Smith interjecting:

The SPEAKER: The minister is warned.

Dr McFETRIDGE: My question is to the Minister for Emergency Services. How much taxpayers' ESL money did the minister waste on his aborted recruitment of a commissioner for emergency services?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:08): I thank the honourable member for his question.

The Hon. J.M. Rankine interjecting:

The SPEAKER: The member for Wright is warned.

Ms Sanderson: Second warning.

The SPEAKER: Yes, second warning; thank you member for Adelaide.

The Hon. A. PICCOLO: In my opinion, none.

Grievance Debate

DOMESTIC VIOLENCE

Mr WINGARD (Mitchell) (15:08): I rise today to speak about domestic violence, and I would like to commend the new Prime Minister, Malcolm Turnbull, for his action in this area. One in six Australian women has experienced violence from a current or former partner, and 63 women have been killed so far this year. For Indigenous women the situation is even worse—they are 34 times more likely to be hospitalised as a result of family violence.

It was with great pride that I signed our Parliamentary Friends United Against Domestic Violence Pledge here in this place, and I must wholeheartedly agree with the member for Stuart in his comments pointing out that any domestic violence is an issue which must be led by men.

Domestic Violence is a scourge on our community and every effort must be made to eradicate it from our society, and men can and must play a major role to achieve this goal. I have spoken on this issue before around White Ribbon Day and can add what an outstanding job the White Ribbon organisation has done to bring awareness to this issue. As a father of girls and boys, I take my parenting responsibility very seriously, and education about domestic violence and teaching my children what is not acceptable is a very important part of my role as a father.

It was an exciting time to hear Prime Minister Turnbull and federal Minister for Women Michaelia Cash announce a \$100 million Women's Safety Package aimed at combating domestic violence. Some key aspects of the new package are:

- \$17 million to expanding existing programs aimed at keeping women safe at home, including improving access to CCTV and locks;

- \$5 million to the 1800 RESPECT hotline;
- \$2 million to MensLine services;
- \$21 million to help Indigenous women and those in remote communities;
- a \$12 million trial with state governments to use GPS tracking for high-risk domestic violence offenders;
- \$5 million on 20,000 mobile phones across Australia for women whose access to technology is compromised;
- \$5 million to developing and improving the Safe Schools website;
- improved training for frontline services, including general practitioners, doctors, nurses, magistrates and police; and
- identifying domestic violence hotspots.

Domestic and family violence occurs when someone who has a close personal relationship with you makes you feel afraid, powerless or unsafe. It can be physical, but it can also be emotional and psychological.

Anyone can experience domestic and family violence. It happens across communities, ages, cultures and sexes—it does not discriminate. If you are experiencing abuse or violence, it is not your fault; it is the abuser who is responsible. Domestic violence is a crime and the abuser is breaking the law. Forms of abuse and violence include:

- physical harm—threats to self or physical harm, smashing things or hurting pets;
- emotional and psychological abuse—humiliation, put downs and blaming;
- financial abuse—strict or unfair control of money;
- verbal abuse—name calling or yelling;
- social abuse—controlling where you go, and what and who you see;
- sexual abuse and rape;
- stalking—following, making excessive phone calls, texts or emails: as one constituent in my electorate pointed out, harassing phone calls and sexual phone calls also cannot be tolerated; and
- spiritual or cultural abuse—controlling practices or choices.

Non-physical forms of abuse can be just as damaging as physical assaults. If you feel disrespected, unable to be yourself, afraid to disagree or negotiate for what you want, this may be a sign of abuse. If you need help and are in a dangerous situation, call 000 immediately. For more information dial 1800 RESPECT or Lifeline on 13 11 14.

I also take this opportunity to acknowledge the brilliant work done by all the teachers at all the schools in my electorate, but I would like to single out two teachers on this occasion: Jarrod Lambshed and Aimee Aparitheo from Woodend Primary. They have run a brilliant program teaching their students to respect each other, with a focus on eradicating domestic violence. Their engagement and stimulation of their students was first class. Their focus is on making young people better adults and helping their students have successful relationships with everyone in the community. They ran a highly successful online Twitter campaign with the hashtag '#WeStandTall'. The students posted terrific messages that were personal and positive, and reflect the ideas of masculinity and respect in society today. The school was featured on *Today Tonight*. If you would like to see that story, visit my website, coreywingard.com.au

ASCOT PARK SPECIALIST PHYSICAL EDUCATION AND SPORT SCHOOL

Ms DIGANCE (Elder) (15:13): Last Friday, I had the great pleasure to gather with an enthusiastic crowd at the Marion Leisure & Fitness Centre, home of Gymnastics SA. We were all

there for the annual special gymnastics assembly performed by Ascot Park Specialist Physical Education and Sport School. The annual display comes to fruition due to the passion and collaborative hard work of Ascot Park Primary School staff and Gymnastics SA staff.

All assemblies are presented by the students of the focus class, with support from their fellow Ascot Park students. Ascot Park is a school of around 130 students situated in the south-western suburbs of Adelaide in the heart of my electorate of Elder. In 1988, there was a decision made to form a gymnastics focus school in a joint venture between the South Australian gymnastics association, the South Australian Sports Institute and the Department for Education, with Ascot Park Primary School selected for the joint venture. This makes the school unique in Australia and, I am told, almost anywhere else in the western world.

Given the need for a gymnastic talent to be developed at a relatively young age, Ascot Park allows primary aged children with special gymnastic talents the opportunity to have the talents nurtured from within the school. As a gymnastic-focused school, Ascot Park has developed a program that ensures that the benefits of this focus flow on to the entire school. The school facilitates what is known as Gym for All, a program supported by Gymnastics SA for all non gymnastic-focused students. In addition, the school facilitates regular Play Gym and Kindergym activities for our local community.

Many schoolchildren throughout Adelaide are screened to identify those special physical attributes that will allow them to achieve at the highest levels of the sport. A small percentage of these children will then be invited into a trial talent squad. This short-term program offers the children an opportunity to try this approach to gymnastics before making any major commitment with a view to eventually being included in the Gym-JETS program. The Gym-JETS program is the Gym Junior Elite Talent Squad.

Gymnasts at primary school age who are selected into the Gym-JETS then have the advantage of attending the Ascot Park Primary School, which supports their training needs via a modified curriculum and transportation support. A normal school day involves morning training, collection from the gym and transport directly to the school by school bus, a carefully structured school day, transport back to the gym and further afternoon training. All students at the school receive a minimum of three morning training sessions each week, with the specific gymnastic students receiving elite coaching of up to 36 hours per week.

Students in the specialist sports program have the opportunity to perform in interschool, state and national competitions as well as opening up pathways into higher sporting and education programs. Last Friday, at this annual assembly, Ascot Park Primary School students performed pirouettes and flipped and tumbled through a spectacle of gymnastics. The audience was taken on a journey of an unfolding story demonstrating how children develop gymnastic skills, perform routines and compete.

Every child of Ascot Park Primary School was involved in the assembly and, impressively, we witnessed the support and teamwork by all the children for each other as they performed, with cohesiveness of the elite class and the general student body very evident. Also, on the day, the audience was treated to displays from Jesse Moore. Currently in year 7 and Gym-JET, Jesse has attained first overall all-around in the national championships 2015.

Over the years, gymnasts training in the Gymnastics SA high performance program have produced outstanding results, and we have seen gymnasts such as: Rebecca Stoyel, who won a gold medal on bars, bronze on vault and was placed second all-round in the 1994 Commonwealth Games; Jacqui Dunn, the 2001 Australian champion; Sam Offord, who competed for Australia in the 2005 and 2006 world championships and successfully won a gold medal at the Delhi Commonwealth Games in 2010; and Nick Matthews, who achieved selection for the Australian gold medal team 2013 at the national championships and was second overall all-around in the 2014 national championships.

I thank the school for inviting me and I applaud their unique program. It is a special school in my area and their point of difference is one I support and will continue to champion to seek longevity of the program giving children of South Australia the opportunity they need to join the ranks of those representing our state in gymnastics.

BELVIDERE WAR MEMORIAL

Mr PEDERICK (Hammond) (15:18): I rise today to speak on the Belvidere soldiers' war memorial, a memorial which pays tribute to the great sacrifices servicemen from the area made for our country. Before I speak on the history of this memorial and its significance, I would like to advise the house of what has brought me to be speaking on this today. Work needs to be undertaken at the intersection of the Strathalbyn-Milang-Langhorne Creek roads at Belvidere as a contributor to the federal allocated Black Spot funding program.

However, at present, the Department of Planning, Transport and Infrastructure has pegged out a proposed route, after six years of planning, which if pursued would result in the demolition of the Belvidere soldiers' memorial. Last Thursday, I attended a community forum where over 70 outraged residents of Belvidere were in attendance, and all attendees were in agreement to oppose the current route.

As someone who has had a brother, uncles and ancestors serve for this country, I understand the importance of war memorials. The Belvidere memorial was built in 1946 and is a triangle of trees which represents numerous locals who served in World War II. Specifically, I would like to speak about the story of three Belvidere brothers—Steve, Tom and Jim Collett—all of whom served their country proudly in the AIF and are known in the community as 'the Collett boys'.

Steve's story is very brief as the information on his war history is limited, although I can say he saw a great deal of action serving with the AIF, mostly in the Middle East and New Guinea. Many would remember the attack on Pearl Harbour and its utter destruction of property and human life, but fortunately for Tom and Jim they were not part of that catastrophe due to the fact that they were stationed elsewhere. Eventually the Japanese military attacked the small Australian garrison at Java where the two brothers were stationed and, at this time, both Tom and Jim found themselves to be prisoners of war to the Japanese army.

As brothers they always envisioned themselves sticking together and making it out the same way. Unfortunately their fate did not have the same path in mind. Tom found himself as a manual slave labour worker and, for three long years, Tom was exposed to brutality most of us could not even comprehend or imagine. After those three horrendous years, Tom found himself returning to Australia in 1945 after the Japanese surrendered. Tom, as the soldier he was, lived life once he returned and became a father to his daughter, Raelene.

I will now briefly speak on Jim's story. Jim, after becoming a prisoner of war, was drafted by the Japanese military to work in Thailand on the Thai-Burma Railway, a railway which is often referred to as 'hell on earth'. Jim slaved on the railway from 1942 to 1943 before he tragically died in October 1943 from circumstances unknown. Jim was one out of over 90,000 Asian labourers and 12,000 prisoners of war who perished during this terrible time of malnourishment, starvation and disease. Jim, along with many others, paid the ultimate sacrifice for our country. Now, today, the Collett boys and the rest of the returned men and non-returned men are remembered in their home town of Belvidere in the sacred memorial of trees.

As a member of parliament, I listened and acknowledged what those present at the forum had to say. As a parliamentarian, I advised those attending that I would seek advice from the three ministers relevant to the area, which I have pursued. The Minister for Transport has since committed to further investigation for an alternative proposal put forward by the local residents at the community meeting and called by the community on 17 September. I appreciate the verbal commitment from the minister; however, Belvidere's sacred soldiers' memorial deserves the utmost respect as it pays tribute to those who served and sacrificed their lives for our country.

I will reiterate my comment that some of these Belvidere servicemen were among the many who paid the ultimate sacrifice and never returned home. In this year, the centenary of Gallipoli and the 70th anniversary of the end of World War II, I will now name the veterans from Belvidere who are honoured with plaques in front of these memorial trees: Rex V. Aworth, Allan J. Aworth, H. Syd Bampton, Peter K. Coonan, Steve J. Collett, C. Jim Collett, Tom G. Collett, Ken M. Cross, Hurtle E. Flanagan, Clyde M. Hudd, Jack H. Murdoch, Doug P. Norman, Merv T. Pallant, Gordon B. Pallant, George E. Pallant, R. (Bob) E. Simcock, Fred L. Williams. Lest we forget.

WOMEN'S COMMUNITY CENTRE

The Hon. S.W. KEY (Ashford) (15:23): On Saturday just past, I had the honour of attending an open day at the only surviving women's community centre in Nelson Street, St Peters. I was very honoured to be invited and also pleased that the guest of honour was Mrs Lan Le who symbolically planted a tree at the centre. The centre began as the result of goodwill and tenacity of the St Peters Women's Group who wanted to make a difference in the lives of other women to mark the first International Women's Day celebration in 1975. That is in South Australia; there have been a lot more International Women's Day celebrations around the world.

What they managed to achieve in 1977 was funding from the state government, the then premier Hon. Don Dunstan and through lobbying of his women's adviser at the time, Ms Deborah McCulloch, and the Women's Electoral Lobby. Governments of both political persuasions have continued to support the centre since that time.

I think it is also important to note that this women's centre was the birthplace of the first women's shelter in South Australia, the Rape Crisis Centre, and also the Women's Information Service. Their history—or 'herstory', I would say—has been interwoven with the 'herstory' of women's achievement in South Australia. However, I am very sad to hear that their funding has ceased as from 1 July this year. They have soldiered on to try to make sure they can continue to provide the many services that are available to women by seeking sponsorships for the different courses they run. Many women are now sponsoring courses of one or two hours in a weekly program. There are also organisations like Zonta, in particular, that have taken up the challenge to try to make sure that this centre continues.

The women's centre is a non-profit organisation and it has deductible gift recipient status, but I must say that, having been associated with that centre for probably over three decades, I am really concerned the centre may close. One of the things I think we need to remember is that while we are talking about domestic violence and the services that need to be there and the prevention that needs to be put in place—and I am very heartened to hear members in this place take the issue very seriously—there also need to be safe places where women can go, and the women's centre at St Peter's is one of those places. It is somewhere that a number of women who have had some really difficult circumstances in their life go, even just to socialise or to take up the many courses that are available.

I understand that the women's centre has a Facebook page that has 1,000 likes and is reported to reach 2,000 people weekly. They are on Twitter, they have a website, and they spend a lot of time on public media, particularly Radio Adelaide community programs. So with their 800 plus members we are really hoping that we can make sure this organisation continues.

I was very impressed when I went there for a visit a couple of weeks ago to see the number of women who are learning how to draw, and there are some beautiful art classes that are happening there. There are mosaics as well as weaving, and also an English-language program for many people who either want to brush up on their English or, in fact, be able to speak and understand English. There is gardening, there are classes on home maintenance, fitness, recreation, singing, ukulele and photography, as well as counselling and health and wellbeing support. Let us hope this organisation continues, and I urge the government to think very seriously about making sure that this women's community centre, the only one left, has a continued life.

BISHOP, MRS L.

Mr BELL (Mount Gambier) (15:28): I rise today to remember the life of Mrs Lenora Bishop, whose ceremony was held on 16 September 2015. Mrs Lenora Bishop was born on 16 May 1919 to parents Lindsay Rupert Wilson and Elizabeth Wilson. She was educated at Umpherston Ladies' College and later at St Joseph's College. Mrs Lenora Bishop was Mount Gambier's first female mayor and, unknown to her at the time, South Australia's first female mayor. She was interested in medicine but, like many in the country, did not have the financial opportunity to attend university, I am sad to say a plight that still applies today.

Mrs Bishop's first job was at the District Council of Mount Gambier, and later she was secretary at the legal firm of Mr W.E. Pyne. Mrs Bishop became one of the first four women tellers in South Australia for the National Bank. As part of her training, she was taught to shoot, and practised

this regularly. It is fortunate to report that she was never called upon to use her shooting skills. She was also the first female reporter for *The Border Watch* newspaper, where she attended many council meetings which gave her insight into local government procedures.

In 1941, Mrs Bishop married Roy Gilbert Bishop and had three children: Judith, Phillip and Steven. In 1959, she was approached to stand as a councillor for the north-east ward of the Mount Gambier City Council and became the second woman to serve on our council. Of course, five years later, as I previously mentioned, she was elected mayor and went on to become the first (and coincidentally the only) female mayor in Mount Gambier but also in the state of South Australia.

During her time in office, Mrs Bishop was a visionary. She saw the need to plan not just for the present, but for the future, 10 to 50 years ahead. This resulted in land being purchased for recreation purposes, which we still enjoy today. Of note is the Blue Lake Sports Park, which is a sporting complex comprising many sports. Football, netball, hockey, cricket, baseball and softball are all played at the park, and even cycling and horse show jumping are enjoyed there. She was a strong advocate of beautifying the city and the lakes precinct by implementing the planting of numerous trees around the street and lakes area.

Mrs Bishop also established the following: the first public library in Mount Gambier, Heritage Industries (which is a sheltered workshop for people with disabilities) and the senior citizens club, as well as opening Mount Gambier's very own television station, SES8. Many of these things, in their time, were pioneering to say the least.

Lenora had no secretarial support as mayor and had to write all her own speeches and deal with all her own correspondence. She drove to most mayoral functions in her favourite blue Mini Minor. After three years, she retired as mayor in 1967, receiving a standing ovation for her achievements. She later returned in 1972 and was elected the first female alderman on Mount Gambier City Council, a position she held for two years. Mrs Bishop was also the founding president of the Women's Probus Club of the South-East, and in 1990 she was awarded the Order of Australia for her services to local government and the community.

I stand here today to pay my respects to a true visionary and a true Mount Gambier stalwart. Vale, Mrs Lenora Bishop.

GEPPS CROSS FOOTBALL CLUB

Ms WORTLEY (Torrens) (15:32): On Saturday night, I was invited to the Gepps Cross Football Club's senior presentation dinner at the Northgate Community and Sports Club in Northfield in my electorate of Torrens. As a young girl growing up the area, I always found it strange that the club, located in Northfield, was called Gepps Cross. I now know that the club, founded in 1952, started off with a second-hand garage erected on their first ground behind the Gepps Cross Hotel. It came to be known as the infamous 'Tin Shed', and was used as a changeroom. I am told that, if the walls could speak, many stories could be told.

Since that time, the club has had a number of homes, including the Gepps Cross Primary School grounds, the former Gepps Cross girls technical school grounds, and on land on Port Wakefield Road across from the Gepps Cross drive-in. That second-hand garage followed each move, including in 1961, when the club finally found a home at the Duncan Fraser Reserve on Rowe Avenue in Northfield.

For the first couple of years, the ground was referred to as the prickly patch because players spent the week following playing a home match removing the prickles from their arms and legs. The move, however, brought renewed enthusiasm to the club, and they won their first premiership in 1965. I am told that the garage remained until the first section of the club was built in 1972.

I am pleased to say the Gepps Cross Football Club has come a long way since then and Saturday night was testimony to this. I would like to place on the record my congratulations to the football club director, Gavin Beasley, and the club chairman, John Baker, on their commitment and achievements throughout the year.

It is also significant that I recognise the players who received awards on the evening. Congratulations to the A Grade winners, who were: Gavin Rose (Best and Fairest); Jack Gibbs (Best

and Fairest Runner-up); Jack Spriggs (Most Determined); Geoffrey Taylor (Most Improved); and Jordan Charles (Coaches Trophy).

The B Grade winners were: Matthew Ward (Best and Fairest); Michael Bradley (Best and Fairest Runner-up); Adam Antrobus (Most Consistent); Liam Cullinan (Most Improved); and Bradley Couzner (Coaches Trophy). Congratulations also to the C Grade winners, who were: Luke Wegener (Best and Fairest); Robert Gray (Best and Fairest Runner-up); Matthew Berkholst (Leading Goal Kicker and Most Improved); and Jerome Payne (Coaches Trophy).

I would also like to congratulate the trophy winners in the Under 18s division, who were: Dylan Veprek (Best and Fairest); David Aldred and Joshua Bald, who were both Best and Fairest Runners-up; Nathan Brice (Most Consistent); Shaun Burdett (Most Improved); Brett Siebert (Best Team Man) and Tyson Polkinghorne (Coaches Trophy). In addition, David Glenn was winner of the Chairman's Trophy, and Alicia Mackenzie won the Volunteers Trophy.

I like to make special mention of the club officials. Firstly, the A Grade coach, Paul James, for the work that he did; team manager Colleen Flanagan; team runner Troy Hedley; and water persons Tracy Noble and Lachlan Matthews; the B Grade coach, David Glenn; team manager Dianne Bailey; team runner Adam Drew; goal umpire Scott Bailey; and water person Tracy Noble. For the C Grade: coach Rob Harding, team manager Michelle Harding, and goal umpires Max Clarke and Mrs Gray. During the evening I also gave recognition to Under 18s coach, David Glenn; team manager Megan Jeffrey; and team runner Brad Jeffrey. To all of the players who received awards on the night—and there were a significant number—I have put photos of them up on my Facebook page.

I also attended the Gepps Cross Football Club's Auskick Day, where young boys and girls from the area have the opportunity to learn football skills in an encouraging and friendly environment. It has not always been so that the girls were included. Down the road at the neighbouring primary school I attended, girls were not encouraged to play football; in fact, they were discouraged. I can still remember being punished for kicking the football on the oval with a girlfriend. For the rest of the week at lunchtime, we were given the chore of sweeping the school's front veranda in full view of the teachers' staffroom. It is pleasing to see that things have changed, and 15 girls participated in this year's Auskick Day at the football club.

This Sunday I look forward to attending the junior presentation day, where the Gepps Cross Football Club's younger players will be recognised for their contribution to Aussie rules football. I understand that the weather forecast on Sunday will be 24°, so it should be a great day. Finally, this year both the Under 15s and Under 18s made the finals, and I know, from the discussions on Saturday night, they are looking forward to the 2016 season.

Bills

FIREARMS BILL

Introduction and First Reading

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:37): Obtained leave and introduced a bill for an act to provide for the control of firearms; to repeal the Firearms Act 1977; to make consequential amendments to other acts; and for other purposes. Read a first time.

Second Reading

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:38): I move:

That this bill be now read a second time.

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

Leave granted.

The *Firearms Act 1977* is a complex legislative scheme for the control of firearms. Since proclamation on 1 January 1980, the Act has been modified by 11 amendment packages resulting in hundreds of individual changes. Many of the changes have arisen from public concern following shootings (ie Port Arthur and the Tonic Nightclub) and were mostly directed towards dealing with illegal criminal behaviour.

Possession and use of illicit firearms by organised and entrepreneurial criminals, who exploit emerging technologies to support their activity, remains a significant concern for South Australia. The social ramifications of organised crime and illicit firearm activity on the community are serious and inconsistent with government, police and community expectations of safety and reasonable behaviour.

The immediate and critical nature of reform so far has taken precedence over reform to update and improve firearm controls and enforcement measures.

Wholesale reformation of the Act is now necessary to provide a contemporary legislative scheme which equips the State with an enhanced, effective, simple, clear and progressive firearm regulatory system to provide a sound administrative and governance framework to meet community expectations.

Broad community consultation during the past 12 months has harnessed community and stakeholder views and driven the development of a substantial Bill to replace the outdated Act and improve the regulatory firearms scheme for the benefit of all South Australians.

The Bill achieves a clear and sustainable balance between firearm control which maximises public safety, and encourages the responsible possession and use of firearms for legitimate reasons. The Bill also reaffirms the underlying principle that firearm possession and use is a privilege, conditional on the overriding priority to ensure public safety.

The six main purposes of the Bill are to:

- Improve public safety and prevent crime;
- Reduce red tape;
- Overcome deficiencies;
- Facilitate a nationally consistent approach to firearm control;
- Increase functionality of the Act;
- Modernise the Act.

Improve Public Safety and Prevent Crime

Consistent with Government's *Tough New Gun Laws* commitments within Building a Stronger South Australia paper 4 (Safer Communities. Safer Policing), many provisions of the Bill reflect a need to maintain and improve public safety whilst preventing firearm related crime.

The Bill achieves this by enhancing the scheme by which Firearms Prohibition Order's (FPO's) are issued and enforced. Key reforms include:

- A provision for the Registrar of Firearms (the Registrar) to issue an FPO against a person who is a member or former member of a criminal organisation (such as a relevant Outlaw Motorcycle Gang member), or for a person who is subject to a control order issued under the Serious and Organised Crime (Control) Act 2008; and
- Provisions which permit a police officer to require a person suspected of having been issued with an FPO to provide identifying information about themselves or people with whom they reside, and to provide written notice within 7 days of a change of address.

A number of new offences have been created which aim to improve the safety of the community and assist in preventing firearm related crime:

- An aggravated offence when an unlicensed person is in possession of a firearm and also has also committed certain drug offences contained in the *Controlled Substances Act 1984*;
- Offences for the unlawful possession or assembly of ammunition;
- Offences for persons who in this State aid, abet, counsel or procure firearm related offences in other jurisdictions, or persons who conspire with others to commit firearm related offences in South Australia or other jurisdictions; and
- Offences for persons who misuse, forge, steal etc. a firearms licence or permit;
- Offences for a disqualified person to be employed by or as a licensed dealer;
- An offence for a company's secondary nominee to, without reasonable excuse, fail to comply with a reasonable direction of the company's principal nominee;

- Offences for licensees failing to surrender firearms and ammunition etc upon licence cancellation, suspension, variation or renewal refusal;
- An offence for the registered owner of a firearm failing to surrender a firearm upon cancellation of registration of the firearm;
- An offence for a licensed dealer to acquire, own or possess more ammunition than is required to meet the dealer's reasonable needs in carrying on the business of a dealer for the immediately following 12 months;
- Offences for persons who contravene a provision of a code of practice for the security, storage and transportation of firearms and ammunition etc.;
- An offence for a person against whom an FPO is in force failing or refusing to state his or her full name, address, date of birth or the full names of persons with whom he or she resides;
- An offence for a person against whom an FPO is in force failing to give written notice within 7 days of a change of his or her address;
- An offence for a person who fails, without reasonable excuse, to answer questions or provide information etc. for the purpose of an investigation by the Registrar;
- An offence for a person to fail, without reasonable excuse, to comply with a requirement imposed by a public safety notice; and
- An offence for a licensed dealer failing to comply with a condition imposed by the Registrar in relation to a surrendered firearm etc. transferred to the dealer for disposal.

A 'code of practice' for the security of firearms, ammunition and licensed dealer's buildings intends to overhaul and enhance current security requirements and reinforce the responsibilities associated with firearm ownership and possession. This 'code of practice' will be inserted into the Firearms Regulations, when re-made, to provide clear guidelines for the security, storage and transportation of firearms and ammunition. This has been proposed as an alternative to instating a 'cap' on the number of firearms that an individual can possess at any given time. This received broad agreement from Firearms groups during consultation on the Bill. The overarching purpose of a 'code of practice' will be to require firearms owners to increase the level of security for their firearms commensurate with the level of risk those firearms represent to the community.

The Bill permits a senior police officer to issue a public safety notice to the owner or occupier of regulated premises (e.g. firearm dealership, firearm range etc.) to address a public safety concern or perceived issue of public safety. This notice can remain in force for up to 72 hours and can require the person to produce material for inspection, close the premises, cease specific activities or operations on the premises or take action in relation to the premises.

Crucial provisions expand the authorities of the Registrar to ask questions and require the production of evidence to determine whether a person should be granted, or continue to hold, a licence, permit, authorisation or approval. Additionally, the Registrar may request a licensee to conduct an audit of his or her practices with respect to the storage and safe keeping of firearms, and to report the results of the audit to the Registrar.

A prohibition on certain persons (eg a person having been found guilty of a relevant criminal offence within the preceding 5 years) from being employed by or as a licensed dealer is also included.

Reduce red tape

As a fundamental reform driver, the Bill includes provisions which aim to reduce red tape by expanding the powers of the Registrar to:

- Authorise a person in writing to possess and use a sound moderator (silencer) under stringent conditions (e.g. pest control in urban environment);
- Issue a permit to a foreign firearms dealer (e.g. interstate dealer) to allow the dealer to display, purchase and sell firearms, firearm parts and ammunition at a South Australian arms fair. This provision will be set out in the Firearms Regulations, when re-made; and
- Issue a permit to a foreign theatrical armourer (e.g. interstate film armourer) to allow the armourer to possess and use a firearm for the purpose of film, television or theatre production in South Australia. This provision will be set out in the Firearms Regulations, when re-made.

Other regulatory efficiencies include extending the maximum terms of all firearms licences to 5 years, however the Firearms Regulations, when re-made will provide that the maximum term of a licence authorising the possession of a prescribed firearm or a category D and H firearm will be three years (currently one year). Further, the Bill permits a company to have a secondary nominee to assist the principle nominee with control of company firearms. A provision permitting the joint storage and access to firearms by multiple licensees, including farmers and employees of farmers is also proposed for the Firearms Regulations, when re-made.

The Firearms Review Committee (FRC) will also be abolished. This Bill allows for the South Australian Civil and Administrative Tribunal (SACAT) to review decisions of the Registrar, which provides an efficient and low cost review and appeal mechanism for firearm licence holders.

Overcome deficiencies

To overcome administrative, enforcement and other deficiencies, several proposals clarify and redefine provisions, terms and requirements within the Bill. Important reforms include:

- Remodelling the Firearms Regulations to provide clarity regarding the types of imitation firearms falling within the definition of regulated imitation firearms, and how those firearms relate to or differ from children's toys and novelty items; and
- Inserting vicarious liability provisions which state that company directors and nominees are guilty of offences committed by a company unless proved that the director or nominee could not have reasonably prevented the commission of the principle offence by the company.

Other improvements contained within the Bill include the requirement to register a deactivated and non-hand-held firearm and hold a license to possess them and an amendment to the definition of handgun to ensure that sawn down long arms are categorised as prescribed firearms and not handguns.

The Firearms Regulations, when re-made, will set out requirements for keys to firearms cabinets to be properly secured in order to prevent access by unauthorized persons.

Facilitate a nationally consistent approach to firearm control

To help achieve national consistency for firearm control, new information exchange provisions have been included in the Bill. These provisions permit the maintenance and exchange of information, material or data with other law enforcement agencies and systems, government agencies and other organisations.

Provisions which require applicants to have a genuine reason to possess or acquire a firearms licence, and possess or acquire a firearm, align the legislation with other jurisdictions. Under these provisions, the Registrar must not grant an application for a permit to acquire a firearm unless satisfied that the applicant has a genuine reason to acquire a particular firearm as well as a genuine need to acquire the firearm that cannot be met by a firearm already in the possession of the applicant. The requirement for genuine need does not apply to a category 'A' firearm.

Increase functionality of the Act

The Bill intends to create a more efficient and effective regulatory framework for firearms control, that is easy to understand, use and comply with. Important reforms contained within the proposal aim to maximise the functionality of the Act by:

- Including a provision prohibiting a person from being granted a firearms licence if the applicant has been found guilty of an offence prescribed by the Regulations (disqualifying offences);
- Implementing a general and ongoing firearms amnesty to allow a person who has unauthorised possession of a firearm (or firearm related item such as ammunition or sound moderator) to surrender the item at a police station; and
- Enabling the Registrar to exempt a person from a provision of the Act, creating significant administrative flexibility of the legislative scheme.

Modernise the Act

Many areas within the Act have been reviewed and amended based on the need to create modern and relevant legislation, which has been a significant reform focus throughout the review process. Key reforms include:

- Principles and objects which reinforce the premise that the possession and use of firearms is a privilege, conditional on the overriding need to ensure public safety;
- The Firearms Regulations, when re-made, will provide a revised licensing regime incorporating 12 'authorised purpose' licence categories, inclusive of 3 new categories of 'professional shooter', 'commercial range' and 'shooting gallery';
- Provision for several offences to be made expiable under the Act;
- Increased maximum penalties for several offences under the Act, and
- Provision for documents required or authorised to be given to or served on a person under the Act to be given or served by fax or email transmission.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Principles and objects of Act

This clause sets out the underlying principles of this measure to emphasise that firearm possession and use is a privilege that is conditional on the overriding need to ensure public safety. The principles are also to improve public safety by imposing strict controls on the possession and use of firearms and promoting the safe and responsible storage and use of firearms as well as facilitating a nationally consistent approach to firearm control. This clause also sets out the objectives of the measure which are to prohibit possession and use of all automatic and self-loading rifles and shotguns except in strictly limited circumstances; to establish an integrated licensing and registration scheme for all firearms; to require a genuine reason to possess or acquire a firearm or ammunition; to provide strict requirements to be satisfied in relation to firearms and transactions and activities involving firearms including their safe and secure storage and transport; to reduce the number of firearms that are in unlawful possession in the community through a general amnesty; to prevent or restrict criminal persons or organisations from possessing firearms for criminal purposes; to minimise the risk of persons becoming victims of crimes involving firearms and to minimise the risk of persons causing injury or harm to themselves or others by the use or threatened use of firearms.

4—Interpretation

This clause sets out the meaning of various terms in the Bill. Central to the measure is the definition of a *firearm*, which has been expanded from the current Act to include devices that need not be designed to be carried by hand, as well as deactivated firearms. Other important terms include the definitions of *ammunition* and *dealer*.

5—Categories and types of firearms

This clause sets out the various categories of firearms for the purposes of the measure. The categories are categories A, B, C, D, H and prescribed firearms. This clause also sets out various definitions of the types of firearms including airguns, antique firearms, handguns and pump action shotguns.

6—Possession of firearms etc

This clause sets out the meaning of possession in relation to various items for the purposes of the measure, including firearms, firearm parts, sound moderators, restricted firearm mechanisms and ammunition. A person will be taken to have possession of a particular item if the person has physical possession or control of the item. However, a person may also be taken to have possession of an item if it is in the physical possession or control of another person; if the person has and exercises access to the item or controls that access. A person who occupies, or has care, control or management of premises or is in charge of a vehicle, vessel or aircraft may also be taken to have possession of a particular item unless the person did not know or could not reasonably be expected to have known the item was present on the premises, vehicle, vessel, or aircraft, or the item can be shown to have been in the lawful possession of another. In certain circumstances set out in this clause, it may be possible for more than one person to possess a particular firearm.

7—Fit and proper person

This clause sets out the meaning of the term 'fit and proper person' for the purposes of the measure. This is relevant to the assessment of persons in relation to the granting and holding of firearms licences, permits to acquire firearms, permits to possess ammunition, as well as the issuing of firearms prohibition orders. It is also relevant in relation to the exercise of certain court and police powers to require surrender or to seize firearms and other items. If a person has been prohibited from possessing or using a firearm by a court or under another jurisdiction, or the person has a physical or mental illness such that it would be unsafe for the person to have possession of a firearm, the person will be taken to not be a fit and proper person. Other relevant factors include whether the person has been found guilty of certain offences or has failed to comply with the requirements of this measure in relation to the safe handling, use, storage or transport of firearms, or is the subject of an intervention order or restraining order, or has made threats of violence. Whether or not there is a risk the person will cause injury or harm to himself or herself or another by the use, or threatened use, of a firearm as well as the reputation, honesty and integrity of close associates of a person will also be relevant in determining if he or she a fit and proper person.

8—Application of Act

This clause sets out certain circumstances in which the measure, or certain parts of the measure will not apply. It does not apply to the Crown or to the possession of a firearm on behalf of the Crown. The measure will also not apply to the possession or use of a firearm by a person who holds (and complies with) an international visitor firearms permit, a foreign theatrical armourer permit, a foreign firearms dealer permit or the possession of a firearm by a person who holds a firearm refurbishment permit. Other circumstances where a person is able to possess or use certain firearms without being licensed include persons who are using the firearm at a commercial range or shooting gallery, provided that the operators of the range or gallery hold the necessary licence and the person is under the continuous supervision of a licensed person. Further 'exemptions' apply to the possession and use of certain firearms on the grounds of a shooting club by certain persons, the possession and use of paint-ball firearms by an accredited employee working in the business of a paint-ball operator or the supervised use of paint-ball firearms by persons over

the age of 10 years undertaking paint-ball activities on the grounds of a recognised paint-ball operator (who holds the relevant firearms licence). Limited 'exemptions' also apply in relation to persons who run a transport or storage business, persons who are estate executors or administrators, persons inspecting or testing the stock of licensed firearm dealers or the holders of a foreign firearms dealer permits in certain specified circumstances, persons handling a firearm in the presence and with the consent of a licensed and registered owner, and a person undertaking safety training. This clause also provides that the measure does not apply to the possession or use of certain limited categories of firearms where the person is under the continuous supervision of an appropriately licensed person, or in the case of children aged from 10 to 17 years, a licensed parent or guardian or other licensed person approved by the parent or guardian. This clause also provides that the regulations may exempt, or empower the Registrar to exempt, classes of persons or firearms from the application of this measure, absolutely or subject to conditions. It also provides that the Registrar may exempt a specified person from a specified provision of the measure, absolutely or subject to conditions.

Part 2—Possession and use of firearms and firearms dealers

Division 1—Requirement for licence

9—Possession and use of firearms

This clause makes it an offence for a person to have possession of a firearm without holding a firearms licence that authorises possession of the firearm. It is also an offence for a person to possess or use a firearm for a purpose that is not authorised by the person's licence. The clause sets out certain circumstances that will make the offence an aggravated offence and to which higher penalties may apply. These include where the relevant firearm was, at the time of the offence, loaded or in the immediate vicinity of ammunition, or was concealed about the offender's person, or the offender committed the offence in connection with, or at the same time as, an act or omission that would constitute an offence under the *Controlled Substances Act 1984*.

10—Dealers

Under this clause it is an offence for a person to carry on the business of a dealer in South Australia unless he or she is licensed under this measure to do so. A person will be taken to be carrying on the business of a dealer if the person purchases or sells more than 20 firearms or firearm parts in a 12 month period, (unless all the firearms bought or sold in that period were the subject of 1 or more transactions entered into on the same day at an auction). In relation to ammunition, a person (other than a recognised firearms club) will be taken to be a dealer if the person purchases or sells more than 50,000 rounds of ammunition in a 12 month period (unless all the ammunition purchased or sold in that period was the subject of 1 or more transactions entered into on the same day at an auction).

11—Employment of persons by licensed dealers

This clause makes it an offence for a licensed dealer to employ a disqualified person in the dealer's business. This applies to all persons employed by the dealer, whether or not they will have access to firearms in the course of that employment. A disqualified person is defined to be a person who has, in the preceding 5 years, had a firearms licence cancelled, been refused an application for a licence or a permit on the grounds they are not a fit and proper person or that to grant the licence would be contrary to the public interest, or the person has been found guilty of an indictable offence, an offence under this measure or the current Act, or a prescribed offence. A person is also a disqualified person if they are the subject of a firearms prohibition order, intervention order, foreign restraining order, or a control order under the *Serious and Organised Crime (Control) Act 2008* or is a member of, or a participant in, a criminal organisation. It is a defence for the dealer or the employee to prove that he or she did not know, and could not reasonably be expected to have known that the person was a disqualified person. It is also an offence under this clause for a dealer to employ a person in the business of the dealer who will, in the course of the person's employment, have access to firearms or ammunition unless the employee holds a licence authorising him or her to carry on business as a dealer or to possess and use firearms or possess ammunition as an employee of a licensed dealer.

Division 2—Categories of licence and authorised purposes

12—Licence categories and authorised purposes

This clause provides that a firearms licence may authorise the licensee to possess a particular firearm or category of firearm for a purpose authorised under the licence or to possess a particular category of firearm or firearm part or ammunition for the purpose of carrying on the business of a dealer or as an employee of a dealer. The clause provides that the regulations may set out the categories of licence and which category of firearms the possession or use of which may be authorised in relation to each category. The regulations may also set out the purpose for which the possession or use of a firearm may be authorised in relation to each category of licence, or authorise the Registrar to specify the purpose for which possession or use of a firearm may be authorised by a particular category of licence.

Division 3—General provisions relating to licences

13—Division applies to initial grant and renewal

This clause provides that this Division applies in relation to the initial grant of a licence and the renewal of a licence.

14—Applications for licences

An application for a firearms licence is to be made to the Registrar in a manner and form approved by the Registrar. The application is to be accompanied by any required documents and the prescribed fee. An applicant may be required by the Registrar to furnish any information the Registrar requires to determine the application. If a person's firearms licence has been cancelled under clause 20(6) or (7) of this measure, an application for a licence cannot be made by the person for 3 years following the cancellation.

15—Grant of licences

The Registrar may only refuse an application for a firearms licence if he or she is not satisfied—

- that the applicant made the application in accordance with the Act and met the requirements of the Registrar in connection with the application; or
- that the applicant is a fit and proper person to hold the licence; or
- that the applicant has a genuine reason to possess a firearm to which the application relates; or
- that the applicant could use a firearm to which the application relates for the purpose that would be authorised by the licence; or
- that the applicant has, in relation to a licence held by the person under this measure or the current Act complied with or satisfied the requirements of this measure or the current Act or the conditions of the licence; or
- that the applicant will comply with or satisfy the requirements of this measure or the conditions of the licence; or
- in the case of an application to be a licensed dealer—
 - that the applicant is to be primarily responsible for the management of the business that would be carried on under the licence; or
 - that the applicant has sufficient business knowledge and experience and financial resources for the purpose of properly conducting the proposed business; or
 - that the premises at which the applicant proposes carrying on the business are appropriate for the purpose; or
- in relation to an application for a licence authorising the person to possess and use firearms as an employee of a licensed dealer, that the applicant is not a disqualified person; or
- in the case of an application by a natural person—
 - that the applicant has established his or her identity, date of birth and residential and postal addresses (the Registrar may require the applicant to provide evidence of identity in the same manner as would be required for the opening of an account at an ADI); or
 - that the applicant is an Australian citizen or permanent resident usually resident in South Australia; or
 - that the applicant has successfully completed training in the safe handling, use, storage and transport of firearms as required under the regulations; or
- that the Registrar would be prepared to grant a permit to acquire a firearm of a category that the applicant would be authorised to possess under the licence if it were granted; or
- that the applicant meets a prescribed requirement; or
- that to grant the licence would be in the public interest.

If the ground on which the Registrar refuses an application is that he or she is not satisfied that to grant the licence would be in the public interest, and the decision was made because of information classified as criminal intelligence, there is no requirement for the Registrar to provide the applicant with reasons for the decision other than that the decision was made on public interest grounds.

An application for a licence must not be granted if the applicant has been found guilty of a prescribed offence within the 5 years preceding the application.

An application for a firearms licence cannot be granted until at least 28 days have passed since the date of the application. This does not apply in relation to an application for the renewal of a licence. If a licence has not been granted within 6 months after an application has been made, the Registrar will be taken to have refused the application. A licence does not come into force until the prescribed licence fee has been paid.

16—Nominees of licensed companies

This clause makes it a condition of a licence held by a company that the company must have a principal nominee approved by the Registrar in accordance with the regulations. The Registrar may also approve additional persons as a company's secondary nominees to assist the principal nominee in exercising his or her powers and performing his or her functions. The nominees must hold firearms licences that authorise possession of the firearms in the possession of the company for the purpose for which the company is authorised by its licence to have possession of the firearms. The nominees must also be officers or employees of the company who are Australian citizens or permanent residents usually resident in South Australia. The principal nominee must exercise control on behalf of the company over the firearms in the possession of the company under its licence and is required to keep a record of those firearms. A secondary nominee is subject to the direction of the principal nominee and must not, without reasonable excuse, fail to comply with any reasonable direction of the principal nominee in assisting him or her.

17—Term and renewal of licence

This clause provides that a firearms licence authorising only possession of category A, B or C firearms, or authorising a person to carry on the business of a dealer, remains in force for a maximum of 5 years. A licence authorising possession of firearms of another category remains in force for a term not exceeding the term prescribed by the regulations. The prescribed term may not exceed 5 years. A licence may be renewed from time to time.

18—Limitations and conditions of licences

This clause provides that a firearms licence does not authorise the possession and use of a firearm acquired by the licensee if it was obtained by the licensee in contravention of Part 3, which prescribes the process for acquisition of firearms.

This clause also sets out conditions to which all firearms licences are subject and include that:

- the licensee must on the request of the Registrar provide the Registrar with information relating to any firearm registered in the licensee's name or possession, the licensee's use of the firearm or a matter relevant to whether the person is a fit and proper person to hold the licence;
- the licensee must, in accordance with a written request of the Registrar, conduct an audit of the licensee's practices with respect to the storage and safe keeping of the firearms in the licensee's possession, and report to the Registrar the results of the audit, in the manner and within the time specified by the Registrar;
- the licensee must allow a police officer to inspect, at any reasonable time, the firearms in the licensee's possession and the licensee's facilities for the storage and safe keeping of the firearms.

The licence is also subject to any limitations or conditions prescribed by the regulations or imposed by the Registrar.

19—Breach of conditions

It is an offence under this clause for a licensee to fail to comply with a condition of the licence.

20—Variation, cancellation and suspension of licences

This clause authorises variation of a firearms licence by the Registrar. A variation may be made on the Registrar's own initiative or on application. The variation may consist of the imposition of a limitation or condition of the licence or the variation or revocation of an existing limitation or condition. A variation may also be in respect of the firearms to which the licence relates or it may be to revoke or add a purpose for which a firearm may be possessed under the licence (although the Registrar may require an applicant to proceed instead by way of application for a licence). A variation of a licence during the term of the licence does not operate until the Registrar has given the licensee written notice of the variation.

The clause also provides that a firearms licence may be cancelled by the Registrar—

- if satisfied that the licensee obtained the licence improperly; or
- if satisfied that the licensee has not used a firearm for the purpose authorised by the licence; or
- if satisfied that the licensee has failed to comply with or satisfy the requirements of the Act or the conditions of the licence; or
- on any ground on which the Registrar might refuse an application by the licensee for such a licence.

The Registrar must cancel a licence if the licensee is found guilty of a prescribed offence committed following the commencement of the measure.

A firearms licence may be suspended by the Registrar pending an investigation as to whether grounds exist for action against the licensee.

Where grounds exist for cancelling a licence (other than in the case of being found guilty of a prescribed offence) the Registrar may instead limit the firearms that may be possessed or used by the licensee under the licence.

The cancellation, variation or suspension of a licence under this clause (other than a variation or cancellation of a licence on the application of a person) is to be done by written notice served on the licensee. The reasons for a cancellation or variation of a licence must be set out in the notice. However, if the decision to cancel or vary a licence is made because of information classified by the Registrar as criminal intelligence, the Registrar is not required to give any reasons for the decision other than that the decision was made on public interest grounds under this clause.

A firearms licence may be cancelled by the Registrar on the application of the licensee. The suspension of a licence may be revoked by the Registrar on his or her own initiative or on application by the person whose licence is suspended.

Where a person was authorised by a licence to use a firearm as a member of a recognised firearms club, or in the course of the person's employment, and as a result of the cancellation, suspension or variation of the person's licence he or she is no longer authorised to do so, the Registrar must inform the club or the employer of that cancellation, suspension or variation.

21—Surrender of firearms etc when licence cancelled, suspended etc

This clause provides that if a person's firearms licence is cancelled, suspended or varied, or an application for renewal of a licence is refused, the person must surrender to the Registrar all firearms, firearm parts, sound moderators and ammunition owned by or in the possession of the person that the person is no longer authorised to possess. If served personally with the notice of cancellation, suspension, variation or refusal the person must surrender the items immediately, or in the case of a notice served by registered post, within 7 days of that service.

Part 3—Acquisition, supply and transfer of possession of firearms

22—Trafficking in firearms

This clause specifies requirements in relation to the acquisition of firearms. A person who acquires a firearm is guilty of an offence unless the person is authorised by a permit to acquire the firearm. The person is also guilty of an offence if he or she fails to comply with the prescribed process for acquisition of a firearm set out in the regulations. If a person acquires a firearm without a permit, or if there is a failure to comply with the prescribed process, the following are each guilty of an offence:

- the person who supplied the firearm;
- a person who knowingly took, or participated in, a step, or caused a step to be taken, in the process of acquisition or supply of the firearm;
- a person who knowingly provided or arranged finance for a step in the process of acquisition or supply of the firearm;
- a person who knowingly provided the premises in which a step in the process of acquisition or supply of the firearm was taken, or allowed a step in the process of acquisition or supply of the firearm to be taken in premises of which the person was an owner, lessee or occupier or of which the person had care, control or management.

The requirements specified in this clause in relation to acquisition of a firearm do not apply to the acquisition of a firearm by a licensed dealer in the ordinary course of the dealer's business under the licence. Further, the requirement for compliance with the prescribed process for acquisition of a firearm does not apply to the acquisition of a firearm from a licensed dealer in the ordinary course of the dealer's business under the licence, including the acquisition of a firearm from a licensed dealer as the agent of the owner of the firearm.

The clause includes a number of defences to charges of the offences mentioned above. For example, a defence applies if the acquisition of a firearm was pursuant to a loan or hire agreement made for the purpose of a business between persons, and each of the persons was engaged in the same business and authorised by a firearms licence to possess the firearm for use in the business. If the agreement is an oral agreement, the agreement must be for the return of the firearm to the owner within 10 days. If the agreement is in writing, the agreement must be for the return of the firearm to the owner within 28 days.

A similar defence applies in relation to the loan or hire of a category A, B or H firearm by a person where the agreement is between the owner of the firearm and a person who holds a firearms licence. The agreement must be to use the firearm for a specified purpose and to return the firearm after 10 days in the case of an oral agreement, or 28 days in the case of a written agreement. In such a case, the owner must have inspected the licence of the person borrowing or hiring the firearm and been satisfied the person was authorised to possess the firearm for the agreed purpose. Records of written agreements must be kept in accordance with the regulations.

The regulations may prescribe other circumstances of an acquisition in which a defence applies.

The clause also provides that a licensed dealer is guilty of an offence if a firearm is acquired by or from the dealer in the ordinary course of the dealer's business under the licence and the dealer fails to comply with the requirements prescribed by the regulations.

23—Permits to acquire firearms

This clause specifies the requirements that apply in relation to applications for permits to acquire firearms.

An application is to be made to the Registrar who may only refuse the application if—

- the applicant has not been made in accordance with the Act or has not met the requirements of the Registrar; or
- the applicant does not hold a firearms licence that authorises possession of the firearm; or
- the Registrar is not satisfied that the applicant is a fit and proper person to acquire the firearm; or
- the Registrar is not satisfied that the applicant has a genuine reason to acquire the firearm and a genuine need to acquire the firearm that cannot be met by a firearm already in the possession of the applicant; or
- the Registrar is not satisfied that the applicant could use the firearm for the purpose authorised by the applicant's firearms licence; or
- the Registrar is not satisfied that the applicant will comply with or satisfy a condition of the licence or a requirement of this measure relevant to the firearm; or
- the Registrar is of the opinion that the firearm is particularly dangerous or is otherwise unsuitable for the purpose for which it is intended to be used by reason of its design, construction or any other factor; or
- the Registrar is of the opinion that the firearm could easily be converted to an automatic firearm; or
- the Registrar is of the opinion that, by reason of the firearm's size or any other factor, the firearm could be more readily concealed than other firearms of the same category or would be particularly suited to unlawful use; or
- the applicant has in the past acquired a firearm that he or she failed to produce to the Registrar for registration or has been guilty of any other offence under this measure or the repealed Act; or
- the Registrar is not satisfied that the applicant will comply with or satisfy a requirement of this measure Act relevant to the firearm; or
- the Registrar is not satisfied that the applicant meets a prescribed requirement.

24—Cancellation or suspension of permit

This clause provides that the Registrar may cancel a permit to acquire a firearm if the permit holder has failed to comply with a provision of the measure, or if the Registrar is satisfied that the permit was obtained improperly or on any ground on which the Registrar may refuse an application for the permit.

25—Transfer of possession of firearms

This clause sets out the circumstances in which the owner of a firearm may transfer possession of the firearm to another person. These include where a person is selling, giving, lending or hiring a firearm to another person (in compliance with the requirements of this measure in relation to acquisition and supply), or if the person is a licensed dealer and the firearm is being transferred by the owner to enable the firearm to be repaired, modified, tested or displayed on behalf of the owner for the purposes of sale by the dealer. The transfer of possession of a firearm may also occur in circumstances where this measure does not apply to the possession or handling of the firearm under clause 8, or in circumstances prescribed by the regulations. The regulations may make provision for what constitutes possession of a firearm for the purposes of this clause.

Part 4—Registration of firearms

26—Application of Part

This clause specifies that this Part does not apply to a firearm in the possession of a licensed dealer in the ordinary course of the person's business under the licence, or a firearm in the possession of a person in prescribed circumstances. The Part also does not apply to a receiver in the possession of a person in whose name a firearm of which the receiver forms part is registered.

27—Requirement to register firearms

Under this clause, a person is guilty of an offence if he or she has possession of an unregistered firearm. A person charged with this offence has a defence if he or she proves that the firearm lawfully came into his or her possession not more than 14 days before the alleged date of the offence and that it was not reasonably practicable in the circumstances for the firearm to be registered by the time of the alleged offence.

A person is also guilty of an offence under the clause if he or she is the owner of a firearm that is not registered in his or her name (unless registration of the firearm is cancelled on the grounds that the owner reported it lost or stolen under clause 30 or the person is an owner of the firearm in a representative capacity—for example as an executor of an estate).

A person charged with that offence has a defence if he or she proves that ownership of the firearm lawfully passed to him or her not more than 14 days before the alleged date of the offence and that it was not reasonably practicable in the circumstances for the firearm to be registered in his or her name by the time of the alleged offence.

28—Registration of firearms

This clause sets out the process for registration of firearms. Application for registration is to be made to the Registrar who may only refuse an application if satisfied that—

- acquisition of the firearm by the applicant was not authorised by a permit in contravention of the measure; or
- the applicant improperly obtained a permit to acquire the firearm; or
- the applicant would not, having regard to the firearm sought to be registered and the current circumstances, be entitled to be granted a permit to acquire the firearm; or
- the applicant is not the owner of the firearm; or
- the firearm does not have an identifying mark as required under clause 29.

29—Registered firearms to have identifying marks

This clause requires a firearm that is required to be registered under this measure to have an identifying mark that complies with the requirements of this clause. The identifying mark must comply with the following:

- the mark must consist of a number, or a combination of a number and a letter or letters, that is of at least 4 characters and unique to the firearm;
- the mark must be stamped or engraved into part of the metal structure of the firearm on the outside surface of the firearm where it can be easily seen and, if possible, on the receiver of the firearm;
- the characters must be at least 2 millimetres in height and must be stamped to form an indentation to a depth, or be engraved to a depth, of at least 0.5 millimetres.

A firearm will be taken to have an identifying mark that complies with the above requirements if it is identified in some other way approved by the Registrar.

If a firearm that is produced for registration does not have the required identifying mark, the Registrar is required to give directions as to the form of the identifying mark for the firearm. The owner of the firearm must produce the firearm to a police officer within 14 days with an identifying mark in compliance with the Registrar's directions. Failure to do so is an offence.

It is also an offence for a person to deface, alter or remove the identifying mark of a firearm without the authority of the Registrar or to have possession of a firearm that does not have an identifying mark as required. A firearm does not have an identifying mark as required if the identifying mark has been defaced, altered or removed without the authority of the Registrar.

30—Cancellation of registration

Under this clause, the Registrar may cancel the registration of a firearm if satisfied that, having regard to the firearm and the current circumstances, the person in whose name the firearm is registered would not be entitled to obtain registration of the firearm. The cancellation is to be by written notice, which must set out the reasons for the cancellation, served personally or by registered post on the person. If the decision to cancel the registration of a firearm is based on criminal intelligence, the Registrar is not required to give any reasons other than that the decision was made on public interest grounds. If served with notice of the cancellation of registration personally, the person is required to surrender the firearm to the Registrar immediately, or within 7 days if the cancellation notice was served by registered post.

If a person ceases to be the owner of a firearm, registration of the firearm in that person's name is cancelled by registration of the firearm in the name of the subsequent owner. If the registered owner of a firearm gives the Registrar written notice of the loss or theft of the firearm, registration of the firearm is cancelled on receipt of the notice by the Registrar.

Part 5—Acquisition and possession of ammunition

31—Acquisition and possession of ammunition

This clause makes it an offence for a person to acquire, own or possess ammunition unless he or she holds—

- a firearms licence (other than a collectors licence) that authorises possession of a firearm of a category designed to fire the ammunition; or
- a firearms licence authorising possession of a prescribed firearm designed to fire the ammunition and the use of the ammunition would not be in contravention of a condition of the licence; or

- a permit granted by the Registrar that authorises the person to acquire ammunition of that kind.

The clause does not apply to the acquisition, ownership or possession of ammunition—

- by a licensed dealer in the ordinary course of business under the licence; or
- by a shooting club for distribution to members of, or visitors to, the club; or
- by a person for use by that person in a firearm in circumstances in which that person is not required by this Act to hold a firearms licence.

The clause also does not apply to the acquisition of ammunition by a member of a shooting club from the club or the acquisition of ammunition from a shooting club by a visitor to the club for use on the grounds of the club in a manner authorised by the club.

In proceedings for this offence, the onus is on the defendant to establish that he or she held the required licence or permit when the ammunition was acquired, owned or possessed or that the acquisition, ownership or possession of ammunition was excluded from the application of the clause.

It is also an offence for a person who supplies ammunition to another person who is not authorised to possess the ammunition.

A person who has possession of ammunition is guilty of an offence if the ammunition was acquired by another person in contravention of this clause. However, it is a defence for the defendant to prove that he or she did not know and could not reasonably be expected to have known that the ammunition was acquired by the person in contravention of this clause.

The clause also provides that if the Registrar cancels, suspends or refuses to renew a permit authorising possession of ammunition, the Registrar may authorise the person who held, or applied for renewal of, the permit to retain the ammunition for disposal, or transfer the ammunition to a licensed dealer for disposal or safekeeping, in accordance with the directions of the Registrar. No criminal liability attaches to the person in so far as the person complies with the authorisation and any directions.

Despite anything in this clause, a person under the age of 18 years is not permitted to purchase ammunition and it is an offence to sell ammunition to such a person.

32—Permits to possess ammunition

This clause sets out the application process for a permit to possess ammunition.

The Registrar may refuse an application for a permit to acquire ammunition if he or she is not satisfied that the applicant is a fit and proper person to have possession of ammunition of the kind to which the application relates or that the applicant has a genuine reason to acquire the ammunition.

A person will have a genuine reason to possess ammunition if the person genuinely intends to use it for a purpose for which the possession of a firearm is authorised under a licence held by the applicant, a purpose prescribed by the regulations or approved by the Registrar, or has a genuine interest in collecting ammunition of historical or other significance.

A permit to possess ammunition is subject to any limitations or conditions prescribed by the regulations or imposed by the Registrar.

33—Cancellation or suspension of permit

Under this clause, the Registrar may cancel a permit authorising the possession of ammunition if the holder of the permit has failed to comply with a provision of this measure or a condition of the permit or the Registrar is not satisfied that the holder is a fit and proper person to hold the permit. The Registrar may suspend the permit pending an investigation as to whether the permit should be cancelled. Cancellation or suspension is to be by written notice, served personally or by registered post on the holder. The notice cancelling the permit must set out the reasons of the Registrar. If the permit is cancelled on the basis of information classified as criminal intelligence, the Registrar is not required to give any reasons other than that the decision was made on public interest grounds. The Registrar may revoke the suspension of a permit on his or her own initiative or on application by the person whose permit is suspended.

34—Restriction on quantity and possession of certain ammunition

This clause makes it an offence for a person to acquire or own or have possession of more ammunition than is required to meet his or her reasonable needs in making lawful use of a firearm for the immediately following 12 months. A licensed dealer who acquires, owns or has possession of more ammunition than is required to meet the dealer's reasonable need in carrying on the business of a dealer for the immediately following 12 months is also guilty of an offence. The regulations may prescribe limits on the quantity of ammunition of any kind that a person, or a person of a particular class, may acquire during a specified period or may own or have in his or her possession at any one time. If a person acquires or owns or has possession of ammunition in contravention of a regulation, he or she is guilty of an offence.

Part 6—Code of practice for security, storage and transport of firearms and ammunition

35—Code of practice

This clause provides that the regulations may set out a code of practice for the purposes of this Part.

The code of practice may specify requirements—

- in relation to the security and storage of firearms, ammunition, firearm parts, sound moderators, restricted firearm mechanisms; and
- in relation to the transportation of firearms, ammunition, firearm parts, sound moderators, restricted firearm mechanisms; and
- the keeping of records and provision of information to the Registrar in relation to the security, storage, location and transportation of firearms, ammunition, firearm parts, sound moderators, restricted firearm mechanisms; and
- in relation to the joint liability of persons for contraventions of the code.

The code may also declare that a contravention of the code is a particular category of offence. The clause also provides that a person who contravenes a provision of the code is guilty of an offence and sets out the penalties that apply in relation to the specified categories of offence.

36—Exemption from code

This clause provides that the Registrar may exempt a person from compliance with the code of practice or a provision of the code subject to such conditions as he or she thinks fit and may vary or revoke an exemption at any time.

Part 7—Prohibited practices relating to firearms and ammunition

37—Manufacture of firearms, firearm parts or sound moderators

It is an offence under this clause for a person to manufacture a firearm, firearm part or sound moderator. This does not apply to the manufacture of a firearm or firearm part by a person in accordance with a licence held by the person or the manufacture of a sound moderator with the written approval of the Registrar. If a person manufactures a firearm or firearm part in contravention of the prohibition, the following persons are each guilty of an offence:

- a person who knowingly took, or participated in, a step, or caused a step to be taken, in the process of manufacture of the firearm, firearm part or sound moderator;
- a person who knowingly provided or arranged finance for a step in the process of manufacture of the firearm, firearm part or sound moderator;
- a person who knowingly provided the premises in which a step in the process of manufacture of the firearm, firearm part or sound moderator was taken, or allowed a step in the process of manufacture of the firearm, firearm part or sound moderator to be taken in premises of which the person was an owner, lessee or occupier or of which the person had care, control or management.

The clause includes a defence to a charge of an offence under the clause. It is a defence to prove that, in the case of a firearm part, the firearm part was a part for a firearm registered in the name of, or otherwise in the lawful possession of, the person who manufactured the firearm part. It is also a defence to prove that the firearm part was for a firearm registered in the name of a company of which the person was an officer or employee and he or she was the holder of a relevant licence and the firearm part was manufactured in the course of his or her duties as an officer or employee.

38—Alteration of firearms

It is an offence under this clause for a person, without the approval of the Registrar, to alter a firearm that has been rendered unusable if, as a result of the alteration, the firearm becomes capable of being used as a firearm. It is also an offence to alter a firearm if, as a result of the alteration, the firearm becomes a firearm of a different category, unless the person is authorised to possess firearms of the category to which the firearm belongs before and after the alteration and the alteration has been approved by the Registrar or is permitted under the Regulations.

39—Possession etc of sound moderator and certain parts of firearms

This clause makes it an offence for a person, without the written approval of the Registrar, to acquire, own or have possession of a sound moderator, or restricted firearm mechanism that can be fitted to a firearm to convert it to an automatic firearm or a mechanism that, when fitted to a suitable firearm, will enable the firearm to fire grenades or other explosive projectiles.

It is also an offence for a person who is approved by the Registrar to acquire, own or possess a sound moderator, or a restricted firearm mechanism to use the sound moderator, or restricted firearm mechanism or other fitting for a purpose or in circumstances other than as specified by the Registrar for the purposes of the approval.

It is also a requirement under this clause for a person who is approved by the Registrar to have possession of a sound moderator to produce the sound moderator, within 14 days of coming into possession of it, to a police officer with an identifying mark that complies with the requirements of the Registrar. It is an offence to deface, alter or remove an identifying mark without the authority of the Registrar.

40—Possession etc of prohibited firearm accessory

It is an offence under this clause for a person to acquire, own or possess a prohibited firearm accessory.

41—Assembly of ammunition

This clause of the Bill makes it an offence to assemble ammunition unless the assembly is—

- by a licensee for use by the licensee in a firearm lawfully in his or her possession in circumstances in which the licensee is authorised to use the firearm; or
- by a licensee for use by another licensee in a firearm lawfully in the possession of the other licensee in circumstances in which the other licensee is authorised to use the firearm; or
- by another person in a firearm in circumstances in which the other person is authorised under this measure to use the firearm but not required by this measure to hold a firearms licence; or
- by a person for use by the person in a firearm in circumstances in which the person is authorised under this Act to use the firearm but not required by this Act to hold a firearms licence; or
- by a person, or a person of a class, or in circumstances, prescribed by the regulations.

However, it is not permissible to assemble ammunition—

- for the purpose of supply to a person who is not permitted to possess or acquire the ammunition under this measure; or
- by a person excluded, or of a class of persons excluded, from the operation of this subsection by the regulations.

If a person assembles ammunition in contravention of this clause, the following persons are each guilty of an offence:

- a person who knowingly took, or participated in, a step, or caused a step to be taken, in the process of assembly of the ammunition;
- a person who knowingly provided or arranged finance for a step in the process of assembly of the ammunition;
- a person who knowingly provided the premises in which a step in the process of assembly of the ammunition was taken, or allowed a step in the process of assembly of the ammunition to be taken in premises of which the person was an owner, lessee or occupier or of which the person had care, control or management.

The onus is on the defendant to prove that the person who assembled the ammunition was entitled to do so under this clause.

The clause defines 'assembly of ammunition' to mean the combining of a cartridge case and at least 1 other component of ammunition into a single article that is suitable for use in a firearm.

42—Handling firearms when under influence of intoxicating liquor or drug

This clause provides that a person who handles a firearm while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the firearm is guilty of an offence if—

- a round is in the breech, barrel or chamber or the magazine of the firearm; or
- the person has physical possession or control of ammunition that can be used in the firearm.

It is also an offence under this clause for a person to deliver a firearm into the physical possession or control of a person who is so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the firearm if—

- a round is in the breech, barrel or chamber or the magazine of the firearm; or
- the person delivers ammunition that can be used in the firearm into the physical possession or control of the other person or the other person has or can readily obtain physical possession or control of ammunition that can be used in the firearm.

This clause also provides that the regulations may empower police officers to conduct alcohol and drug testing of persons in possession of firearms and create evidentiary presumptions relating to the tests and their results.

Part 8—Firearms prohibition orders

43—Interim firearms prohibition order issued by police officer

This provision provides that a police officer may issue an interim firearms prohibition order against a person if the officer suspects on reasonable grounds that possession of a firearm by the person would be likely to result in undue danger to life or property or that the person is not a fit and proper person to possess a firearm. If the officer is below the rank of sergeant, the officer must obtain the authorisation of an officer of or above that rank. As under section 10A of the current Act, the interim order applies to a person as soon as it is issued, but does not come into force until it is served personally on the person. In order to serve an interim order against a person, the officer may require the person to remain at a particular place while the order is prepared or to accompany the officer to the nearest police station for the order to be served. If the person refuses to comply with a request, the officer may arrest and detain the person in custody for a maximum of 2 hours as is necessary for the order to be served. If a person accompanies a police officer to a police station, a police officer must ensure that the person is returned to the place where the requirement was made or some other place near to that place. The person is also required to give the Registrar notice in writing of his or her address for service and the interim order will have effect for 28 days from that notification. The Registrar also has the power on his or her own initiative to revoke an interim firearms prohibition order by written notice to the person.

44—Firearms prohibition order issued by Registrar

Under this clause, the Registrar may issue a firearms prohibition order against a person if the Registrar is satisfied that—

- possession of a firearm by the person would be likely to result in undue danger to life or property; or
- the person is not a fit and proper person to possess a firearm and it is in the public interest to do so; or
- the person is a member of, or a participant in, a criminal organisation, or has been a member of an organisation that, at the time the order is issued, is a criminal organisation or is the subject of a control order under the *Serious and Organised Crime (Control) Act 2008*.

As under the current Act, the order will apply to the person as soon as it is issued but only comes into force against the person when it is served personally on the person. However, if a person has an interim firearms prohibition order against them the firearms prohibition order will be taken to be served on them if it is served by registered post at the address for service already notified to the Registrar under clause 43.

If a police officer believes that a firearms prohibition order applies to a person but has not been served on them, the officer may require the person to remain at a particular place for up to 2 hours, so that the order can be served on the person, or require the person to accompany the officer to the nearest police station for the order to be served. If the person refuses, the officer may arrest and detain the person for up to 2 hours. If a person accompanies a police officer to a police station, a police officer must ensure that the person is returned to the place where the requirement was made or some other place near to that place.

The order, when served on the person must be accompanied by a notice setting out the Registrar's reasons for issuing the order and in the case of an order issued on the basis of information classified as criminal intelligence, that the order is issued on public interest grounds.

The person is required to give the Registrar notice in writing of his or her address for service if the person has not already done so. The Registrar has the power on his or her own initiative to revoke a firearms prohibition order by written notice to the person.

For the purposes of this clause, a person is presumed, in the absence of proof to the contrary, to be a member of an organisation at a particular time if the person is, at that time, displaying (whether on an article of clothing, as a tattoo or otherwise) the insignia of that organisation.

45—Effect of firearms prohibition order

This clause sets out the effect of a firearms prohibition order against a person. Under such an order, any licence or permit held by the person under this measure is suspended. The person is also prohibited from acquiring, possessing or using a firearm, firearm part, sound moderator or ammunition. The person must also immediately surrender to the Registrar all firearms, firearm parts, sound moderators and ammunition owned by or in the possession of the person. It is also an offence for the person to be at the grounds of a firearms club or paint-ball operator or a commercial range or a shooting gallery, arms fair or at a place where a business of repairing, modifying or testing firearms, firearm parts or ammunition is carried on or where any of these things are bought, sold or hired. The person must also not be present at a place where a person manufactures a firearm, firearm part or sound moderator or at a place at which a person carries on the business of refurbishing firearms. The person is also prohibited from becoming or remaining as a member of a firearms club and must not be in the company of a person who has physical possession or control of a firearm (unless the person proves they could not reasonably have known that fact).

A person against whom a firearms prohibition order is in force must also not be present or reside at premises on which there is a firearm, firearm part, sound moderator or ammunition (unless the person proves they could not reasonably have known that fact). The person is also required to inform any person over the age of 18 years that they

reside with, or propose to reside with, that they have a firearm prohibition order against them and must ask each such person if he or she has or proposes to have a firearm, firearm part, sound moderator or ammunition on the premises.

It is also an offence for a person to supply a firearm, firearm part, sound moderator or ammunition to a person who is subject to a firearm prohibition order, or permit such a person to gain possession of these things. Furthermore, a person commits an offence if a person who has physical possession or control of a firearm is in the company of a person who is subject to a prohibition order, or brings a firearm, firearm part, sound moderator or ammunition on to premises at which the person resides. It is a defence to prove that the person did not know or could not have been reasonably expected to know that the prohibition order applied to the person. As under the current Act, the Registrar has the power to exempt a person from a particular provision of this clause.

Under this clause, a police officer may require a person he or she suspects on reasonable grounds is subject to a firearms prohibition order to state his or her name, address and date of birth as well as the names of the persons with which the person resides. Any change of address of the person must be notified to the Registrar within 7 days.

Part 9—Reviews

46—Review of interim firearms prohibition order by Registrar

This clause replicates section 26A of the current Act and provides that a person may seek a review by the Registrar of a decision to issue an interim firearms prohibition order against them. On review, the Registrar has the power to affirm or revoke the interim firearms prohibition order.

47—Review by Tribunal

This clause provides that a person aggrieved by certain decisions of the Registrar may apply to the South Australian Civil and Administrative Tribunal (SACAT) for review. The Firearms Review Committee, which reviews decisions of the Registrar under the current Act will no longer exist under this measure. Reviewable decisions of the Registrar by SACAT include decisions refusing to grant or renew a licence, permit or registration, or a decision to suspend or cancel a licence, permit or registration. Other reviewable decisions include the decision to vary a licence or impose conditions or limitations on a licence or permit (other than a prescribed limitation or condition) or a decision to refuse to revoke a suspension of a licence or permit. A decision of the Registrar to issue a FPO is also reviewable. The regulations may also declare other decisions of the Registrar to be reviewable, including decisions of the Registrar made under the regulations. If the Registrar did not provide reasons at the time the relevant decision was made, a person may request those reasons within 28 days of the decision. However, if the decision was made because of information classified by the Registrar as criminal intelligence, the only reason required to be given is that the decision was made on public interest grounds. The Tribunal may on the application of the Registrar give directions in relation to a requirement to give reasons in order to ensure that an investigation of the Registrar following a suspension of a licence or permit is not compromised. The application for review must be made within 28 days of the making of the decision, or if a request for reasons was made, within 28 days of receiving those reasons.

48—Related provisions

This clause provides that an application may be made by the Registrar for steps to be taken to maintain the confidentiality of information classified by the Registrar as criminal intelligence in proceedings before SACAT and also the Supreme Court in relation to any matters that are appealed to the Court under section 71 of the *South Australian Civil and Administrative Tribunal Act 2013*.

Part 10—Administration

49—Registrar

As with the current Act, the Registrar of firearms is the Commissioner of Police. This provision also provides that a power or function of the Commissioner may be delegated, either absolutely or conditionally. If the instrument of delegation provides, then a delegated power or function may be further delegated. The function of classifying criminal information as criminal intelligence or the power to issue an exemption under clause 8(6) may only be delegated to a Deputy Commissioner or Assistant Commissioner of Police.

50—Registers

This provision provides that the Registrar must maintain a register of licences and registered firearms, as well as a register of firearms prohibition orders issued under the measure. The Registrar may permit inspection of the register or part of the register if satisfied the person has a proper interest. A register of firearms prohibition orders must be made available to the public. However, the Registrar may determine that there is to be no public access to certain entries on a register or that access to certain entries is to be restricted to specified persons or classes of persons.

51—Provision of information by government agencies etc to Registrar

An agency or instrumentality of the Crown in right of this State must, at the request of the Registrar, provide the Registrar with information, reports or other documents relating to the possession, use or management of firearms, firearm parts and ammunition in possession of the agency or instrumentality.

52—Exchange of information with agencies etc

This clause provides that the Registrar may enter into an agreement or arrangement providing for the exchange of information held or obtained in the course of the administration or enforcement of this measure with an agency or instrumentality (whether in this State, the Commonwealth, another State or Territory of the Commonwealth or another jurisdiction) or some other prescribed body or person.

53—Power of Registrar to require medical examination or medical report

This provision provides that the Registrar may request that a person have a medical examination or provide a medical report, including submitting to a blood test or other prescribed procedure, for the purposes of determining whether or not a person is a fit and proper person for the purposes of this measure.

54—Power of Registrar to investigate

This clause provides the power for the Registrar (or a person authorised by the Registrar), for the purpose of determining whether a person should be granted or continue to hold a licence, permit, authorisation or approval under this measure, or whether such an instrument should be varied, to—

- require a person to answer questions, and for that purpose to attend at a particular place and time reasonably required by the Registrar;
- to provide information, or produce material for inspection reasonably required by the Registrar;
- to enter and inspect premises at a reasonable time and seize anything found on the premises that the Registrar reasonably believes may assist in making a determination. (The permission of the occupier or a warrant is required, in the case of residential premises). The Registrar may retain material for such reasonable period as the Registrar thinks fit and also make copies.

It is an offence to fail to comply with a requirement under this clause without reasonable excuse. A person may not decline to answer a question on the grounds of self incrimination, but the answer is not admissible except in proceedings for an offence under this clause.

55—Power of police officer to require information

Under this clause, a police officer may require a person, who the officer suspects on reasonable grounds has knowledge of matters in respect of which information is reasonably required for the administration and enforcement of this measure, to answer questions, state the person's name, address and date of birth and produce evidence of the person's identity. If a police officer reasonably suspects that—

- a person has or has recently had a firearm or firearm related item in his or her possession; or
- a person was in the company of a person who has or has recently had a firearm or firearm related item in his or her possession; or
- a person occupied or was in charge of premises, a vehicle, vessel or aircraft on which a firearm or firearm related item was found; or
- a person is or was on or in any premises, vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) at the time or immediately before a firearm or firearm related item was found on or in the premises, vehicle, vessel or aircraft,

the police officer may require the person to state his or her name, address, and date of birth, and whether he or she is the owner of the firearm or firearm related item and if not, to state the owner of the firearm or firearm related item. The person may also be required to answer questions relating to the firearm or firearm related item or other persons who have or have had possession of the firearm or firearm related item. The owner of a firearm or firearm related item may be required to answer questions relating to the firearm or firearm related item and their whereabouts or relating to persons who have or have had the firearm or firearm related item in their possession. The person may be required to produce evidence to verify any information given under this clause. It is an offence to fail or refuse, without a reasonable excuse, to comply with a request under this clause or to answer questions to the best of the persons knowledge, information and belief. A person may not decline to answer a question on the grounds of self incrimination, but the answer is not admissible except in proceedings for an offence under this clause.

56—Power of police officer or warden to require production of licence etc

This clause is similar to section 31 of the current Firearms Act and provides that a police officer or a National Parks and Wildlife warden (in the case of a person in possession of a firearm on a reserve constituted under the *National Parks and Wildlife Act 1972*) may request a person who has possession of a firearm, to produce a firearms licence or certificate of registration of a firearm in the person's possession and the firearm in the person's possession for inspection. Where it is not possible to comply with the request at the time, the person has 48 hours to do so.

57—Power to inspect or seize firearms etc

Under this clause, a firearm owner must produce the firearm for inspection at a place and time specified by a police officer. The clause also sets out grounds upon which a police officer may seize a firearm. This includes for such things as a reasonable suspicion that the firearm is unregistered, an offence under this measure has been

committed, the firearm has been forfeited by court order, the person is not a fit and proper person to possess the firearm, there is a risk to life or property or the firearm is particularly dangerous or mechanically unsafe. The power of seizure also extends to seizure of any restricted firearm mechanism and sound moderators.

As with the current Act this provision also includes a corresponding power to seize a firearms licence and a power to seize ammunition acquired or held in contravention of this measure. Similar to the current Act, there is also power for a police officer to stop, detain and search a person or vehicle or enter premises if it reasonably suspected there is a firearm, licence, restricted firearm mechanism or sound moderator liable for seizure under this clause or on the suspicion that the firearm has not been kept safely and securely in accordance with the requirements of this measure. This power extends to stopping and searching a vessel or an aircraft. Furthermore, if a person fails to comply with a request of the Registrar to conduct an audit and provide a report in relation to the person's practices regarding the storage and safe keeping of the person's firearms then this will be grounds for a reasonable suspicion that the firearm has not been stored safely and securing and therefore grounds for a search. This provision also replicates the provisions in the current Act, that provide powers to detain and search a person, vehicle, vessel, aircraft or enter premises for the purpose of ensuring compliance with a firearms prohibition order issued by the Registrar or a court that a police officer suspects on reasonable grounds applies to the person.

58—Return of licence that has been surrendered or seized

This clause provides for the return of a licence that has been surrendered or seized by a police officer under this Part (provided it has not been suspended or cancelled) and subject to an order of a court, either at the time a related firearm that has been seized is also returned or otherwise within 90 days from the date of surrender or seizure.

59—Seizure and forfeiture of equipment etc

If a police officer suspects on reasonable grounds that an offence against clause 37 or 38 has, is, or will be committed, the officer may seize any equipment, device, object or document reasonably suspected of being used, or intended for use in connection with that offence. The Registrar may institute proceedings for the forfeiture of items seized, and a court may order that the items be forfeited or otherwise disposed of if satisfied that items were used or were intended for use for, or in connection with the commission of the offence or if the court finds a person guilty of such an offence. The Registrar may sell or otherwise dispose of equipment, a device, object or document forfeited to the Crown and the proceeds (subject to this measure and the regulations) paid into the Consolidated Account.

60—Public safety notices

If a senior police officer considers that it is necessary or desirable to address an issue or perceived issue of public safety or to mitigate adverse consequences arising from an issue or perceived issue of public safety, the officer may issue a public safety notice in respect of regulated premises to the owner or occupier of those premises.

Unless the circumstances are urgent, the senior police officer must give the owner or occupier of the premises a reasonable opportunity to make submissions about the making of the notice and its proposed terms (however, failure to comply with this subsection does not affect the validity of the notice).

A public safety notice may impose 1 or more of the following requirements on the person to whom the notice is directed:

- a requirement that the person provide information, or produce for inspection material in his or her possession, relating to the premises, or to activities carried on at the premises, within a time specified in the notice;
- a requirement that the person ensure that the premises be closed and remain closed for a specified period;
- a requirement that the person ensure that specified activities or operations at the premises be discontinued or not commenced for a specified period;
- a requirement that the person ensure that specified activities or operations not be carried on at the premises except at specified times or subject to specified conditions;
- a requirement that the person take action in relation to the premises as specified in the notice.

It is an offence for a person to fail, without reasonable excuse, to comply with a requirement imposed by the notice.

Regulated premises are defined to mean premises at which firearms, firearms parts or ammunition are used, held, stored or displayed in connection with the activities or operations of recognised firearms clubs, commercial ranges, the operations of paint-ball operators or the business of licensed dealers or foreign firearms dealers.

A public safety notice takes effect when served on the person to whom the notice is directed or at a later time specified in the notice and remains in force for a period of not more than 72 hours specified in the notice. However, a public safety notice may not be issued except with the approval of the Minister if the premises has been subject to another public safety notice within the 72 hours immediately preceding the period for which the notice would apply. A public safety notice issued with the approval of the Minister remains in force for a period determined by the Minister and specified in the notice and if the Minister is satisfied that it is in the public interest may determine that the public

safety notice issued with his or her approval is to remain in force for a period longer than 72 hours. The decision of the Minister to approve the issue of a public safety notice is reviewable by SACAT.

61—Obstruction of police officer

It is an offence to hinder or resist a police officer exercising powers conferred by this measure.

Part 11—Surrender and forfeiture of firearms etc

62—Procedures on surrender of firearms etc

This clause sets out the procedures to be followed if a firearm, firearm part, sound moderator or ammunition is surrendered to the Registrar as a result of the cancellation, suspension or variation of a licence or the refusal to renew a licence or the cancellation of the registration of a firearm. The Registrar may give a written direction to the person who surrendered the item to arrange for the item to be transferred to a licensed dealer or other approved person for sale or disposal of the item on behalf of the person. A written direction must not be given until the time allowed to appeal a decision has expired or if an appeal has been made, until it lapses or has been finally determined. The Registrar must also be satisfied that the person is not entitled to lawful possession of the surrendered item. If the person fails to comply with a direction of the Registrar within 90 days, the item is forfeited and may be sold or otherwise disposed of and any proceeds paid into the Consolidated Account. However, the Registrar may, at the request of a person who surrendered the item, consent to the transfer of the item to a dealer for sale or disposal on behalf of the person before the time for lodging an appeal had expired or an appeal has been finalised, or may authorise the collection of the item by a person to whom it has been lawfully sold. The Registrar may also authorise the collection of the item by the person who surrendered the item or some other person the Registrar is satisfied is entitled to lawful possession. If a person so authorised to collect the item fails to do so within the prescribed time after a reasonable attempt to notify them in accordance with the regulations, the item is forfeited to the Registrar and may be sold or otherwise disposed of and any proceeds paid into the Consolidated Account.

63—Forfeiture of firearms etc

This provision provides that the Registrar may institute proceedings for the forfeiture of a firearm, firearm part, sound moderator, restricted firearm mechanism, or ammunition seized under this measure or any other law, to the Crown or be otherwise disposed of. The clause sets out the grounds on which the court may make such an order which include the court being satisfied that the possession of the firearm etc would not be authorised under this measure or would contravene a court order, that return of the firearm etc would be likely to result in undue danger to life or property, that the whereabouts of the owner is not ascertainable by reasonable inquiry, that the return of the item would not be in the public interest or that the firearm is mechanically unsafe, particularly dangerous or easily converted to an automatic firearm or could be more readily concealed because of its size, or would be particularly suited to unlawful use.

64—General amnesty

This clause makes provision for a person who has unauthorised possession of a firearm, firearm part, prohibited firearm accessory, sound moderator, restricted firearm mechanism or ammunition to be able to surrender it to a police station or other location approved by the Registrar without any action being taken against the person in relation to the unauthorised possession of the item by the person. It is also possible for the person who surrenders an item to make an application to the Registrar within 21 days of surrendering the item, for the necessary authority under this measure to acquire, possess or use the item. If no such application is made, the Registrar may sell or otherwise dispose of the item. If an application is made, the Registrar must not sell or otherwise dispose of the item until the application has been finally determined.

65—Disposal of forfeited or surrendered firearms etc

This clause provides that the Registrar has the power to sell or otherwise dispose of a firearm, firearm part, sound moderator, restricted firearm mechanism or ammunition forfeited to the Crown under this measure or any other Act. This power, subject to the regulations, also extends to firearms etc that are surrendered to the Registrar. The clause also sets out special provisions, subject to the regulations, that apply to a person who is subject to a firearms prohibition order and that person surrenders a firearm, firearm part, sound moderator or ammunition. In the case of a interim firearm prohibition order, the Registrar must retain the firearm for the period the order applies to the person or in any other case, for such time as an appeal may be instituted against the order or such an appeal is withdrawn or determined. If at the end of that time a prohibition order is still in place, then the Registrar must sell or dispose of the firearm in accordance with the regulations and pay the proceeds to the person, or if no prohibition order is in place, make the firearm available for collection. An item that is not collected within the prescribed period may then be sold or otherwise disposed of and any proceeds paid into the Consolidated Account. The Registrar may, during the period he or she would otherwise be required to retain an item, authorise the person to arrange for its transfer to a licensed dealer or other approved person for sale or disposal or authorise collection of the surrendered item by a person to whom it has been sold provided they are entitled to lawful possession of the item.

Part 12—Powers of court

66—Powers of court

This clause sets out the powers of a court on finding a person guilty of an offence, the commission of which involved a firearm, firearm part, sound moderator, restricted firearm mechanism or ammunition. These powers include orders for the forfeiture or disposal of the firearm etc, suspension or cancellation of a licence, or that the licence be subject to specified conditions or that the person be subject to a firearms prohibition order or disqualified from holding a licence for a specified period. Similar orders may also be made by the Court if in the course of proceedings the court forms the view that a party who has possession of a firearm etc is not a fit and proper person to do so. If a court makes an order that a licence held by the person is suspended or cancelled, the person must surrender all firearms, firearm parts, sound moderators and ammunition owned by the person to the Registrar or as otherwise directed by the court.

For the purposes of this clause, a declaration by a court under Part 8A of the *Criminal Law Consolidation Act 1935* that a person is liable to supervision in relation to an offence will be taken to be a finding by the court that the person is guilty of the offence.

Part 13—Miscellaneous

67—Firearms clubs, commercial range operators and paint-ball operators

This clause provides that the regulations may make provision for the recognition of firearms clubs, commercial range operators and paint-ball operators and the approval of grounds of recognised firearms clubs, ranges of recognised commercial range operators and grounds of recognised paint-ball operators. The regulations may provide for applications, conditions of recognition of clubs or operators or approval of grounds or ranges, the revocation of such recognition or approvals, the keeping of records and the furnishing of information and documents as well as membership of recognised firearms clubs. Regulations may also be made in relation to mandatory reporting obligations of recognised firearm clubs, range operators and paint-ball operators and entry and inspection of their grounds and ranges for the purposes of determining applications for approval, reviewing approvals or determining whether conditions of approval have been contravened.

68—Offence to misuse, forge etc authorisation

Under this clause, a person is guilty of an offence if the person forges, fraudulently alters or steals a licence, permit, authorisation or approval or knowingly has possession of, or uses, such an item. It is also an offence for a person to falsely represent that they hold a licence, permit, authorisation or approval or to give it to another person for an unlawful purpose.

69—False or misleading information

This provision makes it an offence to make a false or misleading statement in providing information or keeping records under the measure. It is a defence to prove that the defendant believed on reasonable grounds that the information was true.

70—Statutory declaration

This clause provides that the Registrar may require a person to verify any information required to be provided to him or her by statutory declaration.

71—Liability for act or default of officer, employee or agent

Under this clause, an act or default of an officer, employee or agent of a person will be taken to be the act or default of the person unless it is proved that the person acted outside their actual, usual or ostensible authority.

72—Offences by companies

This clause provides that if a company is guilty of an offence under this measure, the directors and the company's principal nominee (if any) are each guilty of an offence, unless it is proved that the director or nominee could not, by the exercise of reasonable diligence, have prevented the commission of the principal offence by the company.

73—Accessories and conspiracy

This clause provides that a person must not, in this State, aid, abet, counsel or procure the commission of an offence in any place outside this State, being an offence punishable under the provisions of a law in force in that place that corresponds to a provision of this measure. A person must also not in this State, conspire with another to commit an offence punishable under the provisions of a law in force in that place that corresponds to a provision of this measure (whether the other conspirator is in this State or elsewhere). A person who conspires with another to commit an offence under this measure (whether the other conspirator is in this State or elsewhere) is also guilty of an offence.

74—Evidentiary provisions

This clause makes provision for the certification by the Registrar as to certain matters to be proof of the matter so certified in the absence of evidence to the contrary. It also makes provision for the certification by interstate authorities as to the application of a firearms prohibition order (or equivalent) to a person as being proof in the absence of evidence to the contrary.

75—Form of licences, permits etc

This clause provides that a firearms licence, permit, approval, exemption or other authority granted by the Registrar under the measure must be in writing in a form determined by the Registrar. Further, the regulations may set out requirements and procedures in relation to photographic licences, including by empowering the Registrar to issue interim licences and take measure for non-compliance with any requirements or procedures.

76—Service of notices

This provision sets out the method for service of a notice or document required or authorised to be given or served on a person under the measure and includes service in person or by registered post, fax or email.

77—Regulations

This clause sets out the general regulation making powers that are necessary and expedient for the purposes of the measure. The regulations may confer discretionary powers, provide for the payment of fees, and prescribe expiation fees for alleged offences under the measure.

Schedule 1—Consequential amendments, repeal, and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Bail Act 1985*

2—Amendment of section 3—Interpretation

This clause makes a consequential amendment to update the reference to the *Firearms Act 1977* in the definitions of *ammunition* and *firearms*, to a reference to this measure.

Part 3—Amendment of *Correctional Services Act 1982*

3—Amendment of section 37A—Release on home detention

4—Amendment of section 68—Conditions of release on parole

The amendments to this Act are consequential and update the references to the *Firearms Act 1977* to a reference to this measure.

Part 4—Amendment of *Criminal Law Consolidation Act 1935*

5—Amendment of section 5—Interpretation

6—Amendment of section 269O—Supervision

7—Amendment of section 299A—Orders as to firearms and offensive weapons

The amendments to this Act are consequential and update the references to the *Firearms Act 1977* to a reference to this measure.

Part 5—Amendment of *Criminal Law (High Risk Offenders) Act 2015*

8—Amendment of section 10—Supervision orders—terms and conditions

The amendment to this Act is consequential and updates the reference to the *Firearms Act 1977* to a reference to this measure.

Part 6—Amendment of *Criminal Law (Sentencing) Act 1988*

9—Amendment of section 20AA—Interpretation

The amendments to this section are consequential and update the references to the *Firearms Act 1977* to a reference to this measure and change the reference to a 'class' of firearm to a 'category' of firearm.

10—Amendment of section 24—Release on licence

The amendment to this section is consequential and updates the reference to the *Firearms Act 1977* to a reference to this measure.

11—Amendment of section 42—Conditions of bond

The amendment to this section is consequential and updates the reference to the *Firearms Act 1977* to a reference to this measure.

12—Transitional provision

This provides that section 20AA of the *Criminal Law (Sentencing) Act 1988* continues to apply to an offence committed before the commencement of this clause.

Part 7—Amendment of *Cross-border Justice Act 2009*

13—Amendment of section 68—Proceedings that may be heard in another participating jurisdiction

The amendment to this section is consequential and updates the reference to the *Firearms Act 1977* to a reference to this measure.

Part 8—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

14—Amendment of section 40—Dealing with items surrendered under intervention order

The amendment to this section is consequential and updates the reference to the *Firearms Act 1977* to a reference to this measure.

Part 9—Amendment of *Protective Security Act 2007*

15—Amendment of section 3—Interpretation

The amendment to this section is consequential and updates the reference to the *Firearms Act 1977* to a reference to this measure.

Part 10—Amendment of *Security and Investigation Industry Act 1995*

16—Amendment of section 3—Interpretation

The amendment to this section is consequential and updates the references to the *Firearms Act 1977* in the definitions of *firearm* and *firearms licence* to a reference to this measure.

Part 11—Amendment of *Sheriff's Act 1978*

17—Amendment of section 4—Interpretation

The amendment to this section is consequential and updates the reference to the *Firearms Act 1977* to a reference to this measure.

Part 12—Amendment of *Summary Offences Act 1953*

18—Amendment of section 18—Loitering

19—Amendment of section 66—Interpretation

20—Amendment of Schedule 2—Exempt persons—prohibited weapons

The amendments to this Act are consequential and update the reference to the *Firearms Act 1977* to a reference to this measure.

Part 13—Amendment of *Young Offenders Act 1993*

21—Amendment of section 41A—Conditional release from detention

The amendment to this section is consequential and updates the reference to the *Firearms Act 1977* to a reference to this measure.

Part 14—Repeal of *Firearms Act 1977*

22—Repeal

The *Firearms Act 1977* is repealed.

Part 15—Transitional provisions

This Part sets out the transitional provisions relevant to this measure.

Debate adjourned on motion of Mr Gardner.

STATUTES AMENDMENT (FIREARMS OFFENCES) BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 1 July 2015.)

Mr WINGARD (Mitchell) (15:40): I am pleased to be speaking first today but note that I am not the lead speaker on this bill. I start by saying I am pleased to support this bill. Lewis McPherson should be about to celebrate his 21st birthday with his family and a horde of friends. Instead his mum is planning a party for his mates, but Lewis will not be there. She is planning a lot of food, music and a few drinks and there is sure to be loads of yellow which was Lewis' favourite colour.

Lewis was in the volleyball program at Brighton Secondary School and was highly regarded. He was a popular young man and liked by everyone and affectionately known as LewMac. Lewis was shot dead on New Year's Eve 2012 in the suburban streets of Warradale while on his way to a party. He was shot by another young man who was drunk and high on drugs, a young man who was carrying an illegal gun. The shooter's name is Liam Humbles. Humbles opened fire with a .22 calibre pistol aiming at Lewis McPherson and his two friends, Liam Trewartha and James Lamont. The trio crossed paths with Humbles on Sixth Avenue at Warradale at about 7.40pm, a moment in time that ended Lewis' life and impacted so many people in my community who knew the young man or his family and friends.

Humbles was found guilty of murder and sentenced to a 23-year nonparole period which was reduced to 17 years on appeal. At the time the sentence was reduced, Mark McPherson, Lewis' dad, said he believed that if tougher gun laws had already been in place there was a chance his son would still be alive. He said:

If Humbles did not have a gun that night, what was the worst that could have happened? He could have picked a fight with the boys, he might have got a smack in the mouth at worst and that would have been the end of it. But instead everyone is left dealing with what happened.

Which turns the attention to Charles Alexander Cullen, the man who supplied the gun to Humbles, an illegal and unregistered firearm. Cullen was given an eight-year gaol term with a nonparole period of three years and nine months for supplying the gun and for drug offences, and he is appealing.

On the technical side, the bill proposes to reclassify offences against section 10C(10) and section 14 of the Firearms Act as serious firearm offences by adding them to the definition of serious firearm offences under the Criminal Law (Sentencing) Act. These sections relate to offences of supplying a firearm to a person to whom a firearms prohibition order applies (section 10C(10)) or trafficking in firearms (section 14) which includes the offence of acquiring a firearm without a licence or supplying a firearm to someone without a licence.

In addition to the reclassification of these offences as 'serious firearm offences', the bill also creates a 'derivative liability' for certain offences. Many legal experts have suggested to me that on a technical level this is poor legislation being put forward. It has been described as sloppy from a legal standpoint. Be that as it may, I will support this legislation because it will get illegal gun dealers off our streets and keep our community safe. This 'derivative liability' form of legislative arrangement creates a stand-alone criminal offence so that, as quoted from the second reading speech:

...if a person commits a firearm trafficking or supply offence, and the commission of that offence results...directly or indirectly, in a firearm coming into the possession of an unlicensed person, the first person is liable for any offence committed by the second person with that firearm.

The derivative offence has been designed to be a stand-alone offence, with a maximum penalty of a term of imprisonment no longer than the maximum term of the subsequent offence, being the offence committed by the person who has received the gun from the supplier.

So in the case of Mr Cullen who supplied the gun to Mr Humbles who shot Lewis McPherson, it would mean that upon Mr Cullen's conviction of the trafficking offence by supplying the gun illegally to Mr Humbles who then committed the murder, the derivative liability would also have Mr Cullen convicted of murder and liable to a sentence of up to the duration given to Mr Humbles. It may sound messy, perhaps, but, as it was described in the second reading:

The policy of the law should be that, if you put a gun in the hands of an irresponsible person, and you do so illegally, then you wear the consequences of that action. Cullen should be guilty, not just of the weapons offences, but of murder or manslaughter. Firearms are uniquely and directly dangerous to life and limb and should be a special case.

Putting aside the varying opinions on the framework and formation of this bill, I support this in a stand to prevent anything like what happened to Lewis McPherson from happening again, to stop people being shot on our streets. I live in a community scarred by the fatal actions of New Year's Eve 2012. I see young people growing up in our community with an innocence lost from their lives forever through having experienced what happened on that fateful evening or from knowing Lewis or the other young men who were shot in a suburban street.

I see a mum walk on the beach, always wearing yellow, often a LewMac jumper or T-shirt. Every time I see her or have a chat, my heart breaks and fills with admiration at the same time. Kim

is a very strong woman. So if you ever make it to my electorate of Mitchell and drive around the suburbs in my community, around Warradale or the neighbouring streets that cross over into Bright, Elder and Davenport, you will see the black and gold LewMac sticker on every second car. It is another beautiful reminder of a lovely young man who was taken too soon, but it is also a reminder of how guns in the wrong hands can be devastating.

The LewMac logo is also seen on the Brighton Secondary School's end of year celebration jumper, and the students have started a yearly volleyball game in Lewis' honour. Much has been done to remember Lewis and support his family, but as a father myself, the words of Mark McPherson ring in my ears. He said:

My personal interest in trying to get unregistered firearms out of the community will be my focus...we are making good progress with that in Lewis's honour.

If Lewis were my child I would want the same, and I truly hope this bill helps.

Mr GARDNER (Morialta) (15:47): I indicate that I am the lead speaker for the opposition on this bill. The opposition will be supporting the Statutes Amendment (Firearms Offences) Bill. The bill implements the government's announced policy to reclassify offences against sections 10C(10) and 14 of the Firearms Act as serious firearm offences by adding them to the definition of serious firearm offences under the Criminal Law (Sentencing) Act. These sections relate to the offences of supplying a firearm to a person to whom a firearms prohibition order applies, which is section 10C(10), or trafficking of firearms, section 14, which includes the offence of acquiring a firearm without a licence or supplying a firearm to someone without a licence. I will go into that in detail shortly.

As the member for Mitchell described, in addition to the reclassification of these offences as serious firearm offences, the bill also creates what the Attorney and his legal officers have described as a derivative liability for certain offences. The member for Mitchell described the circumstances of the McPherson/Humbles case, which I think has framed the public consideration of this matter. I pay tribute to the member for Mitchell for the way in which he has passionately and eloquently brought forward the pain in his community locally and the surrounding communities of the south and south-western suburbs of Adelaide where the McPherson family and the community has lost their beautiful boy Lewis.

I think it is important to say that it is not necessarily just one case that drives support or otherwise for any particular piece of legislation. This case does exemplify, I think, the community sentiment about the need to take the illegal trafficking of firearms and the irresponsible and reckless supply of firearms to those who seek to do harm to others in the community very seriously.

The Liberal Party in opposition endeavours to represent our community's concerns and ensure that the law is there to provide justice as well as protections to members of our community. While we do have some concerns about the manner of the construction and the novel approach to legislation being taken here, we do hope that this legislation will achieve the policy outcome that it seeks to, that our community expects and desires, and that we all desire in that it will have a very real effect on reducing the reckless trafficking of guns in the community by people who are dealing in illegal firearms or, indeed, providing firearms to those who do not have a licence.

People who are responsible gun owners and people who deal responsibly in firearms and according to the law have nothing to fear from this legislation. Only someone who is convicted of trafficking or supplying a firearm to someone to whom a firearms prohibition order applies is capable of being caught up in this legislation. However, and we will go into this in a little detail, there are some questions about the legal framework.

It is possible that, if it is challenged, the opposition is not as confident, I think, as the Attorney-General of the bill's legal status, but that at the end of the day will be a matter for the court to decide. In the meantime, the ill that this bill seeks to address is a serious one and we hope that this bill will remedy it. There are, perhaps, other ways that I might have gone about seeking the legislation to be framed were I in the Attorney-General's position, but I am not.

The Attorney-General presents this bill and we in the opposition hope that it will withstand any potential challenge. In doing so in the meantime, and while it stands as legislation, it will provide

an extraordinary deterrent towards those seeking to traffic in firearms, because knowing that any firearm they have supplied to somebody with a firearms prohibition order, or, indeed, trafficked in anyway, stands that person under the jeopardy if that firearm is then used to commit a murder, for example, of not only the significant penalties that the trafficking offence would have required but also the life imprisonment sentence that comes with murder.

I described the derivative liability that this offence creates as 'novel'. In his second reading explanation the Attorney-General said:

The derivative offence has been designed to be a stand-alone offence, with a maximum penalty of a term of imprisonment no longer than the maximum term of the subsequent offence, being the offence committed by the person who has received the gun from the supplier.

In relation to the McPherson case, Mr Cullen who supplied the gun illegally has been convicted. He was sentenced to eight years, although I understand that he is appealing. If that offence had happened after the passage of this legislation it would have meant that, upon Mr Cullen's conviction of the trafficking offence by supplying the gun illegally to Mr Humbles who then committed the murder, and as a result of this new derivative liability, Mr Cullen would also have been convicted of murder and liable to a sentence of up to the duration given to the Mr Humbles. Again, as the Attorney described in his second reading explanation:

The policy of the law should be that, if you put a gun in the hands of an irresponsible person, and you do so illegally, then you wear the consequences of that action. Cullen should be guilty—

and I am still quoting the Attorney-General here—

not just of the weapons offences, but of murder or manslaughter. Firearms are uniquely and directly dangerous to life and limb and should be a special case.

I thank the government and the Attorney's legal officers and advisers for the briefings provided to members of the opposition, and subsequent information, including precedent cases that they have provided to members of the opposition. Those officers provided further arguments complementing those arguments contained in the second reading explanation. However, while the concept of derivative liability is novel in its legislative expression, its principles fall within the parameters of the common law, allowing a similar vein to the joint enterprise offence, the law of complicity and so on. Inasmuch as those arguments are to be taken, that has given us some comfort in supporting the legislation today.

I think this is probably a suitable time to put on the record, however, alternative points of view that have been put on the public record by the Law Society. I do so not out of a desire to lend my own support to the arguments they provide, but this is a serious matter and I think the public record demands that the Law Society's point of view be put on the record in this chamber for those contemplating in full the spectrum of points of view that have been put as to the legal validity of the bill.

To be clear, the opposition is supporting the bill. The opposition is not seeking to move amendments to the bill. The opposition desires the public policy outcomes that the bill seeks to create. However, we put on the record the Law Society's concerns and I invite the Attorney-General to contemplate the points made. I am certain he would have had this submission drawn to his attention at some stage. Perhaps in his second reading response he would like to respond to the points made by the Law Society, and some of those points we may explore further in the committee stage, depending on the Attorney's response.

The Law Society, as is their habit on all relevant pieces of legislation, writes to the Attorney-General and then posts this publicly, but it is important in the context of the second reading. I am quoting from the Law Society President, Rocco Perrotta:

The Society opposes this Bill for the following reasons:

- a) There is no place for derivative liability in the criminal law. This Bill makes into a criminal offence an act based on loose principles of causation which, in many instances, would not give rise to tortious liability;
- b) The proposed offence is not in character a criminal offence. It is not capable of being defended. Any trial for the offence must necessarily be unfair. It appears to be invalid;

- c) Criminal liability for serious offences must include mental and physical elements. The proposed offence has neither;
- d) The proposed offence is unfair and unjust. The essence of the offence is in the prescribed offence, which has already been prosecuted. The person who supplies the weapon is then at jeopardy a second time if the subsequent offence occurs. The prescribed offender would have no involvement in the subsequent offence. The prescribed offender then faces being sentenced for a second time for the same conduct. Both sentences would be lengthy terms of imprisonment;
- e) There is no need for the proposed offence, because the present offence of supply is serious enough, attracting serious penalties.

Mr Perrotta goes on to say, in relation to the underlying purpose of the bill:

As stated in the Explanatory Report the Bill purports to be a direct response to the 'Humbles case' and gives effect to a 'promise' given to those affected. Principally, the Bill provides a mechanism for those who supply/traffic illegally in firearms to be held accountable for the actions of any person who subsequently should use the firearms for a criminal purpose.

He goes on to write:

The Society is concerned that the base proposition emphasised above—

that Cullen should be guilty not just of the weapons offences but of murder or manslaughter—

and upon which the Bill is founded is, from a legal perspective and without more, unfounded.

The Society has a number of concerns in relation both to the underlying purpose of the Bill as well as the manner in which it gives effect to that purpose. The Society opposes the Bill.

It is, in the Society's submission, inherently dangerous to enact legislation in direct response to a single incident and to do so in fulfilment of a 'promise' purportedly given not to the South Australian public but to a select group.

I think I would identify in my own thoughts here, interposing on my recitation of the Law Society's point of view, that I am not convinced that this bill would have the support of this parliament if it was only the single offence that was relevant. I, for one, am concerned, to a large extent, about stopping the trade in illegal guns, stopping the supply of guns to those who are not licensed in our community and, in particular, those who are the subject of a firearms prohibition order. I think the tenet of the parliament should always be to that broader goal rather than just dealing with one case. However, it would be foolish, I think, to ignore the fact that this one case has galvanised significant concern around this area and brought it to the fore. The society goes on to write:

When one considers the respective sentences imposed upon both Humbles and Cullen it is not immediately apparent why legislative intervention is required. Humbles was sentenced to life imprisonment with a non-parole period of 23 years (later reduced on appeal to 17 years). Cullen, whose offending extended beyond the supply of a firearm to Humbles, was sentenced (after applying a 30% discount on account of his guilty plea) to 8 years imprisonment with a non-parole period of 3 years and 9 months. It cannot reasonably be suggested that these sentences are inadequate or would otherwise be contrary to those that might be expected by the public.

Again, I add my own thoughts there, that I am not 100 per cent sure that all members of the public would agree in relation to the nonparole period of three years and nine months given to Mr Cullen. Mr Perrotta goes on to write:

Ultimately, it is the Society's submission that the Bill, and more specifically the derivative liability provision contained therein (section 267AA), is surplus to requirements. The law as it stands in South Australia is capable of holding appropriately to account those who commit firearms offences and, in particular, those who supply a firearm to another with the knowledge that it will be used subsequently for a criminal purpose...The principle that a person can only be held criminally liable for their own acts has been eroded such that a person may now be criminally liable in a number of ways for a crime physically committed by another person. That erosion has largely been effected by the development of the common law.

Mr Perrotta goes on to write:

As is identified in the Explanatory Report the law in relation to derivative liability in South Australia is both settled and effective. The current statutory and common law is such that a person will be held criminally liable for the act of another in circumstances where they have aided, abetted or procured the commission of that act or have engaged in a joint criminal enterprise to that end.

I think this is the purpose to which the argument actually is that the derivative liability is valid. In fact, the common law that is established in this area, I think the government might argue and I think I

would probably agree, is potentially unclear and this bill will seek to very much clarify; but, of course, this bill does not leave the flexibility. It requires that the derivative liability be applied. The Law Society goes on to write:

A person's liability for the act of another is in part referable to that person's state of mind at the time of the assistance provided. In other words, the trier of fact must ask: did the accused know of the other's intention to commit the subsequent act or, in the case of a criminal enterprise, was it within contemplation or otherwise foreseeable?

The effect of the Bill is to remove that element of knowledge (actual or constructive) from the equation. Accordingly, a person could be held liable for the actions of another whose identity and intentions they had no knowledge of or could not have foreseen. This is a step too far.

The lack of any mental element, or mens rea, is particular troubling in circumstances where the nature of the new derivative liability offence is such that there is no physical element, or actus reus. This begs the question, what are the elements of the new offence created by the Bill?

It appears to the Society that the Bill, rather than creating a new offence capable of being prosecuted in a Court of law in accordance with established principles, in fact establishes an administrative process whereby a person upon two conditions precedent being realised becomes liable to be sentenced for an act in respect of which, in the majority of cases, the person will already have been sentenced for.

The Society is not aware of any legislation in any other Australian jurisdiction that extends criminal responsibility to the extent proposed in the Bill. It is unprecedented.

I think the word I used before was 'novel'. I invite the Attorney in his response to identify if there is other legislation in other Australian jurisdictions that do so. After some other preamble in relation to arguing that point, Mr Perrotta goes on to write in relation to causation:

Leading on from the above, it is the Society's submission that the Bill's extension of criminal responsibility is contrary to the common law principle of causation, the basic tenet of which is that an 'accused's conduct need not be the sole, direct or immediate cause of death. It is enough that the applicant's conduct contributed significantly to the death of the victim.' However, and critically, 'where the death is not caused directly by the conduct of the accused but by something done by a third person, there may be a question whether the chain of causation has been broken.'

He goes on to write:

The effect of the Bill is to remove the troublesome, but entirely necessary, question of causation from the equation. The Bill essentially provides for an automatic assumption that the unlawful supply of a firearm is causative of any offence committed by any person who may subsequently come to possess and use that firearm. That, as a general proposition cannot on any view be correct. There are many and varied ways in which the law has recognised that a chain of causation can be broken.

I will identify an example perhaps in layman's terms and again invite the Attorney in his second reading response to clarify that this would in fact be the case. If a person, say, James, was to supply a firearm legally to John and John was to then supply the firearm illegally to Paul, because Paul did not have a firearms licence, and Paul was then to supply the firearm illegally to Andrew who then committed an offence subject to this legislation, my understanding is that Andrew, Paul and John would all be liable under the derivative liability but the initial person who supplied the firearm legally would not have that derivative liability. That is certainly my understanding of the bill and I invite the Attorney to correct that down the track or we can explore it in committee. Mr Perrotta goes on in relation to a different question to ask, does the bill address a deficiency in the criminal justice system? He writes:

It is not clear from the Explanatory Report whether any analysis has been conducted in relation to the nature of the sentences imposed by South Australian Courts upon those convicted of offences against sections 10C(10) and 14 of the Firearms Act 1977. Notably, the maximum penalty in respect of those offences is 15 and 20 years imprisonment respectively.

The Society submits that legislative intervention designed to address a perceived or prospective shortfall in the judicial system should be made only after careful consideration of its necessity. In this case, the 'shortfall' is presumably a purported failure by sentencing Judges to consider the significant danger to the public caused by the dissemination of unregistered firearms to unlicensed persons.

If that is a consideration the legislature desires Judges to have particular regard to when sentencing 'serious firearm offenders' then there are much simpler ways than this Bill to require it of them.

Mr Perrotta goes on to identify section 10 of the Criminal Law (Sentencing) Act and goes on to put some further concerns as to how the bill gives effect to its purpose. Mr Perrotta writes:

In addition to the concerns set out above in relation to the utility, purpose and base proposition that underpins the Bill, the Society has identified a number of potential issues with its proposed execution. In particular, the new section 267AA offence creates:

- 6.1.1. a potentially unlimited category of offenders;
- 6.1.2. uncertainty for convicted offenders, which, at its highest, arguably amounts to cruel and unusual punishment;
- 6.1.3. an offence that, in most circumstances, would likely be impossible to defend successfully;
- 6.1.4. an offence without the traditional elements required to be proved beyond reasonable doubt; and
- 6.1.5. uncertainty as to its retrospectivity.

We will have some questions in relation to the retrospectivity aspect and, in particular, in the Attorney's response he might like to contemplate giving clarity to the historical provision of guns many years ago, before the current Firearms Act was written, when people might have been guilty under historical offences that may or may not exist anymore, whether that all gets caught up in the trafficking offence.

I note some discussions I have had with people in relation to one of the possible effects of the passage of this legislation, in that presumably anyone who is currently being convicted of a trafficking offence, or indeed supply of a firearm to someone who is under a firearms prohibition order, if that gun is still in the community and is subsequently used to commit a murder, that person would be subject to the derivative liability here and a further life sentence. I suggest that perhaps one outcome of the passage of this legislation would be that anyone who has been convicted of a firearms trafficking offence or a supply offence of this nature, one of the first things they would probably do upon leaving custody would be to try to track down every gun they ever got rid of illegally and make sure they are taken out of circulation, so that they cannot subsequently be convicted of further legislation. That might be a positive outcome. Mr Perrotta goes on to write:

The proposed section 267AA(2)(b) provides that 'the subsequent offender need not be the person to whom the accused supplied the firearm in respect of the prescribed firearm offence.'

The bill as drafted does not place any limitation upon the degrees of separation between an accused and the principal offender (as defined in the bill). It is entirely possible for a firearm to be the subject of multiple exchanges before ultimately being used in the commission of a criminal offence.

He goes on to identify an example not entirely dissimilar to that identified earlier in my second reading speech. The Law Society's view is:

That situation is on any view, and particularly when regard is to be had to the principles of causation discussed above, unsatisfactory.

The Law Society extends further concerns in relation to uncertainty, which it describes as a cruel and unusual punishment. In particular, in points 6.7 and 6.8 of its submission Mr Perrotta writes:

The bill as drafted does not place any temporal limitation upon the original supply offence and the subsequent offence (as defined in the bill). Without such a limitation it is entirely possible that a person could serve the entirety of their sentence in respect of the original offence only to later be punished again for what is, in fact, the very same act.

This creates a situation where persons who illegally supply a firearm will forever be in jeopardy (or until the firearm supplied is either used in the commission of an offence or otherwise located by authorities before that happens). The society submits that this is manifestly unfair, unreasonable and also a barrier to rehabilitation.

That is, of course, the society's view. The society asked the question: 'Is the offence created by section 267AA defensible [and] what are its elements?' Mr Perrotta writes:

This problem has been identified previously in the submission where the society posed the question—what are the elements of the offence created by the bill?

It seems to the society that the offence created by section 267AA is not an offence in the traditional sense. That is, one committed upon the satisfaction of certain mental and physical elements but, rather, one committed upon two separate findings of fact being made by a court. Any question of causation, ordinarily left for a jury, is usurped.

In those circumstances, how does an accused defend the charge? Is an accused able to challenge the verdict of a judge or jury in relation to the subsequent offence? Should an accused be able to be heard in the trial of the subsequent offender and take points or raise defences that otherwise would not be made? On paper, this of course sounds absurd. But, in circumstances where the section 267AA accused is in no less jeopardy than the subsequent offender—why shouldn't they have a right to be heard?

An individual's right to be heard or to challenge a criminal allegation decision that affects that individual is fundamental to our justice system and to Australian society. Any attempt by the legislature to infringe upon that right must be scrutinised with the utmost care to ensure that any such infringement is...absolutely necessary; and...the infringement is precisely proportionate to the issue sought to be addressed.

For my own part, I would respond to the Law Society at this point by saying that it seems, given the circumstances such as those which occurred in the Humbles case, the extreme ongoing danger to the community when illegal firearms are provided to reckless people who do not have a licence, or particularly those with a firearms prohibition order, does elevate it to the point where hard laws may be seen to be necessary. We certainly hope that it will in fact provide that deterrence to make it much less likely that this trade will continue. In relation to transitional provisions—and I am nearing the end of the society's submission:

The Society notes that the Bill does not contain any transitional provisions. That is particularly unsatisfactory when the Bill, on its face, purports to govern events and findings of fact that may have occurred long before the Bill is ultimately assented to.

For example, it is entirely possible that a firearm illegally supplied, say, two years ago could be used in the commission of offence well after the Bill becomes an enactment and is assented to.

Accordingly, is it intended that all persons who have been found guilty of offences contrary to sections 10C(10) and 14 of the Firearms Act...since their commencement will be, upon the commission of a subsequent offence (as defined by the Bill), liable to prosecution pursuant to the new section 267AA? If that is the intention, then the Society is opposed to such a course.

Finally, the society asks the question: 'Is the bill unconstitutional?' I do not really offer any response to them on that question, other than that, ultimately, if challenged, the courts will decide that matter. I suppose the opposition hopes that it would meet the threshold in seeking to achieve the public policy outcome that we all desire and that the community certainly desires. We are relying, as I described earlier, on principles such as the joint enterprise offence (the law of complicity) currently existing in the common law. We would certainly hope that it would meet that threshold but the Attorney is welcome to respond if he wishes.

I noted there was some comment in the media. The Attorney said, on 20 October last year, that he:

...felt confident his proposed laws, if ratified, would survive a constitutional challenge in the High Court.

'I realise that this is a big step, but how else do you actually make it clear to people out there that we are deadly serious about sending this message?' he said.

I am not sure that quote was directly relevant to the Attorney's confidence in its meeting the constitutional requirements; nevertheless, that is how he presented his case in October last year as to why it would be constitutional. I invite him to expand that defence in his response in the second reading. Again, these are the society's comments, not mine. This is a very serious matter that we must reflect on, and the Law Society has put forward its concerns in an articulate manner. Therefore, before passing legislation of this gravity, I put them on the record for the Attorney to consider. Mr Perrotta writes:

Finally, the Society has considered briefly whether the bill may in fact be unconstitutional. The Society's answer to the question posed is: quite possibly.

It is arguable that, for certain of the reasons set out in this submission, the effect of the Bill is to deny a person a fair trial according to law. To do so would be unconstitutional. As stated by Gaudron J in *Dietrich v R*...at 362:

'The fundamental requirement that a trial be fair is entrenched in the Commonwealth Constitution by [chapter] III's implicit requirement that judicial power be exercised in accordance with the judicial process'.

In the Society's submission, it is questionable whether the prosecution of an offence under the proposed section 267AA could be described as being 'in accordance with the judicial process'. It appears to the Society to be nothing more than a rubber stamp exercise. In that regard, the Bill arguably infringes upon judicial independence.

As stated by Chief Justice French in *SA v Totani*...

'Courts and judges decide cases independently of the executive government. That is part of Australia's common law heritage which is antecedent to the Constitution and supplied principles for its interpretation and operation. Judicial Independence is an assumption which underlies [chapter] III of the Constitution'.

'It is a requirement of the Constitution that judicial independence be maintained in reality and appearance for the courts created by the Commonwealth and for the courts of the States and Territories. Observance of that

requirement is never more important than when decisions affecting personal liberty and liability to criminal penalties are to be made.'

Could it be said that a successful prosecution pursuant to the proposed section 267AA has been decided 'independently of the executive government'? The Society does not believe so.

On one view, the accused is only guilty because the executive has deemed him/her to be so. In many cases, if such an accused were tried according to law and was able to question for example, whether their act was causative of the subsequent offence, they would likely, in a great many cases, be entitled to an acquittal.

In conclusion, Mr Perrotta writes:

The Society must oppose the Bill. It provides for an automatic and unprecedented extension of criminal liability that imputes causation without any regard to the facts of the particular case. It is arguably unconstitutional. The Bill, in the Society's submission, cannot stand.

I note Mr Perrotta's final sentence, which is perhaps said slightly tongue-in-cheek, given the tenor of the previous 11 pages. He writes:

I trust these comments are of assistance.

I hope they are of assistance to the parliament. In fact, I do not subscribe to the opinions offered therein, but I do think that they are of such a serious nature that they require consideration prior to members supporting the bill, which I hope they do because I do support this legislation. I think it will have a positive outcome for our community.

To go into a little more detail in relation to what the bill will do, for any member who is slightly unclear on the requisite offence that must be established in a court of law to prompt the derivative liability being enacted, the two sections are section 10C(10) and section 14 of the Firearms Act. Section 10C(10) in the Firearms Act states:

A person must not supply a firearm, firearm part or ammunition to a person to whom a firearms prohibition order applies or permit such a person to gain possession of a firearm, firearm part or ammunition.

Maximum penalty:

- (a) in the case of a firearm—\$75,000 or imprisonment for 15 years;
- (b) in the case of a firearm part or ammunition—\$35,000 or imprisonment for 7 years.

It is clear that it is in relation to somebody whom that firearm prohibition order applies, and even the supply of ammunition or a firearm part can trigger the offence. Trafficking in firearms is section 14, which is a longer section. In short, we are dealing with someone who:

- (i) acquires a firearm; or
- (ii) knowingly takes part in the acquisition of a firearm

without being authorised to acquire the firearm by a permit under this Part (or...

(b) who—

- (i) supplies a firearm; or
- (ii) knowingly takes part in the supply of a firearm,

to a person who is not authorised to acquire the firearm by a permit under this Part...is guilty of the offence of trafficking in firearms.

There are a series of penalties that currently apply in relation to this section: imprisonment for 15 years or a \$75,000 fine if the firearm is a prescribed firearm. If it is a C, D or H class firearm, we are looking at \$50,000 or imprisonment for 10 years. For any other kind of firearm, it is \$35,000 or imprisonment for seven years. If the offence involves more than one firearm, or there is more than one offence, then the maximum penalty goes up to 20 years.

It is worth noting that this not only catches people who had offences that would have that 15 to 20 years' sentence but potentially those with lesser maximum sentences as low as seven years or, indeed, under subsection (9):

A person who has not previously been found guilty of an offence against this section may, at the discretion of the prosecutor, be prosecuted for a summary offence against this section except where the offence involves a

prescribed firearm, but on conviction of a summary offence against this section the maximum penalty is \$10,000 or imprisonment for 2 years.

I would invite the Attorney to clarify in his response—given this is still under section 14, the trafficking section—whether somebody who has been convicted at the discretion of the prosecutor, what then becomes a summary offence with a maximum penalty of two years, that despite the fact that it has only been a two-year sentence as a summary offence, whether that person is then also subject to the derivative liability if that is used for murder and can potentially get a life sentence for something that up to now has just been a summary offence with a two-year sentence.

In relation to consultation, I thank not only the Law Society for their considered submission but those other people who have provided input in relation to this bill. The briefing that we received identified that at the time of the briefing the government had consulted with the DPP and the Solicitor-General as to both the bill's workability and constitutionality. We were advised that the Law Society at that time had been provided with a copy but had not yet provided a response. They certainly have since.

We were advised that no other consultation had been undertaken in response to the legislation which we subsequently checked. We asked the Commissioner of Police whether they would like to comment on the matter. The Minister for Police subsequently wrote back to me identifying that the South Australian police had provided input on the legislation, but provided no further detail of what that input was or what their commentary was as to the workability or any other matter that they might have taken into consideration. I would be interested in the Attorney's response as to what the police's view was on the matter because we certainly did not receive any detail of that.

A number of other individuals and representative groups expressed their comments on the bill. Some were seeking technical clarification, in particular along the chain of provision of firearms going back to somebody who might have supplied a firearm legally in the first instance. It appears that such a person would not be caught up so that gave some people that we consulted with some comfort.

I think it is reasonably fair to say that, when we consulted with people who had a specific interest in dealing firearms, the scorn that the responsible and legal firearms community has for those who use firearms illegally is palpable. Responsible gun owners, legitimate users of firearms in our community, and those who supply them legitimately and responsibly have no more regard for illegal firearm users than people who have never held a gun because those who supply and use guns illegally and use illegal guns cause significant danger to all in our community. They put an extra burden upon those who use legitimate firearms in the challenges that they have to put up with in their daily lives as they seek to go about their lawful behaviours.

I took the opportunity while visiting one gun dealer in particular to ask them about the processes that they use to ensure that the person who they are supplying a gun to has the appropriate permits and the appropriate licence. Their view was that if somebody is caught for trafficking guns then the chances of that happening randomly or by accident, oversight or omission is very long indeed. They were certainly not concerned themselves that they would ever be liable to being caught up accidentally and so they were comforted by the reassurance that the legislation does not deal with anyone who supplies guns in a legal fashion.

The impact on our community of this legislation will hopefully be very positive. It will hopefully reduce the risk to law-abiding members of our community from illegal firearms. It will hopefully provide an extraordinary deterrent to people providing, trafficking or supplying illegal guns or providing guns illegally, and the opposition supports the passage of this bill.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:29): I rise to speak on the Statutes Amendment (Firearms Offences) Bill 2015. Unsurprisingly, the public were outraged to hear of the 2012 New Year's Eve murder of Lewis McPherson, and many questions were asked: how could a 17-year-old Liam Humbles get hold of a gun and then go out in a drunken and drugged state and murder this young man Lewis McPherson? Apart from being what was on the face of it a senseless and devastating act, of course it had very real consequences and was a great tragedy for the family of Lewis.

Unsurprisingly as well, his father has maintained a public call for legislative reform, in particular, from his perspective, mandatory imprisonment for anyone who supplies a gun to another party which ends up being used to murder someone. His plight and plea, on behalf of his son and to try to protect others against this type of senseless violence and act, in this case fatal for his son, is well understood. The government's response to this has been to express, appropriately, concern and to say that there should be a clear review of the reform of the legislation.

As is well known, Liam Humbles, a young man himself, is now in prison serving a life sentence. The factor which was certainly exposed as being offensive to the public was that Charles Cullen was given an eight-year sentence, four years for supplying an illegal weapon and, I think, close to that for drug offences, totalling eight years. To provide a .22 calibre handgun to a young person who then used it to murder someone was seen as just utterly irresponsible and obscene, and I think as a result of that the public were even more outraged.

I do not criticise the government for reacting to the extent of saying that they will leave no stone unturned to review our legislative and sentencing regimes to ensure that, as best we can, we use this instrument, blunt as it may be for some, that we use our criminal and sentencing regime to ensure that it is an effective deterrent against not only future murders but, in particular, the provision of a firearm that could be used in a murder. However, what concerns me—and I think the shadow minister for police has certainly given a very significant and detailed presentation—is the question of whether the government has gone too far in this legislation.

By going too far, let me say this: to reclassify offences, particularly under sections 10C(10) and 14 of the Firearms Act, as serious firearm offences, by adding them to the definition of serious firearm offences under the Criminal Law (Sentencing) Act, attracts a much more severe penalty. It means that sections relating to the supply of a firearm to a person to whom a firearms prohibition order applies or trafficking in firearms will attract this higher level of offence with a higher level of sentence. I think that is reasonable. I think that on any account that would be acceptable.

What is concerning is the further action of the government in attempting to introduce a reclassification of the offences, and in addition to that also creating a derivative liability for certain offences. It has been described as novel. It is certainly unprecedented. On the face of it, it contravenes the requirement that a person who is convicted of an offence must have some causal link, some link of causation between them and the act that is undertaken; and, for all of the reasons that have been outlined by the shadow minister for police there are legal implications with progressing legislation which could ultimately come under challenge.

I ask this question: what is the point in saying to Mark McPherson, 'We will act as a parliament to ensure that the memory of your son is not lost and that we act as best we can for the future protection of others,' if in fact we end up in the courts with legislation which we are being asked to consider, which is challenged and which is found to be invalid? That gives no comfort, in my view, to those who are grieving as a result of this event, and it certainly would not give comfort to other families who may feel that someone they loved was also a victim in these circumstances.

In short, we have an obligation here in the parliament to make sure that, if we are going to introduce some unprecedented approach to the criminal convictions and/or sentencing of someone who we find to undertake conduct that is offensive, we need to make sure as best we can that it is going to stack up. I have contributed to debates in these circumstances before. I particularly remember the criminal organisation legislation that ended up in the High Court. We had the state government with egg on its face—it is embarrassing to the parliament—and we had bikie gang members rejoicing in the streets, and the poor old taxpayer of South Australia was left with a huge bill. How does that help deal with the victims of those who we were trying to prosecute and put behind bars when that type of embarrassing outcome occurs?

I am cautious in jumping off with the government into an area which, on the face of it, is going to go straight to the appeal courts and be undermined. I am much more reticent to walk arm in arm with the government and say, 'Well, look, let's give it a crack. Let's see if it works and we can follow that through. We will just see how it goes.'

I simply cannot trust the government to have acted responsibly on its own after its own investigation, and I think the shadow minister's proposal to support the bill is certainly one direction

to go. However, in years to come and I am standing here in parliament after I have read a Full Court judgement or a High Court determination which has thrown it out, then I will be having a lot to say about it. That would be unusual, I know. So, the government is on clear notice that I am very cautious about how we approach this. I thank the shadow minister for all of the work that he has done in thoroughly examining this. The words of Mr Rocco Perrotta may come rebounding back to us.

I want to say something about Mr Perrotta, and that is that he is an experienced criminal counsel in his own right and, of course, he is President of the Law Society of South Australia. Whilst from time to time the government appears to be quite dismissive of the views of the Law Society and do not care to take much notice of them, in this instance in particular the president himself has a significant level of experience and, frankly, the Attorney should have been looking at this much more carefully.

The other matter I want to raise is that the government, in bringing this amendment to the criminal law, have been highly selective in their reaction to what has occurred. I think it is time the government understood that there is a serious problem in respect of illegal firearms. Whilst, on the one hand, I know the Minister for Police has tabled a bill today to look at updating the regulatory regime for possession and ownership, and dealing in firearms through the legitimate process, much of which is meritorious—of course, I cannot say anything more about that because it is a bill we have to discuss. That is good, but there is an unquestionable problem that we have in South Australia, and that is we have illegal firearms in the community. We have illegal firearms coming in and out of South Australia. We have the trading or at least exchange of illegal firearms; they are washing around there in the community in the wrong hands and nobody seems to be doing anything about it.

It is too late to come in here and say, 'Haven't we done a good job by throwing the key away to somebody who has allowed a gun to be used in another offence?' It is too late. Somebody has already been shot. Somebody is likely to have already died. What the government has to get into its head is that it has to put some effort into getting those illegal guns off the streets and out of the hands of people who should not have them before they are used to kill some child, or anyone. That is what they have to do and, until they face up to the fact that that is a much bigger problem out there, we are not going to save people's lives.

The other thing I want to say is that, on the issue of parading around with guns, I have said before that I am not happy with people wearing guns in a public place and, in particular, in this parliament. We have somebody, as a security officer who comes into the precinct of this room every day that we sit, who is wearing a firearm. We have security around the building, and I understand that there has obviously been some call for that for security reasons. I will not name them, but three other government buildings which house senior members of government and some of their departments have this special security, and I understand that.

What I do not accept is that in this chamber we have to have people wearing guns. We have seen a situation, I think most recently in Canada, where a person was wearing a gun within the precinct of the parliament and, ultimately, someone wrestled with that person, got hold of the gun, and some other security that was in the precinct dealt with it.

What is not acceptable, in my view, is that we have to be sitting here in this parliament at risk of someone else wrestling a security officer to the ground, getting that weapon and using it. What I am advised is that the reason it is necessary for the person sitting here in the chamber to wear a gun is that there is not sufficient facility here at Parliament House, and/or it takes too much time, to go and put the gun in security before they come into the chamber.

The DEPUTY SPEAKER: They are going to be shooting me, not you, because I'm in the middle—especially not a moving target.

Ms CHAPMAN: That would be a tragedy, Madam Speaker, if you were a victim but I would have to say, for anyone else sitting on the other side, I would be very saddened. It really does not matter who it is: it is not acceptable.

What happens in every prison in Australia and every facility where people wear weapons is that they go and put their gun into a secure locker. In fact, I do not think they can even get their car keys to go home in some prisons in South Australia before their gun is securely back in the locker. That is good and very important, but why is it here in this parliament that we have to have someone

sitting here wearing a gun and therefore vulnerable to having it removed from them and therefore placing us in a vulnerable position—not just us as MPs but, of course, everyone working here in this room. I add that to the list of things that the Attorney-General can fix up in between.

Mr PEDERICK (Hammond) (16:46): I rise to speak to the Statutes Amendment (Firearms Offences) Bill 2015. I express my support for the bill but it certainly does need some debate. Obviously, this is following the widely known case where on New Year's Eve 2012, extremely sadly, a young man, Lewis McPherson, was shot dead by some drug-crazed felon. This is a great tragedy and, as a father of a couple of young boys, it weighs heavily on my heart and I can barely understand what has gone through the minds of this lad's parents. It is just a terrible thing for a parent to have to deal with.

I do know that since then the Attorney announced on 17 July 2014 that legislation would be introduced to classify those offences for providing a gun to someone who does not hold a licence as serious firearm offences. In regard to serious firearm offences, the presumption is against a suspended sentence and the presumption is against bail. As the Attorney-General has quoted, people who sell guns to those without a licence should expect to go straight to gaol.

This bill implements the Labor government's announced policy to reclassify offences against sections 10C(10) and 14 of the Firearms Act as serious firearms offences by adding them to the definition of 'serious firearms offences' under the Criminal Law Consolidation Act. These sections relate to offences of supplying a firearm to a person to whom a firearms prohibition order applies (section 10C(10)) or trafficking in firearms (section 14), which includes the offence of acquiring a firearm without a licence or supplying a firearm to someone without a licence.

In addition to the reclassification of these offences as serious firearms offences, the bill also creates a derivative liability for certain offences. This form—some would say it is a novel form—of legislative arrangement creates a stand-alone criminal offence so that if a person commits a firearms trafficking or supply offence and the commission of that offence results, directly or indirectly, in a firearm coming into the possession of an unlicensed person, the first person is liable for any offence committed by the second person with that firearm.

The derivative offence has been designed to be a stand-alone offence with a maximum penalty of a term of imprisonment no longer than the maximum term of the subsequent offence, being the offence committed by the person who has received the gun from the supplier. In relation to the Lewis McPherson case, this has provided the most significant political impetus for this legislation being put forward. The person who supplied the gun illegally has been convicted and was sentenced to eight years for the firearms offence, and I note he is putting up an appeal to that sentence.

What would this mean? It would mean that, upon Mr Cullen's conviction of the trafficking offence, by supplying the gun illegally to the offender who then committed the murder as a result of his derivative liability, Mr Cullen would also have been convicted of murder and liable to be sentenced for up to the duration given to the person who fired the shot. As it states in the second reading:

The policy of the law should be that, if you put a gun in the hands of an irresponsible person, and you do so illegally, then you wear the consequences of that action. Cullen should be guilty, not just of the weapons offences, but of murder or manslaughter. Firearms are uniquely and directly dangerous to life and limb and should be a special case.

I will express my interest in firearms. I am a firearms owner—a licensed firearms owner, which you would be glad to know. I have a C class licence because I have a farm. I have a property so that entitles me to have my 5-shot pump action shotgun, that is a 12-gauge, and I have a little single-shot 410 shotgun as well, securely locked up as they need to be, with ammunition stored separately.

I guess some concerns that have been relayed to me that I want to express to this house are to do with what happens in the advent of a stolen firearm. We note that these can amount to potentially 200 to 300 a year in this state. What would be the consequences of a stolen firearm being used for a terrible murder such as this one or another serious crime? People have expressed issues with that. Gun dealers have expressed concern. As it states in the bill, the amendment of the Criminal Law Consolidation Act 1935 and the insertion of part 7C is the derivative liability for certain offences as the offence where an unlawfully supplied firearm used in a subsequent offence, so that gives me some heart that this legislation is most likely worded appropriately. But I think there needs to be some teasing out, perhaps during the committee stage with the Attorney, so that people who are legal

firearms owners—and there are over 50,000 of them in this state—who conduct their business legally can be sure that they will not be caught up in this legislation.

Certainly in regard to unlicensed firearms and supplying these firearms illegally, yes, there should be a high penalty to be paid for people who peddle unlicensed and unregistered firearms, especially knowing that they will be used in some crime or another. In this case, in the Lewis McPherson case, what happened is an absolute tragedy, but there are also other forms of hurt and stress that can be placed on people. Over the years, for as long as we have had banks in this state, we have had many bank hold-ups over time.

Thankfully they have slowed down quite a bit with changes in technology and security services getting on board but, sadly, we still have inside jobs. I note there was one at Mannum not that many years ago, just across the river from my electorate. It was an inside job, where people had to face the trauma of having a gun used in front of them. Obviously they can also be used in service station hold-ups and the like.

There should not be any way that people handling these unregistered firearms get away with it at all. I acknowledge what the deputy leader, the member for Bragg, said, that there should be more done in trying to round up these illegal weapons. I know it is probably a pretty tough job because these illegal weapons would be underground but, from what you hear anecdotally on the street, it would not be that difficult to obtain one if that were your desire. Hopefully with legislation like we have passed in this place recently, cracking down on bikie gangs and legislation such as this, perhaps we can save some lives and save some trauma in the future.

Sadly it will be too late for some, like a young lad like Lewis McPherson and his family. We do not want this to happen to one more family in this state, let alone anyone else. With those few words I commend the bill.

Sitting extended beyond 17:00 on motion of Hon. J.R. Rau.

Mr VAN HOLST PELLEKAAN (Stuart) (16:56): I rise to speak on behalf of the opposition and the people of Stuart on this bill. I will be fairly brief, because people who have spoken before me have gone into great detail and given thorough and genuine contributions.

As has been said, this bill is before us largely because of the great tragedy of the Lewis McPherson case. However, while in many ways that was the catalyst for this proposed change of law, I would like to stress that Mr Mark McPherson, whom I met with a few times when I was shadow police minister, made it very clear that in his mind it was not only about his son and his family but also very much about trying to help people so that they never end up in the same situation, to do everything possible to prevent any family having a son or daughter, or a grandmother or grandfather, or any member of their family caught up in a great tragedy the way the McPherson family has been.

So while that very sad incident is, in many ways, the catalyst for this, it is not only about that. As good laws are, it is about trying to make good things happen or about trying to prevent bad things from happening. That is very much the foundation from which the opposition comes to this issue.

We do have some concerns about it, but let me say very clearly that the opposition supports this bill. The opposition will support this bill in both houses and will not try to amend it in any substantive way. If there are some technical amendments which come to the surface—

An honourable member interjecting:

Mr VAN HOLST PELLEKAAN: Correct—for some reason, as the Attorney-General has brought to our attention, so be it. We will work through those responsibly. However, we are supporting the bill and we will not look to change its intent in any way whatsoever.

At the heart of this issue is the fact that there are so many illegal firearms out in the community. We know that between 230 and 250 firearms are reported stolen every year, and we know that hundreds more, every year, are reported missing. So there are several hundred, and one report, about three years ago, which came from the Australian Crime Commission, said that there were approximately 1,100 firearms in South Australia every year reported stolen or missing. That is one of the absolute foundations of this problem, because we are here to talk about ways to try and prevent trafficking of illegal guns. If we can go a step before that and do whatever is necessary to

stem the supply of illegal guns so that the traffickers have less material to work with, that would go a very long way to addressing the issues that the McPherson family, many other people in the public, and both the Liberal and Labor parties in this chamber want to address.

Trafficking is at the heart of this, and trafficking firearms can never come to any good. There is never going to be a law-abiding, responsible firearms owner or user who would receive an illegally trafficked firearm. It does not matter whether that person needs it for feral animal eradication, for target shooting with a club, or any other legal responsible purpose that you could think of, nobody who would be a responsible, law-abiding firearm owner or user would ever receive an illegally trafficked firearm. There is never any reason to accept the trafficking of firearms. Everything we can possibly do to stamp it out needs to be done.

I said that we have some concerns, and I am not legally trained and do not pretend to be, but the legal fraternity is very concerned about the issue of derivative liability. The deputy leader, shadow attorney-general and member for Bragg, has covered that issue, and she is legally trained, so I trust what she says on those issues. For myself, I can say I am uncomfortable with the principle that somebody could be found immediately convicted of a crime because another person was convicted of a crime and they had an immediate connection with that. I am not comfortable with that as a complete principle. I would have been more comfortable with the concept of saying that, if one person is convicted of a crime that involves a weapon that was trafficked and it was clear that person B trafficked the weapon, person B should stand trial for the same crime and then at least that person would have their day in court.

However, we as a team, as an opposition, have come to the conclusion that this problem is so big and so far out of hand at the moment, it requires a much heavier hand than we would normally be happy with, and so we will support the government in this bill. There are concerns with it, but this is one of those situations where you need to do what you need to do to fix the problem.

It has been made very clear by speakers who have preceded me on my side and by the Attorney-General—and it is certainly very clear in the words of the legislation—that this could never apply to somebody who participated in a legal transaction of firearms, whether that person was a dealer as a buyer or a seller, or a private person as a buyer or seller, or a dealer-facilitated transaction between a private buyer or seller. If it is done lawfully, efficiently and gets the tick of approval from the police, they cannot get caught up in this legislation. While it is a heavy hand, it is a heavy hand that can only apply to the illegal traffickers of firearms. It is on that basis that the opposition supports the government.

Mr SPEIRS (Bright) (17:04): I rise today to speak on the Statutes Amendment (Firearms Offences) Bill and wish to place briefly on the record my intention to strongly support this legislation. There has been controversy about this legislation and we know that there are people within the legal fraternity who are concerned about it, but at the end of the day this legislation has come to us because of a real-life tragedy. A young man lost his life in the most abhorrent way because there was an illegal firearm in the possession of someone who should not have had that illegal firearm. A young man lost his life because laws like this were not in place and you could say that, if laws along these lines had been in place, Lewis McPherson may be alive today.

I speak as someone who has a very close connection to the community in which Lewis McPherson lived and went to school. I am the local member for that area and for Brighton Secondary School. I follow on from the member for Mitchell who has already spoken in support of this legislation. The crime occurred within the member for Mitchell's electorate and we both see ourselves as having a significant responsibility to our community to stand up and say this is legislation that we will support and this is legislation that the Liberal Party, the opposition in this state, should be supporting, because at the end of the day, leaving legal arguments aside, there is someone who is no longer here in our community because firearm laws were perhaps not what they should be.

This is about real life. This is about the impact of illegal firearms in our community and, as a parliament, from time to time we need to make difficult decisions that may not necessarily sit well with the legal fraternity but nonetheless need to be made because there has been a significant wrong here. If anything good can come out of the tragedy of the murder of Lewis McPherson perhaps it is that South Australia will have tougher firearm laws and will have put in place mechanisms that might

just scare some people into doing the right thing when it comes to dealing with firearms legally or illegally.

There has been a lot mentioned in the media by the Law Society and by stakeholders in this field about a fear within those who use firearms legally that somehow this legislation will impact their ability to act legally with the guns that they own. That certainly is not the case. If you are doing the right thing and if you are behaving responsibly and being a firearm owner or conveying firearms in a legal manner, there is nothing at all that anyone needs to fear. People in rural South Australia who use guns on their properties and people who use guns for sport do not need to fear this legislation. This legislation is to stop bad people from doing bad things. It is as simple as that.

I want it clearly on the record today in parliament that I am here to support the McPherson family and to support the community that I represent which has been deeply affected by this crime. As I drive around my community through Brighton, Seacliff, Marino, Kingston Park and Somerton Park, on every two or three vehicles you will see the LewMac bumper sticker in yellow writing on a black background. This is a crime that has had a significant impact on my community.

It has made people aware of perhaps the failings in firearm legislation in this state and, most importantly, it has made people aware that something needs to be done about this, and that is what is happening in parliament today. My feelings about this are on the public record. I am quite happy to speak to anyone who has difficulties with this legislation. I certainly do not, and I am happy to support the government in full in this legislation before the parliament.

Mr WHETSTONE (Chaffey) (17:09): I also rise to echo the sentiments and concerns of the member for Bright and many speakers about the dark side of firearms. I make the point in my contribution that the majority of firearms owners, licensees, do the right thing and use their firearms for the right reasons. I declare that I have a firearms licence, class C. I have a self-loading shot gun, I have a self-loading rifle, and I use that on my primary production operations mostly for vermin control. I use it for my livelihood, but others use it for their sport, and others use it for all the wrong reasons. Sometimes those people are the ones who have given firearms and handguns, over the lifetime of us on the planet, a bad reputation.

What really concerns me are the complexities of the current rules and legislation for firearms at the moment. I am glad to see that the Statutes Amendment (Firearms Offences) Bill will provide some changes regarding illegal firearms within the system. Currently SAPOL is looking at red tape reduction and making the system much more streamlined and easier to navigate. Obviously, that will be music to the ears of many people in my electorate of Chaffey, known as one of the premium food bowls, because that is what many of the farmers use to protect their crops and control vermin and to keep their livelihood viable.

I notice in the statistics that nearly 65,500 South Australians hold a licence and 55,000 of them currently have firearms. If you delve into the numbers, there are 309,200 registered firearms in South Australia, 17,000 handguns, and 230 firearms are stolen each year. Sadly, most of the firearms that have been stolen are normally stolen for the wrong reasons. Sometimes they are stolen simply for money and sometimes they are stolen simply to be put into the hands of people who should not have them. What this tells me is that there is an average of about five firearms per licensee, and that is of concern. A briefing by SAPOL representatives this morning also highlighted some of the inefficiencies within the Firearms Act.

The issue that has been documented here today is that the tragic incident of Lewis McPherson is something that would make every South Australian shudder, quiver, to think that something like that could have been prevented. I sympathise with his family. Today we will streamline those offences and make South Australia a better and safer place to live.

I do not want to make much more of a contribution. Having had a friend who was shot and killed, it really is a tragedy. That is why today I stand here and just make a small contribution. The destruction that firearms cause when they are in the wrong hands, whether it is intentional or people with mental strain, mental illness, is really the real issue here. I do rise to support this bill and wish it a speedy passage through the parliament.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for

Industrial Relations, Minister for Child Protection Reform) (17:14): First of all, I thank all of the members who have made a contribution today, and I will say a few words about some of those contributions in a minute. I also will try to answer a few of the general questions that have been put forward.

Can I also, again, as many have done, acknowledge the great community-spirited work that Mark McPherson and Tina Pitman have put in arising from a deep personal tragedy to champion reform in this important area of firearm safety. I want to say that they have been instrumental in the development of this legislation. They have assisted me and those with whom I work greatly in identifying the sorts of factors that we were trying to deal with, and I believe that this legislation does properly target the people who we really want to target, namely, the illegal traders particularly in illegal firearms.

I know that the member for Chaffey comes from a part of our state where there are people who have absolutely legitimate reasons to have a firearm and a firearms' licence and who, by and large, are totally responsible with them. I want to make it clear to the member for Chaffey, and through him all of his constituents, that this legislation is not directed at them. This legislation is directed at the people who are illegally procuring and distributing firearms in circumstances where neither the person holding or selling a firearm or the person buying it has any entitlement at law to have a firearm.

I want to say a couple of other things. As I said, all of the contributions were, I thought, very supportive, and I thank all the members for that. I was slightly tantalised by the member for Bragg, as I often am, when she made the observation that if certain things happened she would be 'having a great deal to say'. I did find that slightly comical because, in my experience, she does have a great deal to say a great amount of the time about a great many things. Anyway, be that as it may, she is not happy unless she has a bit of a go at me.

The other thing is that she called upon the government to, I think her term was, 'wake up and do something about firearms. Do something about it.' Can I just say a couple of things to the member for Bragg, lest she does make good on her threat of having a great deal to say. First of all, we have this piece of legislation here. This is doing something about firearms. Secondly, she should recall that not that long ago we introduced a whole range of very particular measures about people who were charged with firearms offences to make the point that if you are out there committing offences with firearms that is a quantum difference from other offences that are committed, and we actually have a reversal of the presumption about bail for those people. That is another thing we have done about it.

Of course, the Minister for Police and the Minister for Emergency Services has today, I think, introduced a very comprehensive piece of legislation, which I think the member for Chaffey acknowledged might actually be very helpful in terms of getting some of the clutter out of the old legislation. In addition to all of that, over the last several years we have had a number of firearms' amnesties where we have got the police to publicly call upon people to surrender firearms that they do not have for any good reason, and each one of those amnesties has produced some hundreds, I think, of weapons.

It is very interesting actually if you go in and see the product that comes out of these amnesties. There are all sorts of things in there. There are literally homemade weapons where somebody has used pipes and other bits and pieces. You have modified weapons where you have something which sounds a little bit like the shotgun that the member for Chaffey might have but, by the time these characters are finished with it with a hacksaw, it does not look anything like that. Of course, there are pistols and other things. Occasionally, there are things which quite probably owe their presence in our community to a war veteran who brought some little souvenir home some 10, 20 or 50 years ago and, instead of it being on the mantelpiece, it has found its way into the marketplace.

The other thing we have also done about this is that it is well known that organised criminal groups, amongst other things, trade in illegal firearms, and we have been doing our best to make life a little bit uncomfortable for them as well. Hopefully, having said those few things, the member for Bragg will not need to make good on her threat.

I would now like to mention a few matters of particular interest to perhaps satisfy some of the questions and issues that were raised. First, the government will be moving an amendment, which I think has been circulated and people are aware of that. I want to explain at this point that this amendment is designed to ensure that the scope of the policy of the bill is not confined to subsequent offences committed within the territorial borders of South Australia but extends to offences equivalent to South Australian offences if committed in another state. The amendment was suggested by the Commissioner of Police and I agree with the idea.

I want to make it clear that 'subsequent offence for the purpose of criminal activity' is equivalent to the interstate offence actually committed and not equivalent to the corresponding South Australian offence not committed. So, if the gun is used to commit a bank robbery in Victoria, the subsequent offence is the equivalent to the Victorian offence, whatever that might be (presumably bank robbery) and not the South Australian robbery offence.

There were some other things that came up in the Law Society's comments and I think, whilst we are at it, I might as well read onto the record some responses to those things. First, it was suggested by the Law Society that there is no place for derivative liability in the criminal law. I do not believe that is correct. There is an extensive common law on complicity and conspiracy, not to mention liability for common purpose, joint criminal enterprise and extended common purpose.

The Hon. T.R. Kenyon: There you go.

The Hon. J.R. RAU: That's what you were going to say. These doctrines are extensive and extend criminal liability very considerably. The submission actually and inconsistently points this out later on. The next point:

Criminal liability for serious offences must include mental and physical elements. The proposed offence has neither;

This submission is also incorrect. The proposed offence has both physical elements and mental elements. Further, not all offences have mental elements anyway.

The prescribed offender would have no involvement in the subsequent offence.

Not so. The involvement in the second offence is the supply of the weapon used to commit it. In this case:

Cullen, whose offending extended beyond the supply of a firearm to Humbles, was sentenced (after applying a...discount on account of his early plea) to 8 years imprisonment with a non-parole period of 3 years and 9 months. It cannot reasonably be suggested that these sentences are inadequate or would otherwise be contrary to those that might be expected by the public.

That was a quote from the Law Society. The response to that is: it can and is reasonably suggested that the sentence for supplying a gun to such a person in such circumstances is not proportionate to the offence actually committed and is contrary to that which might be expected by reasonable members of the public. The next point made by the Law Society is:

Why not extend...liability to the drug dealer whose consumer later overdoses or to the bartender who serves alcohol to a patron who later king-hits a passer-by?

The Law Society appears not to be aware that, under Australian common law, the administrator of a drug to another, by consent, who dies of the dose is guilty of an offence. The liability of the supplier of alcohol to victims of the drunk have been canvassed, particularly in the context of a subsequent fatal car crash, and liability has been imposed in such cases in various states of the United States. We are talking there about criminal liability. There is certainly civil liability there—absolutely no question.

They then go on to say that this is a step too far and any trial for the offence must necessarily be unfair, that the proposed offence is unfair and unjust, there is no need for the proposed offence and the bill is surplus to requirements, cruel and unusual punishment, manifestly unfair and unreasonable and also a barrier to rehabilitation. These are all statements of mere opinion and they have no legal content or significance. Opinions can, and often do, differ, even amongst rational, well-meaning people.

'The bill is unprecedented,' is another statement. This is true but, if that was a reason for not doing it, nothing new would ever be done and nothing would ever be done for the first time. The Law Society says that the bill is contrary to established principles of causation and cites the English decision in Pagett for that proposition. The Law Society ignores the fact, whatever the high-sounding principles it quotes in theory, that what happened in that case was a person was found guilty of the homicide of his hostage when the shot that killed the hostage was fired by an arresting police officer.

There is just one further example which I think might help people understand the notion of how this offence cascades from one person to another, potentially, and I think this comes from an example which was discussed by the member for Morialta. It goes something like this, and we have real names for the people here. James supplies legally to John, who supplies illegally to Paul, who supplies illegally to—and I think I am going to change this from Andrew to Ringo, who commits an offence.

The Hon. P. Caica: Ringo does?

The Hon. J.R. RAU: Ringo does. So it's gone from John to Paul to Ringo.

Mr Gardner: It's gone from James to Paul to Ringo.

The Hon. J.R. RAU: It started with James but he was okay because he was legal.

The DEPUTY SPEAKER: So, Ringo has got the gun?

The Hon. J.R. RAU: Ringo has got the gun, illegally. In this example, John and Paul would be liable to the derivative liability offence but not James, as he supplied the firearm legally and, of course, Ringo would be facing the actual offence for having committed the crime. So that is it. That is how it works. It cascades. The trigger, the cascading—

Members interjecting:

The DEPUTY SPEAKER: Members are asked to listen to the Attorney in silence.

Mr Whetstone: It sounds like The Beatles.

The DEPUTY SPEAKER: Member for Chaffey, I don't think it is a good time for you to start. You are already on two warnings and you will be leaving us.

The Hon. T.R. Kenyon: Send him out now.

The DEPUTY SPEAKER: No, member for Newland; I do not need your assistance.

The Hon. J.R. RAU: Deputy Speaker, some members may not be aware that the member for Chaffey and I, for a period of time, at least, attended the same school and—

The DEPUTY SPEAKER: And your point is?

The Hon. J.R. RAU: I am going to slightly change this. It is but a twinkling of the eye ago and, when we went to school, this proposition would have sounded more like this. George supplies legally to John, who supplies illegally to Paul, who supplies illegally to Ringo. Does that help?

Mr Whetstone: Now I've got you.

The Hon. J.R. RAU: Got it. So, that is how it all works. The critical point is the illegal supply is what engages this provision.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Progress reported; committee to sit again.

CONTROLLED SUBSTANCES (SIMPLE POSSESSION OFFENCES) AMENDMENT BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 3 June 2015.)

Mr VAN HOLST PELLEKAAN (Stuart) (17:30): I will be fairly brief and I highlight the fact that I am not the lead speaker. The member for Morialta will be our lead speaker. As you might know, I have quite a bit of history in this place with this issue and I wholeheartedly support the government in what it is trying to do by bringing forward the Controlled Substances (Simple Possession Offences) Amendment Bill.

In summary, this bill essentially tries to deal with the fact that currently, if someone is charged with serious drug offences like manufacturing but they happen also to possess a personal quantity about themselves, they are caught up in the drug diversion process in addition to their serious charges. Given that these offenders are already caught up in the criminal justice system, this is a pointless waste of time. The government's bill would stop a person charged with a serious drug offence from also being diverted under this scheme for a simple possession offence that has arisen at the same time, and that is sensible. The reason that is sensible is because the drug diversion system at the moment is not sensible in that it can be applied to a person an unlimited number of times.

I put a bill to this house to propose that if a person was caught with a small, non-trafficable amount for personal use for whatever ridiculous reasons—and I cannot accept that that is necessary—but if they were caught with small personal use quantity of drugs on their person, they would not go to court but they would get an opportunity to redeem themselves and participate in a drug diversion program. If it happened again, they would get another opportunity to do that, to see the error of their ways, get educated, try to improve their life and their whole situation. But if they got done a third time, bad luck, off to court is what I think should happen, but the law at the moment is that that can happen over and over again, and there is a case of one person where this has happened 34 times—that is, 34 times caught with a small personal use amount of drugs. They say, 'I'm really sorry, I'm a terribly bad boy, send me off to a drug diversion program again.'

People deserve a chance to redeem themselves, people deserve a chance to improve, whether it is because they are just going through a dreadful time in their life and they need something to help them recognise that and get out of it or whether it is an addiction or the edge of an addiction problem and they need help to get off of that—no problem, people deserve a chance to get themselves back on the straight and narrow. I would not want to clog up the courts either with sending every single person who was ever caught with a tiny amount of drugs straight to court. However, an unlimited number of opportunities is absolutely ridiculous. When somebody does it five, six, 10, 20 or 30 times, they are either not redeemable—and let's hope they are redeemable—but if they are redeemable the system is not helping them redeem themselves. One way or the other, it is crazy to keep having to send them off.

So, the government knocked me back on that, I think, under very poor judgement. The member for Morialta then, when we changed portfolios and he became the shadow minister for police, tried to do exactly the same thing hoping that the government had a bit more time, seen the error of their ways and really could understand that an unlimited opportunity to go to a drug diversion program was ridiculous. The government could easily have said, 'Look, we understand the principle. We are not comfortable that on your third time you lose the opportunity and you must face a magistrate.' The government, if it wanted to, could have said, 'Oh, maybe it should be the fourth or maybe it should be the fifth,' but it just said, at the time, 'No, we are happy with the unlimited opportunity for people to go.'

It is important to point out that sending somebody off to court does not mean they are going to gaol, it does not mean they going to get their head chopped off, it does not even mean that the magistrate could not, if he or she wanted, decide, 'Do you know what? I still think you deserve another turn.' The magistrate could say, 'You've been caught twice, you've gone—apparently—and participated in the drug diversion program twice, and you have come to me because you've been caught a third time. I actually do think you deserve a third opportunity.' It does not preclude the

chance for that person, if a magistrate thought he or she deserved it, to get another go with a drug diversion program. The key thing is that the magistrate would decide, not the offender.

That is a quick summary of the history of how we got to where we are today with the government's bill, which essentially—and I just read a quick summary of it—says, 'Look, if you are busted for both at once, a serious drug offence and a very minor drug offence, then you don't get the chance to just opt for the drug diversions. We will only deal with you, essentially, for the serious drug offence,' whether that be manufacturing or trafficking or dealing, or whatever it might happen to be, but something far more serious than being in possession of just a small quantity of low level drugs for personal use.

I support that principle entirely, but it still leaves wide open the opportunity for somebody who is not caught as a drug dealer—they may, in fact, be a drug dealer but they are not caught as a drug dealer—to just keep going endlessly, an unlimited number of times, off to the drug diversion programs. So I think there is still work to be done in this space, but I certainly support the government at least making the effort they have made at the moment with this bill. I support it, and the opposition supports it.

Mr GARDNER (Morialta) (17:36): I am pleased to speak on this version of the Controlled Substances (Simple Possession Offences) Amendment Bill. I indicate I am the lead speaker. For clarity's sake, I note that this is a different bill to one of the same name that has been previously introduced since the election, and serves a different purpose.

In relation to this bill, in the briefing it was identified that the other bill of the same name was the direct antecedent to this bill being introduced. I remember that on 13 November last year the member for Taylor, speaking on that bill, said:

While the government supports the diversion scheme and opposes the bill, we agree that something does need to be done to deal with people who are clearly abusing the system. For this reason, the government is exploring an alternative proposal involving the use of undertakings.

Currently, health professionals who treat individuals diverted under the scheme are able to compel offenders to enter into undertakings. Such undertakings would set out, for example, what treatment an individual is expected to participate in. A breach of an undertaking automatically results in the prosecution of the original offence.

The government's alternative proposal will enable the prosecution of offenders who do not properly comply with the diversion process or who are not making genuine efforts to get off drugs. The government's proposal will be introduced to the parliament shortly. For this reason, the government will oppose this bill.

I do not particularly refer to the member for Taylor, other than the fact that she was the one speaking on behalf of the government in relation to that matter; my comments are directed at the government. I think this was an undertaking by the government to introduce it into the parliament, as was said on 13 November last year, 'The government's proposal will be introduced to the parliament shortly.'

The fact is that the matter referred to by the member for Taylor on behalf of the government, in relation to undertakings, has now been addressed by the government in a way that has no legislation. This legislation does not go anywhere near dealing with undertakings or anything else, other than, as the member for Stuart described, just dealing with the small matter of those who are charged with serious drug offences and it being ridiculous that you give them the diversion at the same time as you are charging them with something that they are going to get gaol time for. The government did commit that the matter to do with undertakings would be brought to the parliament and instead they have chosen to go down a different path.

After the briefing, when this was established, the Attorney-General was kind enough to write to me to advise the opposition on what was happening in relation to undertakings. I think the importance of it was amply demonstrated by the member for Stuart just a moment ago when we has describing the nature of the undertakings in the case of somebody who has diverted more than twice.

It remains the opposition's view that somebody who has diverted once, commits a similar offence and diverts a second time and commits a similar offence at this point is taking the mickey. They are not taking that diversion seriously. It should go before a magistrate, who can then determine if they are worthy of further diversion or if they should be treated before the courts. The government's approach to this has been dealt with in the Attorney's letter, which I will quote for the benefit of the community and the house. The Attorney wrote:

I understand that it was an agreement to provide you with further information about administrative changes being implemented by Drug and Alcohol Services SA (DASSA) and South Australia Police...to improve the operation of the Police Drug Diversion Initiative (PDDI), as well as answer your query about the Bill's impact on any funding agreement relating to PDDI.

In relation to the changes of the PDDI, I am advised that DASSA, in consultation with SAPol, has implemented administrative changes to the procedures for the PDDI effective from 1 July of this year, so that a person who has been diverted under the scheme more than two times in the previous 24 months will be required to enter into an undertaking. PDDI clinicians also still retain the discretion to apply an undertaking to any diversion at any time, as they consider necessary or appropriate.

An undertaking is an agreed treatment plan that a diverted individual is required to complete pursuant to section 38 of the Controlled Substances Act...It is a more significant health intervention than a standard diversion. It can include treatment, education or any other matter that will assist the person to overcome personal problems relating [to] their drug use. The clinician can apply the undertaking for any period up to six months.

DASSA has advised officers of the Attorney-General's Department that the PDDI Clinician Manual has been updated to implement this procedure. It describes the PDDI procedures and is available at [the Health website]. Attached is an extract of the Manual describing the new procedures following multiple diversions.

I will just read, for the benefit of the house and members of the community, the relevant section which has been updated.

Undertakings

Under section 38 of the Controlled Substances Act...an accredited service provider may require a person to enter into an undertaking relating to their diversion.

The Act states that this may relate to:

- the treatment they will receive
- participation in a programme of an educative, preventative or rehabilitative nature
- or any other matter identified by the clinician that will assist the person to overcome any personal problems relating to their drug use.

It is SA Health policy that an adult apprehended more than two times in a 24 month period must have an undertaking applied to their diversion. However, clinicians also have the discretion to apply an undertaking to any diversion at any time, as they consider necessary or appropriate.

An undertaking is a PDDI intervention that a client is required to complete. It is a more intensive health intervention than the standard PDDI intervention, and should reflect an evidence-based treatment response that is considered clinically appropriate for the individual presenting to the clinician.

An undertaking can include referral to other services, including drug treatment services. However, a referral for drug treatment must be with a drug treatment service that is accredited under the Act. Compliance monitoring remains the responsibility of the PDDI clinician. The program described in the undertaking must be specific, verifiable and include dates where appropriate. A treatment plan must be discussed and agreed between the client and clinician before treatment can commence.

Each treatment plan will be individually tailored to the specific circumstances and needs of the particular client. However, it should represent a more intensive health intervention. An ASSIST score, together with assessment outcomes, can be used as a guide when determining the length and intensity of the intervention.

If a client enters into the undertaking [she or he] must sign and be given a copy of the undertaking.

The clinician must clarify with the client what an undertaking involves and outline the consequences of non-compliance. It is the responsibility of the clinician to verify that actions have been completed, including contacting third parties when required.

The clinician must specify how long the undertaking will apply for, and this should reflect the activities in the program. The Act states that an undertaking can apply for any period up to, but not exceeding, six months. There is no minimum period. With the consent of the client bound by the undertaking, the terms of the undertaking can be varied, but not so that the total period of the undertaking exceeds six months.

The clinician will need to ensure that the conditions of the treatment plan have been met and completed before the client can be signed off as compliant.

If the individual is compliant with the requirements of the undertaking, the client will be immune from prosecution from the alleged offence.

If the individual is non-compliant with the requirements of the undertaking, the matter will be referred back to SAPOL.

An undertaking must include a condition that any additional diversions during the term of the undertaking will result in non-compliance and the matter will be referred to SAPOL. If a client is diverted while on an undertaking, then:

- the client is non-compliant with that undertaking
- the matter that the undertaking related to is referred to SAPOL
- a new undertaking should be applied to the new diversion.

Diversions that occurred before completion of an undertaking should not be counted when determining if three or more have occurred in a 24 month period. However, clinicians retain the discretion to apply an undertaking to any diversion.

I read that detail because the government, despite having identified in November last year in response to the opposition's private member's bill of the same name as this one, and despite having undertaken that they would deal with this matter legislatively, have opted not to do so.

To be clear, while in response to the proposition in relation to which I have just read concerning the matter about undertakings, this bill does not deal with that aspect. The government has instead chosen to use this administrative measure to deal with it, so I thought it was important to read out the detail of that PDDI Clinician Manual as it stands at the moment because it is a different prescription from that which the opposition has suggested is better. The opposition's suggestion is that, upon the third diversion the person, the offender, should face the magistrate.

The government's prescription is that, on the third diversion, there be an undertaking and more detailed health intervention and that noncompliance with that at a future date be then referred to the police potentially, I assume, for consideration before a court. However, under the current act I note it still says that a person will be diverted by police, so I think it is still unclear. At least in the actuality, what is outlined by DASSA is an improvement on what was taking place before. For that reason, we are not seeking to amend this bill to include the provisions; we will keep an eye on how the application of these provisions is undertaken.

The other point is that there is no certainty for the people of South Australia in something that is not in the bill. This is an administrative guideline that can be changed at any time. That is why I read it into the second-reading case, because I think it is useful to be able to hold the government to account on that matter. The bill that we are dealing with today is a bit more technical, so I want to turn now to the detail of how it will be applied. As the member for Stuart suggested, those people charged with certain drug offences—and I will go through them in a moment—will no longer be offered the opportunity to have a diversion if they are also in possession of a small amount of drugs such as would suggest a simple diversion.

To put it in layman's terms, you can imagine if somebody is operating a pill press—and one thinks of the Carl Williams character in the original *Underbelly* TV series. He was apprehended by police while the pill press was running and he also had some pills in his pocket. The pills in his pocket, presuming they were of the quantity that would normally have somebody diverted, under the current law, he is charged with both the significant manufacturing and trafficking offence because he is running the pill press, and at the same time he has the pills in his pocket and that would attract the diversion. Ultimately, the point that is made by this bill is that there is no purpose in that diversion as well because, frankly, it is just a waste of everyone's time for that diversion to take place. We have a serious drug offence for which the charges are being laid and so that takes primacy. Under this bill, which the opposition supports, the diversion will no longer take place.

In relation to that matter, therefore, I will identify the offences for which if somebody is charged then they will no longer get the diversion. As it states in the bill in clause 4, the diversion is not going to apply to somebody who is alleged to have committed a simple possession offence that would have had the diversion and is charged with a serious drug offence arising out of the same circumstances.

There are a range of offences that are caught up by the term 'serious drug offence'. This is under sections 32 and 33 of the act. We are talking about trafficking, including trafficking in a large commercial quantity, commercial quantity, prescribed area or trafficking in a controlled drug. We are talking about manufacturing of controlled drugs for sale. We are talking about the sale, manufacture, etc., of a controlled precursor which, again, is large commercial quantities, commercial quantities, controlled precursors or a person who has possession of a large commercial quantity, a commercial

quantity or someone who has possession of a controlled precursor intending to sell it believing that the person to whom it is to be sold or another person intends to use any of it unlawfully to manufacture a controlled drug.

It also includes a person who manufactures a controlled precursor intending to unlawfully manufacture a controlled drug and intending to sell any of that drug manufactured or believes another person intends to sell that drug. It includes section 33B which is in relation to the cultivation of controlled plants for sale, cultivating large commercial quantities, commercial quantities or a controlled plant intending to sell it on.

Section 33C concerns the sale of controlled plants. It deals with a range of offences involving children and school zones. Under division 3, section 33F, for example, is the sale, supply or administration of a controlled drug to a child; section 33G—Sale, supply or administration of controlled drug in a school zone; and section 33GA—Sale of equipment to child for use in connection with the consumption of controlled drugs. This includes:

A person who—

- (a) sells a piece of equipment to a child for use in connection with the smoking, consumption or administration of a controlled drug, or the preparation of such a drug for smoking, consumption or administration; or
- (b) has possession of a piece of equipment, intending to sell it to a child for such use.

Any of these people who have those pills in their pocket, in the nature of the Carl Williams example, are no longer going to be diverted under the Attorney's sensible but slight legislation.

Section 33GB concerns the sale of instructions to a child. This includes a person who, without reasonable excuse—I wonder what such a reasonable excuse would be, but I go back to quoting—

- (a) sells to a child a document containing instructions for the manufacture of a controlled drug or the cultivation of a controlled plant; or
- (b) has possession of a document containing instructions for the manufacture of a controlled drug or the cultivation of a controlled plant intending to sell it to a child,

Section 33H, which will no longer be captured under the diversion principle, is procuring a child to commit an offence. I think from memory section 33I(2), might have been specifically excluded; yes, it is. Section 33I(1) relates to the supply or administration of a controlled drug. That is somebody who:

- (a) supplies or administers a controlled drug (other than cannabis, cannabis resin or cannabis oil) to another person; or
- (b) has possession of a controlled drug (other than cannabis, cannabis resin or cannabis oil) intending to supply or administer the controlled drug to another person.

Those people are not going to be caught up anymore in the drug diversion scheme and wasting everyone's time and effort in trying to divert somebody for which that more significant offence is the one we should be dealing with.

Section 33J—Manufacture of controlled drugs, is also caught up, which sounds sensible. I suspect that would be the Carl Williams example exactly. Section 33LA—Possession or supply of prescribed equipment—includes:

A person who, without reasonable excuse (proof of which lies on the person)—

- (a) has possession of any prescribed equipment; or
- (b) supplies to another person any prescribed equipment; or
- (c) has possession of any prescribed equipment intending to supply it to another person,

Section 33LAB concerns the possession or supply of instructions. Section 33LB is about the possession or supply of prescribed quantity of controlled precursor, and section 33LD is the intentional manufacture of a controlled drug alternative. That is:

A person who manufactures a substance intending that the substance—

- (a) will have pharmacological effects similar to those of a controlled drug; or

- (b) will be a legal alternative to a controlled drug.

Sitting extended beyond 18:00 on motion of Hon. J.R. Rau.

Mr GARDNER: I think I was up to section 33LE—Promoting controlled drug alternative. I do hope at this point that the Attorney is just about receiving the messages that he seeks, because we are almost to the end of things that are relevant to this bill or potentially cogent to the debate, and there are other members who will be speaking on this bill in the future. I suspect we will not be able to get to the committee stage of this bill tonight.

Despite the fact that it is not our practice to sit past 6pm on a Thursday, to assist the Attorney in getting the messages he seeks from the Legislative Council, the opposition will potentially extend this friendship for a few minutes. I am certain that the member for Newland has some strong feelings on this bill, and I suspect that he is about to get some advice on the same. Promoting a controlled drug alternative is no longer going to be caught up in the drug diversion scheme. This includes:

- (1) A person who promotes a substance—
 - (a) as having pharmacological effects similar to those of a controlled drug; or
 - (b) as being a legal alternative to a controlled drug; or
 - (c) in a way that is intended, or likely, to cause a person to believe that the substance—
 - (i) is a controlled drug; or
 - (ii) has pharmacological effects similar to those of a controlled drug; or
 - (iii) is a legal alternative to a controlled drug.

Anyone who is convicted of that offence is no longer going to be diverted under the drug diversion scheme as a matter of the passage of this bill, because, obviously, the superior, the senior, the more significant offence is the one that takes priority.

Finally, section 33LF is also caught up. That relates to the manufacturing, packaging, selling or supplying of a substance promoted as a controlled drug alternative. This includes:

- (1) If a police officer reasonably suspects that a person intends to manufacture, package, sell or supply a substance that is being, or is to be, promoted in a manner prohibited under section 33LE, the officer may give the person a notice...warning the person that if he or she manufactures, packages, sells or supplies the substance he or she will be guilty of an offence.
- (2) A notice given to a person under subsection (1) may be revoked at any time by further notice given to the person by a police officer...
- (3) A person who has been given a notice under subsection (1) and who subsequently manufactures, sells or supplies the substance specified in the notice is guilty of an offence.

All of those people are no longer going to get caught up in the drug diversion scheme as a result of the passage of the Controlled Substances (Simple Possession) Offences Bill. That is sensible, albeit slight. I know that the member for Newland is eager to speak on the matter. In concluding, I just restate my significant view on the matter.

This bill, I think, is a sign that the government was paying attention during private members' time when the opposition moved the far more significant bill of the same name, which would have sent a strong message to the community about our views on drug-related offending. Of course, the opposition bill would have sent a strong symbolic message and it would have had a strong practical outcome that was supported by just about every police officer I have spoken to about it.

The opposition's proposal would have seen a firm approach taken so that the person who the member for Stuart alluded to who had been diverted 34 times and the person *The Advertiser* made headlines with because they had been diverted 27 times would face the judge on the third offence, and that is appropriate. The magistrate at that time could potentially seek to give them that other diversion chance if they thought the circumstances were appropriate, but otherwise they would face the law. That would send a message and that would be something that would be easy to manage and everything else.

The government's response has been to do this slight but worthy change that will presumably free up some administration time of the diversion scheme by not having some silly consequential

diversions. However, ultimately, it is just an administrative response to go down this undertakings path. We will see how this new administrative approach goes. We will be watching carefully to ensure that there is not a step back from this on the third offence—the undertaking, the more significant health intervention is required. Ultimately, we retain the position that we may at some future stage bring back our original bill, or something like it, if we are unsatisfied with how that is working.

Having said that, I am looking forward to the member for Newland's contribution, certainly at least until we receive the message from the Legislative Council that is so whetting the appetite of the Attorney-General. The opposition supports the bill.

The Hon. T.R. KENYON (Newland) (18:02): There is nothing I like more than talking on a Thursday afternoon after 6pm, I can assure the house of that, but we wait with eagerness.

The DEPUTY SPEAKER: Really? Nothing more?

The Hon. T.R. KENYON: No, nothing. I wait with eagerness for the other place, the place that shall not be named.

Mr Gardner: They will be about 20 minutes.

The Hon. T.R. KENYON: Really? I can't talk for 20 minutes on this.

The DEPUTY SPEAKER: Do you want me to speak on Muriel for half an hour?

The Hon. T.R. KENYON: I am very happy to support the bill the government is putting through. I think it is an important thing that the smaller charges are not used to divert the people who should be going through the criminal process, who are subject to more serious charges. They are using what is effectively a loophole to avoid trial and a possible conviction down the track by using a lesser charge as a way of diverting them to a diversion program.

South Australia is sort of unique in the history of drug law, in that it has always sought to be more lenient on personal drug use than it has on the selling, the production or the growing of drugs for sale and consumption of others. We have sought to be more lenient on personal use, so this bill works along those lines. The state has always sought to make that distinction between personal drug use and be more lenient on that, as opposed to being involved in the supply, the sale and the production of drugs, which is, of course, something that is far more serious.

While diversions are very useful and can be a very useful way of dealing with personal drug use, which I think we do not give enough credit to in some ways, in the way it leads into the drug cycle. I think leniency in that area is something that should be limited and that we need to be wary of.

Mr Gardner: Tom, you've got significant personal concerns about people you have known in your own past who have succumbed to drug use, which is why this area is so important, don't you?

The Hon. T.R. KENYON: I have very serious concerns about people in my own past. I went to Flinders University. I know lots of people who dissolved into drug habits as a result of personal use. In fact, that is where a lot of my opposition to it comes from. It is funny that you should bring that up.

I remember one of my first jobs between school and uni was working at Falls Creek in the snow during the ski season and I shared a flat with a group of people who also worked there, one of whom was a fairly heavy marijuana user. She was a towie. Her job was to get the lifts operating in the morning, sometimes in incredibly cold conditions before 6am. One of her jobs was to de-ice the cables in the morning. That is up high, probably three or four metres.

The DEPUTY SPEAKER: With a gun?

The Hon. T.R. KENYON: No, with an ice pick or a hammer. They would run the cable and you would have to smash it with a hammer to knock the snow off the cable and chairs, at height and in icy, cold and windy conditions. She would regularly smoke a bong or two before she went to do that, and I thought she was putting her life in danger—at least, putting her safety in danger—and that of others operating the tows in the morning.

I have seen numerous people who have got further and further involved in the drug cycle just from personal use, so I have a great deal of concern with personal use of drugs. It is certainly something I would not like to see my children get involved in in any significant way at all. I even fear just experimentation from time to time: who knows how that is going to work out. It is the fear of most parents, I suspect.

It is certainly important to make a distinction between that and being more involved in the wider drug cycle, that is, the selling, the production and everything else, which is something we should avoid at all costs. I think being harsher on those people is important and closing those loopholes that allow people to escape the consequences of being further involved is worthy, and it is a good thing that the government is doing in bringing this forward. It certainly has my support, and I am looking forward to voting on it.

Debate adjourned on motion of Ms Wortley.

Adjournment Debate

SANFL GRAND FINAL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (18:08): I am just wondering if I might say a few words on indulgence and I think possibly the members for Morialta and Newland, and others, might want to do the same thing. As many members might be aware, this weekend sees us celebrating what has often been referred to by Roy and HG as the festival of the boot. The festival of the boot is something that occurs but once a year, at least in its ultimate form.

This year, in a day or two, we will see the local festival reach its apotheosis. It is going to be a very exciting event. By reason of having observed Mr Speaker, I come to the conclusion that at least one of the teams has green and yellow-type attire, and I have used all the powers of deduction I can summon and I think this is something to do with what in my day was known at The Woodpeckers, and it was where the great Malcolm Blight began his career. Dear old West Torrens, which is much beloved by those of us in the western suburbs—

The DEPUTY SPEAKER: Lindsay Head.

The Hon. J.R. RAU: Lindsay Head, exactly. Who could forget the great Lindsay Head?

An honourable member interjecting:

The Hon. J.R. RAU: He was better than his brother, that is true. He was a magnificent footballer and there were so many great names. In fact, now that you mention it, I had the good fortune a while ago to go to a game where—I have to confess I support the other team, West Adelaide or The Bloods, as we call them. I have been to see a number of games—

An honourable member: One or two?

The Hon. J.R. RAU: A number—and on occasions I have had His Worship the Mayor of West Torrens, the Hon. John Trainer, say to me, 'If you come to watch Westies,' as they are also known, 'play a game, you can come into the Mayor's little parlour thing which is there at the game.' For those of you who have not been to the oval down there, it is a great little venue and, of course, the best bit is the Mayor's parlour at the oval because they have beautiful pies, pasties, sandwiches, cold chicken and drinks, and they also have an outdoor viewing bit where you can take your own chair out there and you can sit there.

Madam Deputy Speaker, you may not be aware of this but there are many members of the opposition, past and present, who are fans of The Bloods. It is true. The Hon. Rob Lucas, for example. I have been down there pressing myself, as one does, against the fence in an attempt to get a closer view of the athletic spectacle before me, and who might be standing next to me? The Hon. Rob Lucas, and he is there frequently.

An honourable member interjecting:

The Hon. J.R. RAU: No. He does not seek out the mayor's parlour, he stands in the crowd with the ordinary supporter. There are also people like—and you are going to like this. Can I mention two former premiers of this state?

The DEPUTY SPEAKER: By name or their former seat?

The Hon. J.R. RAU: No, I am not going to mention their names yet. I am wondering if any of you can guess. One of them has gone on to a career in football.

The Hon. T.R. Kenyon: John Olsen.

The Hon. J.R. RAU: Yes, the member for Newland, has it—the Hon. John Olsen. I have seen him there at the games. There is another one, and I will give you a clue: once upon a time he was the member for Frome.

The Hon. G.G. Brock: Not me.

The Hon. J.R. RAU: No, not the current member for Frome, the former member for Frome, the Hon. Rob Kerin. I have seen him there at these games. They appear to enjoy them quite a bit. The number of people one meets at those games is quite incredible. As I said, I have deduced today that the Speaker is, I think, a supporter of—

The Hon. A. Koutsantonis interjecting:

The Hon. J.R. RAU: I am glad the Treasurer is here because he can help me. The Speaker, as I said, I deduce is a supporter of either the Woodpeckers or the mighty West Torrens.

The Hon. A. Koutsantonis: It depends when you speak to him. He used to barrack for Glenelg, then Sturt, then Fitzroy, then Brisbane, then the Crows.

The Hon. J.R. RAU: So, the Speaker—

The Hon. A. Koutsantonis: He is also dressed in Port Adelaide colours outside Alberton handing out pamphlets that are black and white.

The Hon. J.R. RAU: Well, can I say that the Speaker has added an enormous amount of colour to the parliament this week in his preparation for the festival of the boot. The way he has dressed up, he has brought it to life to me anyway, as a person who does not normally get this excited this early about an SANFL grand final. I have had it brought forward several days, just come forward several days. Normally I am not this excited about it until Saturday afternoon. Quite frankly, I am wondering how I am going to get through the next three days, because if I am at this pitch now I might hit the spot I am looking for prematurely. That would be very unsatisfactory, so I am hoping I will be able to do something to calm myself down. Here is what I am thinking of doing: I am thinking of Patrick Dangerfield. What a story that is. What is the truth? Where is that heading?

The DEPUTY SPEAKER: We know; Geelong.

The Hon. J.R. RAU: Well, I saw a chap on television who claimed to be the mayor—again, member for Frome, a mayor—of Geelong. He had an unusual haircut, he had a bit of colour in the hair, and he was quite cocky about the fact that they were going to snaffle Mr Dangerfield. It seems to be the case that one trifles with a cocky mayor at one's peril, because he seemed to know something we did not.

I am actually a West Adelaide supporter. In fact, I went to school very close to West Adelaide at Cowandilla Primary School, and many of the people who went to the school wound up playing for West Adelaide, and then a couple of the fellows I went to school with at Henley High wound up playing for West Adelaide. One of them, the great Dirk de Jong, was the man who came in at the last minute in 1983—

The Hon. A. Koutsantonis: A great year.

The Hon. J.R. RAU: A great year. For the absolute final in 1983 he turned up from the West Coast, and Westies got one of those rare premierships under the belt. It is a long story I could tell you about how it was that he was out of the team and then back in, lots of intrigue and lots of twists, but I am not sure we have that long.

The Hon. A. Koutsantonis: Tell us about your time at Cowandilla Primary School.

The Hon. J.R. RAU: In real time?

The Hon. A. Koutsantonis: And the languages you learnt.

The Hon. J.R. RAU: Actually, it is an interesting point that has been raised by the Treasurer—who, I think, wants to make a contribution on this topic in a moment himself. I was lucky enough to be invited to go to the state records place a few months back. They are interesting people; they collect things, records of all sorts. They said to me, 'Look, you might be interested in some of the records we have assembled on this table.' So I went to the table, and amongst the records—and you will not believe this, Deputy Speaker—they had some information from Cowandilla Primary School. It was an original of a document—which I asked for a copy of and received—a very important document, Deputy Speaker, because on one page it proves that both the former member for Hindmarsh, Steve Georganas, and I successfully passed into grade 2. That is what it said on the page, and it had a stamp, 'Passed into Grade 2'.

The Hon. A. Koutsantonis: A defining moment of your career.

The Hon. J.R. RAU: A defining moment; after three goes I finally got there. Anyway, the former member for Hindmarsh, the soon to be member for Hindmarsh, Steve Georganas, and I appear on the same page with 'Passed into Grade 2'.

The Hon. A. Koutsantonis: Was Jimmy Karvelas on there as well?

The Hon. J.R. RAU: Jimmy Karvelas was not on that particular one but he was on others.

The Hon. A. Koutsantonis: But he has made it onto *Hansard*.

The Hon. J.R. RAU: He has made it onto *Hansard* and, if you are listening, Punter, good on you. I am getting the sense that the Treasurer wants to give a few of his recollections about football and other things. Actually I think the member for Morialta is seeking indulgence, because I think in this rather targeted speech I have just given I have provoked a matter of great interest in him as well.

SAMPSON FLAT AND TANTANOOLA BUSHFIRES

Mr GARDNER (Morialta) (18:19): I seek indulgence, Deputy Speaker, because I think at the moment one of the things that came out of question time today, or actually just before question time, is of very significant concern to my community—and this is, effectively, an adjournment debate, I suppose—and that is the outcome of the significant AFAC report into the Sampson Flat bushfires earlier this year. Of course, the report also dealt with the Tantanoola fires of January.

I have spoken previously in the house on a number of occasions about the impact that those fires had on my community, in particular, in the township of Cudlee Creek. I know that the people of Cudlee Creek were impacted very harshly, and a number of them lost property, sheds and livestock, as did other surrounding townships such as Paracombe, Chain of Ponds, Millbrook and Ironbank.

The contribution made by our CFS firefighters, locally and from around the state, and indeed from interstate, in protecting those properties and houses was significant. I focus on Cudlee Creek because it was the centre of so many of the people in my community who were the most affected. People lost hundreds of thousands of dollars' worth of property.

I remember visiting a couple of my constituents and hearing their hearts tear as they spoke about the history of the property they had lost, including their sheds, and the ferocity of the flames. We saw a television that had melted down somebody's hill. It was extraordinary that there were not more houses taken. Too many were, and my heart goes out to all those who lost their homes. There was only one lost in the electorate of Morialta, but many more sheds and other pieces of property. There was huge personal loss and a huge loss of income, but gratitude to all of those volunteers who did so much.

In relation to the handling of the matter by the CFS, the volunteers and paid staff did terrific work. However, it is appropriate, when you do have a situation where 27 homes are destroyed or damaged beyond habitation, 146 other structures destroyed, five businesses affected, 30 vehicles

destroyed—although thankfully no loss of life—to look in great detail as to how the incident was managed and see what can be learned and what might have been done better.

In this case, there were 18 recommendations in this report, and I wish to put those 18 recommendations on the record. We heard some of the government's response from the minister today. The minister indicated that 'the recommendations require a whole-of-government response and will be considered by the government next month'. I assume that the minister means in the next month, or perhaps he has set his timetable as by October. The recommendations are:

- Recommendation 1
Incorporate in operational doctrine the ability for the State Controller to determine the operational readiness levels of the state or regions based on either the predicted and/or actual risk and/or activity to some or all of the regions.
- Recommendation 2
Incorporating 'triggers' within Chief Officers Standing Orders No. 17, which requires the escalation of the State Controller role to the rank of Assistant Chief Officer or greater, depending on the increased risk or activity.
- Recommendation 3
Reviewing how Regional resources are managed and tracked and incorporate into COSO's to ensure that there is complete situational awareness as to the location and tasking of CFS resources.
- Recommendation 4
That the Emergency Management Australia's 'Arrangements for Interstate Assistance (Fire and Emergency Services)' be applied to all future requests for assistance by the SACFS, SAMFS and SASES.
- Recommendation 5
Noting the implementation of Common Incident Command and Control System...in SA that fire and emergency services together with police (including through AFAC and ANZPAA), continue to liaise regarding the development of a national incident management.
- Recommendation 6
That a complete review of current naming conventions of personnel and centres, in accordance with the outcomes of the Victorian Bushfire Royal Commission is undertaken, to ensure clarity around command, control and coordination within SA.
- Recommendation 7
That future declarations be undertaken to ensure that the areas affected by the declaration are clear and concise.
- Recommendation 8
That SACFS conduct a review of SIMT with a view to increasing the number of teams from four to six, aligning them with each of the six regions within SA.
- Recommendation 9
Plan the establishment of one multi-agency Coordination Centre with sufficient capacity and capability to deal with all incidents in South Australia.
- Recommendation 10
Review all current SACFS operational facilities (Group, ICC, the RCC and SCC) to provide more effective communications, connectivity and resource management.
- Recommendation 11
Review the communication and request procedures within SACFS to ensure that the most effective chain of command and line of communications are established between the Incident Management Team, region and state.
- Recommendation 12
SACFS appoint the Regional Controller and/or Coordinator as the IC [Instant Controller] for any Level 3 incident occurring within their Region to provide better continuity and improved coordination. The

position of the regional controller and/or coordinator could then be backfilled by a suitably qualified individual as required.

- Recommendation 13

Review the current practice of issuing an 'emergency alert' telephone message or an emergency warning and/or watch and act alert to ensure that it is consistent, relevant and necessary. Prior to issuing an emergency alert message, consider state level involvement so that other agencies are made aware of message and intent.

- Recommendation 14

SACFS and the BoM [Bureau of Meteorology] review current weather, fuel loads and curing rates to determine the most appropriate and accurate forecast is prepared, issued and validated against current conditions.

- Recommendation 15

That SACFS consider the Traffic Management Procedures and guiding principles adopted in Tasmania as a model that could be implemented within SA.

- Recommendation 16

That SACFS in consultation with SAMFS consider adopting common terminology and capability requirements for strike teams being '4-5 appliances and a group officer' in line with other jurisdictions.

- Recommendation 17

That SACFS consider a review to develop an effective interagency messaging system and agency resource management system.

- Recommendation 18

Review relevant legislation associated Acts and Plans to establish a consistent approach to fire and emergency management to minimise duplication and risk of contradiction. That the Hazard and Functional area plans be amalgamated and establish a SA Bushfire Plan, under the SEMP, which clearly define role of SACFS.

This report was tabled today, so the opposition will be having a look at in great detail at all of the impacts of the report. It is important that these 18 recommendations receive full consideration. We will also be contemplating whether there is anything else that we think should be considered as well. Ultimately, there are two significant reasons why this so important; why I am really happy that the Attorney has opened up the opportunity to talk about it tonight.

Firstly, all of those people who suffered through the Sampson Flat bushfires and the Tantanoola bushfires earlier this year—but obviously the Sampson Flat bushfires were the ones relevant to my community—as they put their lives back together they come together as a community. They have worked so hard but they need answers, and they deserve answers as to why things were done the way they were done, how everything happened and for what purpose. To ensure that where stock, vehicles or property have been lost—and, potentially, that might be avoidable if things were handled a different way or if some of these recommendations were implemented. We might not be in such danger in the future if those matters are taken into account. That is important for my community and for all of those affected communities.

The second reason, which is perhaps even more important, is that in the future we have a responsibility to do all we can to ensure that life, property, livestock, animals and our communities are protected. We need to ensure that the appropriate responses to these recommendations are undertaken so that our community may be better served and everything that is possible to be done to protect our communities is done.

I am very pleased that we have this report finally. The government may take until the end of October to respond. I hope they beat the time line that is set out in the ministerial statement today. I would love to see a response early, but obviously it needs to be the right response and the appropriate response, and for those agencies that are contributing to those responses I wish them well in the work they are doing. My community relies on them to do that work well.

As the member for Morialta, I will continue in this place, as fire danger season approaches this year and every year, to do everything I can to ensure that our emergency services, our

volunteers, our staff and our emergency services infrastructure have everything they need to protect our community.

ELDRIDGE, MS KIM

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (18:30): I would just like to say that my chief of staff, Kim Eldridge, who has been a fantastic support to me and an extremely tolerant woman, has decided to follow her primary career as a high-flying legal person and unfortunately depart the scene and go off to work for the DPP and their gain is, of course, my loss.

I would like to say to Kim what an excellent job she has done. I know other members in this place have had the privilege of working with her through different pieces of work we have done, and I think everyone would agree that she is a very capable and courteous person. In fact, she is even courteous to me most of the time.

I would like to wish her all the best in her future endeavours. She leaves very large shoes to be filled—and that is not a reflection on her feet. It is what is called a figure of speech. In fact, I think she is probably quite dainty from that point of view. It is just as well that the person succeeding her does not want to fill her shoes because he is not used to wearing heels, as I understand it.

An honourable member: That you know of.

The Hon. J.R. RAU: That I know of. Can I just put on the record my thanks to her. I would like to acknowledge the great work she has done and I would like to say that all of my staff have enjoyed working with her. She has made a great contribution and I wish her extremely well in her next job. I know she will not have as much fun as she has had working with us and she will not have the challenges that she had working with us, but at least she will get a decent night's sleep a couple of times a week and will probably get to see her intended a little bit more often, so I wish her all the very best.

Bills

APPROPRIATION BILL 2015

Final Stages

The Legislative Council agreed to the bill without any amendment.

LOBBYISTS BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

RESIDENTIAL TENANCIES (DOMESTIC VIOLENCE PROTECTIONS) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

PARLIAMENTARY REMUNERATION (DETERMINATION OF REMUNERATION) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

At 18:35 the house adjourned until Tuesday 13 October 2015 at 11:00.

*Answers to Questions***CHILD PROTECTION**

In reply to **Ms SANDERSON (Adelaide)** (25 February 2015).

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector): I have been advised:

Current policy stipulates:

- Students are not to be involved in any investigation processes, including Tier 1 and Tier 2 notifications;
- Students are not to be involved in any case that is currently before any court;
- Students are not to be involved in Care Concerns; and
- Students are never to be the primary assigned worker for a case, as primary responsibility rests with a Families SA employee.

CHILD PROTECTION

In reply to **Ms SANDERSON (Adelaide)** (26 February 2015).

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector): I have been advised:

Social workers at the Child Abuse Report Line (CARL) are responsible for receiving reports of suspected child abuse or neglect, assessing whether each report meets the threshold for statutory child protection intervention and, if so, identifying the type and urgency of response indicated.

If a matter is assessed as meeting the threshold for follow up, it is transferred to the relevant Families SA Office for response. Section 19 and Section 26 of the *Children's Protection Act 1993* provide Families SA with the mandate to undertake an investigation to consider whether a child has been harmed, and/or is at risk of future harm. It is the policy of Families SA that in undertaking an investigation an investigating worker should interview and/or sight the child or young person and interview the current parent/s or caregiver/s and discuss the allegations with them. Investigations may also include interviewing or gathering information from people who are personally or professionally connected with the child. This includes teachers, doctors, child care workers and extended family members.

In the process of investigating and assessing concerns for a child, Families SA staff may proactively contact and ask questions of a range of people in the child's life immediate and extended family and networks, and involved service providers.

CHILD PROTECTION

In reply to **Mr DULUK (Davenport)** (6 May 2015).

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector): I have been advised:

When school staff believe a child is at risk, they make a report to the Child Abuse Report Line (CARL).

If the notification is screened-in for further Families SA assessment and response, the notification is allocated to the appropriate office.

If the risk to a child relates to an incident that occurred at a school or on a department site, staff are required to write a critical incident report and log this on the Incident Management Reporting System (IRMS). Guidelines are in place for reporting these incidents and the type and individual nature of an incident will dictate timelines for reporting and responses.

RECYCLED WATER

In reply to **Mr TARZIA (Hartley)** (13 May 2015).

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector): The Minister for Water and the River Murray has received this advice:

The Lochiel Park Stormwater Reuse scheme has been developed by Renewal SA (previously known as Land Management Corporation) as part of its development of the Lochiel Park Green Village in Campbelltown.

Commissioning of constructed infrastructure has now been completed by Renewal SA.

Renewal SA wrote to all residents in July 2014 to advise of progress towards the connection of Lochiel Park homes to the recycled water system. At that time, Renewal SA confirmed that there would be a 12 month 'implementation period' or testing period in order to monitor the quality and quantity of water in the system.

Due to dry conditions, there have insufficient rainfall events during the implementation period for SA Water to complete testing and allow the system to be fully commissioned.

Renewal SA is in the process of issuing a follow up letter on behalf of all three stakeholders, updating residents on the progress to date of the implementation period, and also advising that the implementation period will need to be extended until at least 31 October 2015 to allow further rainfall events to be captured and assessed. It is expected that SA Water will then connect the recycled water scheme to houses in Lochiel Park if it meets all the requirements for a sustained, ongoing supply to residents.

PUBLIC SERVICE EMPLOYEES

In reply to **Mr SPEIRS (Bright)** (14 May 2015).

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector): I have been advised:

The government's policy for public servants who are working second jobs while being employed as public servants is outlined in the Code of Ethics for the South Australian Public Sector, as follows:

- Public sector employees employed on a full-time basis must not engage in other employment or other remunerative activity where the activity conflicts or has the potential to conflict with their role as a public sector employee or the performance of such outside employment or activity might affect their capacity to perform their duties.
- Public sector employees will obtain written permission from their agency head before engaging in any outside employment or remunerative activity (including any employment, work or service for which payment is made by the way of pay, salary, honorarium, commission, fee, allowance or other reward).
- In general, it is not necessary for employees to obtain permission to involve themselves in or undertake voluntary or unpaid activities or paid recreational activities (e.g. sport coaching) unless there is an actual or potential conflict of interest between such activity and their duties and/or role as a public sector employee.