

## HOUSE OF ASSEMBLY

Wednesday, 18 November 2015

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

### *Parliamentary Committees*

#### **SELECT COMMITTEE ON JUMPS RACING**

The Hon. **L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (11:02)**: By leave, I move:

That the committee have leave to sit during the sitting of the house today.

Motion carried.

#### **PUBLIC WORKS COMMITTEE: HALLETT COVE WASTEWATER NETWORK UPGRADE PROJECT**

**Ms DIGANCE (Elder) (11:04)**: I move:

That the 534<sup>th</sup> report of the committee, entitled Hallett Cove Wastewater Network Upgrade Project, be noted.

This project incorporates the building of two new pump stations at Capella Drive and Reliance Road adjacent to the current pump stations. Each will have a submersible pump and include overflow storage, redundant power supply in the form of a backup generator, new mechanical and electrical equipment, odour control system upgrades at Reliance Road, surge mitigation infrastructure and decommissioning of redundant infrastructure. These works are being undertaken to address the current undercapacity, as well as to allow for future growth in the area. The associated wastewater network will also be upgraded from Weerab Drive to Capella Drive, Zwerner Drive to Glade Crescent, and Vennachar Drive to Zwerner Drive, all in Hallett Cove.

The cost of the project, exclusive of GST, is \$10.795 million. Works are due to commence in December 2015, with completion of the project by February 2017. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

**Mr PENGILLY (Finniss) (11:05)**: Very briefly, the opposition was pleased to support this project; it is much needed. The only area of concern that I had was that the member for Bright was not made aware by SA Water or anyone else on this project and had not had the opportunity to participate. However, I am sure he will rise to his feet. But we do support the project.

**Mr SPEIRS (Bright) (11:06)**: I do rise to speak to this motion on the Hallett Cove wastewater work project today, a \$10.795 million project being undertaken by SA Water. I do indicate my disappointment that the Public Works Committee did not let me know that this was coming before them, nor did SA Water make any contact with my office in the lead-up to this being developed.

I do think that local members, no matter what their political persuasion, should be involved, both by the Public Works Committee and by major government departments when undertaking significant projects within a member's constituency. I do put on the public record today my disappointment that that did not occur and would ask that both the Public Works Committee through the Chair and the leadership of SA Water take into consideration that that is not the best practice and they should reconsider not only the way they worked through this project but also the way they work through all future projects with regard to consultation with the local member.

Regardless, this is a project that I support. It is a very significant wastewater system being planned for construction at Hallett Cove. Hallett Cove is one of the highest-risk areas in Adelaide when it comes to wastewater overflows, primarily due to mechanical, electrical and capacity issues. Part of that problem is because Hallett Cove is a very large suburb, which puts a significant strain on the current infrastructure, but at the very end of the system adjacent to Gulf St Vincent. We have

had, over the years, quite a few instances of sewage overflows ending up in people's streets, in parks, in creeks and rivers, and on Hallett Cove Beach.

In fact, in 2006, my first ever foray into community life was as a result of a significant sewage spill into the Field River in the southern part of Hallett Cove, which was right in front of my parents' home. I was involved in environmental work in the area at the time, and much of our environmental work in the Field River, through the Friends of the Lower Field River, was obliterated by a very significant sewage spill where thousands of litres of raw sewage spilled from the Young Street wastewater facility (which is in Sheidow Park in the member for Mitchell's electorate), as a result of a capacity problem with the overflow system, into the Field River and into the gulf at Hallett Cove Beach.

It was a really significant environmental situation which we are still paying the price for today in terms of high nutrient levels within that river and so unnatural levels of algae and other vegetation are growing in the river. A lot of environmental work has been undertaken by the local community to address that, and they have gone some way to making that better; however, it had a lasting impact.

That was my first foray into public life. I did criticise the government at the time, and I received a phone call from the local member, the previous member for Bright. I was screamed at for not coming to her instead of speaking to the media. That was in late 2006, and she had only been in the role for about eight or nine months at the time.

I made a decision on that day when I was screamed at because of this wastewater overflow to make her life as difficult as possible for the next eight years. I did not realise I would make it very, very difficult and end up costing her her job, and it is very interesting how, from a large sewage spill in Hallett Cove, one can end up in this place.

In more recent times, there has been another significant sewage spill onto Hallett Cove Beach through the Waterfall Gully part of Hallett Cove. This project which is before the parliament today has been largely triggered by the overflow that ended up spilling sewage in the last couple of years onto Hallett Cove Beach. That resulted in the closure of the beach, and resulted in a lot of angst in the community, extending from Capella Drive through the Waterfall Gully area, where there are lots of walkways and the council has been doing a lot of work in terms of opening up that area in the last couple of years.

The Hallett Cove wastewater network project will go a long way to ensuring that these sorts of unfortunate incidents do not happen again. It is a necessary part of SA Water's infrastructure investment, and I commend it. I thank SA Water for their investment in the community I represent and commend the project to the house.

**Ms DIGANCE (Elder) (11:11):** I would like to thank those who have just contributed. To my fellow committee member, member for Finniss, thank you for your input and support with this project.

To the member for Bright, apologies from myself as the Chair: there was an oversight in your case, in that we did not notify you. This is a very unusual thing to have happened, and I recognise that. I want to stress that it was not to make your life difficult, because it is a very important piece of infrastructure in your electorate, particularly in the area of the growing suburb of Hallett Cove. It was an oversight, and I will ensure that we do work together.

In closing this particular item, I would like to thank all those who were involved in this project and who presented to us, SA Water for their excellent work, and also the executive officer and administrative officer of the committee and all other committee members.

Motion carried.

#### **PUBLIC WORKS COMMITTEE: CBD DISABILITY RESPITE FACILITY**

**Ms DIGANCE (Elder) (11:13):** I move:

That the 535<sup>th</sup> report of the committee, entitled CBD Disability Respite Facility, be noted.

This is an excellent opportunity to address the need for more disability respite accommodation. It places accommodation at the centre of the city, where access to many services and attractions are

within easy reach. This is a proposal for 18 disability respite apartments to be incorporated in a much larger new development to be built and managed by Uniting Communities.

Following a tender process, the government will provide a \$7.44 million grant to Uniting Communities for these apartments. The full project being proposed by Uniting Communities is for the redevelopment of its site at 43 Franklin Street, Adelaide, opposite the Central Market. They will demolish the current building and replace it with a new 17 to 19-floor mixed-use facility.

The project is still in the early stages of design and development, as we heard, but the development is aimed at providing specialist and affordable CBD accommodation for predominantly older people and those with special needs. The new building will contain:

- active ground-floor retail space, including cafe and dining facilities;
- a range of community service facilities and services;
- car parking;
- several floors of commercial space, much of which will be for Uniting Communities own staff and services;
- a variety of housing options, including the 18 disability respite apartments and purpose-built, affordable and market-based options particularly for older people;
- integrated accommodation support services for all residents in the mixed development through dedicated concierge and reception facilities;
- a major facility for public use, including a large multifunction auditorium with a capacity of 500 to 600 people for public events; and
- a community arts exhibition space.

An amazing array of opportunities and facilities is being provided. It is intended that the work will commence with the demolition of the current facility in mid-2016. The project should be completed by September 2018. The overall project is estimated to cost in the order of \$60 million to \$66 million, including the \$7.44 million government grant.

Once completed, Uniting Communities will be responsible for providing the necessary maintenance and care services required for the 18 disability respite apartments. There will be no additional state government funding for the maintenance or operation of these apartments. All costs need to be offset by revenue generated from room charges and rent. The South Australian Housing Trust will monitor the project and payments, and these will be made once key milestones have been achieved.

As part of the agreement, the apartments are to be designed solely for disability respite accommodation. This is a great project, providing centralised respite accommodation as well as integrated living opportunities close to services and attractions. It is also a great example of our government working with the non-government sector, especially an organisation experienced in providing disability services.

Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works, and I wish the department and Uniting Communities every success on this extremely worthwhile project.

**Mr PENGILLY (Finniss) (11:16):** This is a very worthwhile project, as the member said. It was an interesting project to have a look at and discuss, but I guess the thing that caught my attention, and that also of at least one other member of the committee, was the fact that we actually had no hard plans to look into. We had a draft idea but no actual plan. That is the first time that I can recall in my time on Public Works Committee giving approval to a development that had no plan. But it will be of benefit to South Australia and Adelaide and we look forward to its completion.

Debate adjourned on motion of Mr Speirs.

**PUBLIC WORKS COMMITTEE: NORTH-SOUTH CORRIDOR NORTHERN CONNECTOR PROJECT**

**Ms DIGANCE (Elder) (11:18):** I move:

That the 536<sup>th</sup> report of the committee, entitled North-South Corridor Northern Connector Project, be noted.

The Northern Connector is part of the 78-kilometre north-south corridor project that will see the upgrade of the major roads linking Gawler with Old Noarlunga over a 10-year period. Specifically, the Northern Connector will link the Northern Expressway to the South Road Superway and Port River Expressway. It is a 15.5-kilometre six-lane motorway located to the west of Port Wakefield Road with the purpose of removing much of the heavy freight vehicles off Port Wakefield Road and providing a 43-kilometre nonstop connection from Gawler to Regency Park.

This is particularly important given that the key interstate freight from Perth to Darwin and Sydney all enter Adelaide from the north—currently, Port Wakefield Road. This new connector will improve road safety along Port Wakefield Road as well as providing efficiencies to freight and longer distance commutes.

There will be four interchanges along the length of the northern connector to link to Port Wakefield Road and the local area. There will be an interchange at each end of the connector as well as at Bolívar and Waterloo Corner. Plans for a fifth interchange have been prepared for Globe Derby Park, should this area be developed in the future.

In addition, a separate 16-kilometre long three-metre wide path for cyclists and pedestrians is included as part of the project. It will connect the existing 23-kilometre cycle and pedestrian path along the Northern Expressway. Also planned, but not part of the scope of this project, is the future freight rail corridor, predominantly to the west of the proposed road, which links the existing rail line at Virginia to Dry Creek and Port Adelaide. The rail embankment and partial seawall through Dry Creek is to be constructed as it provides protection to the northern connector road and any developments to the east of the road from future sea-level rise.

The cost of this project is \$985 million, exclusive of GST, which will be funded by the federal and state governments in an 80:20 share arrangement. The project will provide an estimated 480 jobs annually over the life of the project, both on-site and for industries supporting the construction. Construction is due to commence in mid-2016 with some smaller earlier works projects to start in January 2016. The project is due to be completed by the end of 2019. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Debate adjourned on motion of Mr Speirs.

**PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: ANNUAL REPORT 2014-15**

**The Hon. S.W. KEY (Ashford) (11:21):** I move:

That the 21<sup>st</sup> report of the committee, entitled Annual Report 2014-15, be noted.

I am pleased to present the ninth report of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation. This 2014-15 annual report is the 21<sup>st</sup> report of the committee and reflects the committee's busiest period since it began in 1996. It also reflects the commitment of the members who have never been remunerated for their contribution, and who have many other—like we all do—commitments and responsibilities.

The committee's primary function is to keep the administration and operation of the legislation affecting occupational health and safety, rehabilitation and compensation under continuous review. It is an important function, and one the committee takes very seriously.

During the 2014-15 reporting period, the committee reviewed the operations and the administration of the Work Health and Safety Act by taking evidence from Mr Stewart-Crompton who had been appointed to undertake a review of the Work Health and Safety Act in accordance with section 277 of that act.

Mr Stewart-Crompton informed the committee that he had consulted widely with industry and employee associations, with Business SA, Self Insurers of South Australia, and SafeWork SA. He acknowledged the achievements of SafeWork SA in reducing serious workplace injuries, but reported that industry bodies and business groups had suggested that SafeWork SA should provide more information, education and support to business groups to assist them to comply with the new legislation. Indeed, witnesses had previously advised the committee in relation to the gap in SafeWork's business model during its inquiry of SafeWork SA responsibilities. It is not surprising that unions expressed an alternative view and advocated for greater enforcement of the Work Health and Safety Act.

The committee received evidence from SafeWork SA, at which time Ms Marie Boland provided information about the reorganisation of the agency to provide greater engagement with industry, business and other stakeholders. The agency's new focus on community engagement, without losing sight of compliance and enforcement functions, demonstrates they have been listening, and it seems that the agency is now delivering a more balanced approach. Time will tell if these changes have the desired result.

We should not forget about the needs of small business in South Australia. There are more than 143,000 registered small businesses in South Australia, the majority of which do not employ staff. A third employ less than 20 workers, while the remainder employ between 20 to 200 workers.

Small business must comply with the Work Health and Safety Act, but their challenges are great. The act regulations and codes of practice amount to over 1,000 pages of compliance documents from which small businesses must pick and choose those areas of legislative framework with which they must comply.

While all small businesses must ensure they have a safe workplace and safe systems of work, not all small businesses are the same, so the risks to workers and their business fortunes differ. The committee heard evidence from the Small Business Commissioner, who said that even though the legislation is a challenge for small business, it is not something to be ignored, because there are now serious consequences for noncompliance. However, comprehending the complexity of the legislation and applying it in real time with limited resources is often beyond the expertise and capability of many small businesses.

The commissioner informed the committee about his role in assisting small businesses to resolve disputes and engage them in addressing legislative challenges. He said that he meets with SafeWork SA to explore ways to engage with small business and provide learning opportunities for them in relation to legislation. The committee looks forward to hearing from the Small Business Commissioner again the future.

The committee kept the administration and operation of the Workers Rehabilitation and Compensation Act under review during the reporting period. The committee's previous inquiry into vocational rehabilitation and return to work identified that the scheme had not been operating effectively. The return-to-work rate was the worst in the nation, and workers compensation claims were costly and protracted. A small number of claims accounted for about 92 per cent of the scheme's costs, resulting in the highest unfunded liability in the nation.

Since the committee's report, the Deputy Premier has announced a review of the scheme and brought about a number of substantial changes. The outcome was, as we all now know, the establishment of ReturnToWorkSA and enactment of the Return to Work Act. Mr McCarthy, who is the CEO of the return-to-work authority, has appeared before the committee on a couple of occasions to explain the changes as they were evolving, and has reported on the scheme's funding ratio, which is now at 100 per cent.

Whilst ReturnToWorkSA has adopted a more proactive approach to claims management, there is still no national definition of 'return to work'. I must say that I find it astounding that, even now, we still do not have a definition for 'return to work'. That means it is not possible to really compare scheme performance on an equal basis across the jurisdictions.

The committee is also concerned about the level of whole-person impairment. In evidence, Mr McCarthy said that there were many people with what was considered to be a 30 per cent whole-

person impairment that are able to work and do so, but he has not actually substantiated this claim. We are still waiting to hear about the examples that he mentioned.

Out of 159 active claimants who had an assessment of whole-person impairment at 30 per cent or greater, only seven were working full-time (so, that is 4 per cent) while 38 were being managed by the Serious Injury Unit. He reported that a further 58 claimants with a whole-person impairment assessment of 30 per cent or greater were inactive, and only eight of these had been working full-time when their income maintenance ceased. The whole-person impairment assessment of claimants with a psychiatric disability at 30 per cent is a very high bar indeed, particularly when it must be assessed separately to the physical impairment.

The house referred the Workers Rehabilitation and Compensation (SACFS) Amendment Bill to the committee for a report and recommendations. The committee undertook a comprehensive historical review of the bill and the issues, following which a report was tabled that supported the Deputy Premier's decision to provide presumptive protection for 12 known cancer risks to which the SA CFS volunteer firefighters may be exposed as a consequence of their work. I know a number of members in this house were very pleased to see that change happen. I know that I strongly supported that this matter of equity be addressed.

As well as undertaking the extensive work I have just cited, the committee is also undertaking two inquiries. The first relates to work-related mental health and suicide prevention, while the other relates to South Australia's ageing workforce. In this area I must pay tribute to the Hon. John Dawkins, a member of our committee, who has done some tremendous work, along with other members, to make this area one of prominence where we can try to make some changes.

The committee has received many submissions and heard evidence from a wide range of witnesses in relation to the mental health and suicide inquiry and expects to be able to report on the committee's findings in early 2016. The workforce ageing inquiry is progressing more slowly, probably more slowly than we are ageing, but it is likely to be finalised in 2016. I see this as a major area that we really do need to come to terms with.

Finally, I would like to briefly talk about the committee's inaugural trip to the beautiful Barossa Valley where we were hosted by the member for Schubert and undertook three site visits. It was a privilege to tour Pernod-Ricard Wineries, Vinpac International and Barossa Enterprises which are all outstanding businesses with a focus on the health, safety and wellbeing of their staff.

I would also like to this opportunity to thank all of those who have contributed to the inquiries undertaken by the committee. I thank all those people who took the time and made the effort to prepare submissions for the committee and also speak to the committee. I also thank the businesses in the Barossa who were so welcoming and provided a valuable insight into the work and life in the region. Again, I thank the member for Schubert for his organisation, along with our executive officer.

I extend my sincere thanks to the members of the committee: the member for Schubert, the member for Fisher and, in the other place, the Hon. Gerry Kandelaars, the Hon. John Darley and the Hon. John Dawkins. My thanks go to our excellent committee executive officer Ms Sue Sedivy.

**Mr KNOLL (Schubert) (11:32):** I rise with gusto to speak to the annual report of the Occupational Safety, Rehabilitation and Compensation Committee. May I say from the outset that this is not necessarily an area from which most people would derive enjoyment and pleasure. It is quite a complex area and a detailed area of legislation and one that deals with some pretty tough circumstances, but I love it; I love the work of the committee. I note that the member for Ashford always puts on the record the fact that our committee is not remunerated and that is how you know that our love and affection for this committee is genuine and heartfelt. Maybe next year others may feel that same love for their committees.

It was really good to hear from a whole range of speakers, as we did over the course of this year, whether it was Mark Carroll from the Police Association, John Chapman the Small Business Commissioner, Martin O'Malley from the Mining and Quarrying Occupational Health and Safety Committee (MAQOHSC), and a really good cross-section of people who gave some pretty heartfelt and in-depth answers. They come from a position of understanding their industry extremely well. It is obviously the committee's work to help politicians become smarter in certain areas and this

committee has certainly availed itself of that opportunity. I feel I have a much greater understanding of the issues surrounding the area of occupational health and safety within the business community.

Over the past 12 months we have passed the return-to-work legislation, and that came into force on 1 July this year. It was beautiful to see that for the first time since 2002—because the scheme was heading pretty close towards being fully funded under the previous Liberal government—we are in a situation where the scheme is now back to being fully funded. In fact, it is overfunded and had a one-off surplus of about \$300 million.

That is, in large part, due to the changes that were made to the Return to Work Act last year. The evidence we heard from Greg McCarthy, the CEO of ReturnToWork and a man for whom I have a huge amount of respect, is that, contrary to the government's assertions over a long period of time, he was actually able to get the scheme back to being fully funded under the old legislation.

We had a situation where average premium rates were 2.75 per cent but the average cost of the scheme was about 3.34 per cent. He was able to bring 3.34 per cent back to 2.75 per cent in terms of costs, so that the premiums being charged to businesses actually equated with the cost of running the scheme. So even under the old scheme, we would have had a cost-neutral, fully-funded scheme—again, not necessarily what we have been hearing since 2002.

The reason he has been able to do that is that he used and enforced the legislation that was already there but also changed the focus. This is something I have been delving into quite deeply. I have seen it happening in New South Wales, especially with their new finance minister, Don Perrottet, and I see it happening in New Zealand. The focus has been on getting out there and, at the early stages of claims, being aggressive in the way those claims are being managed.

ReturnToWork now has a whole host of mobile case managers—and I will not give a number because I do not have it off the top of my head—who go out and visit workplaces as soon as an injury occurs or very soon after the injury occurs, so that that claim can be actively managed in order to get that person back to work as quickly as possible.

They do that by ensuring that all the appropriate medical care is given and that the claim is not just sitting in a pile of paperwork gathering dust. That early, active, aggressive case management has done wonders in helping people get back to work. It comes from a place of providing better service, and I find that quite exciting. If that is something that can be replicated across a whole host of government service provision areas, therein lies the key to containing budget blowouts and containing the cost of government more generally. That was really quite exciting.

Obviously in the Return to Work Act changes, we have been able to make a step change from a 2.755 per cent average premium rate now down to 1.95 per cent, which is a pretty good step and will save the business community about \$200 million. It will also save the government and self-insured people as well. Essentially we still have a scheme at 1.95 per cent that is getting close to average, but is still above average in terms of cost.

From talking to Greg and hearing his evidence, we are certainly on track for the 1.95 per cent but he believes that, as we build some history into the scheme going forward and as the actuaries who calculate the liabilities within the scheme become more comfortable that there is some way to control the costs within the scheme for the first time since the act was introduced in 1986, we should be able to further reduce the average premium rate.

I know that will be great news for business in South Australia and will, hopefully, encourage them to invest and hire more people and create more jobs. Again, if it is done through a system of providing better up-front service, then I think that is an extremely good thing.

We also heard from Marie Boland from SafeWork SA. They are also looking at ways to improve their service provision and I found it quite exciting that they have separated the functions of SafeWork into the different areas of community engagement and enforcement. The reason they do that is that they are trying not to come in waving a big stick around and being punitive. What they want to do is work with businesses to make them safer, and they do that by sending people into work places who come from a completely different mindset.

I know from some businesses I have talked to in my electorate and more broadly that they are quite positive with some of the recent experiences they have had with SafeWork because, instead of just coming through and writing expiation notices or improvement notices, they have come in and said, 'Let's sit down and let's work together. Let's help make your business safer, but let's work together to do it.' They have not necessarily just come in, as I said, waving the stick.

The good thing about that is that, in taking that approach, SafeWork is helping businesses to help themselves. If the outcome of a safer workplace is fewer people getting injured, that is a fantastic outcome from the point of view of people feeling safe and actually being safe when they go to work. It also has the added benefit of making the cost of doing business better and cheaper. Again, that has to be a good thing. Anything that SafeWork SA can do to improve in that area will have flow-on effects for the whole South Australian economy. It is a win-win situation because we get safer workplaces that are ultimately cheaper to run. It is a fantastic outcome if we can continue down that path.

In summing up, I had a ball with this committee and I am certainly very happy to have hosted them in the Barossa. The committee has helped us to unlock a few doors to get in to look at a few businesses that we otherwise would not have got to see and really see what best practice looks like. The commitment that each of the businesses we visited had to safety was remarkable.

We sit in here legislating for minimum requirements, but Pernod Ricard especially, at Rowland Flat, has won awards for their commitment to safety. They really do go above and beyond because they see the benefits for staff morale, for productivity and for wellness within their community with their provision of gym services and the like. That commitment delivers dividends for them and is a win-win situation for everybody. I am very happy to commend this report and I look forward to serving on this committee for many years to come.

**The Hon. S.W. KEY (Ashford) (11:42):** I am very pleased to ask that this report be noted. Both the member for Schubert and I mentioned the very positive field trip we had to the Barossa. In the next reporting period, we have a couple of visits, and there is one to the Riverland coming up shortly. We are very much trying to make sure that we are actually going out to workplaces and not just receiving information at Parliament House, as useful as the witnesses and the presentations have been. We are trying to change the culture of our particular committee and I think it is working well. I commend the report to the house.

Motion carried.

#### **NATURAL RESOURCES COMMITTEE: UNCONVENTIONAL GAS (FRACKING) INTERIM REPORT**

**The Hon. S.W. KEY (Ashford) (11:43):** I move:

That the 106<sup>th</sup> report of the committee, entitled Unconventional Gas (Fracking) Interim Report, be noted.

The Natural Resources Committee inquiry into unconventional gas (fracking) was referred by the Legislative Council to the committee on 19 November 2014 pursuant to section 16(1)(a) of the Parliamentary Committees Act 1991. The terms of reference for the inquiry include:

...inquiring into potential risks and impacts in the use of hydraulic fracture stimulation (Fracking) to produce gas in the South-East of South Australia and in particular:

1. The risks of groundwater contamination;
2. The impacts upon landscape;
3. The effectiveness of existing legislation and regulation; and
4. The potential net economic outcomes to the region and the rest of the state.

Since the inquiry was advertised in November 2014, more than 175 separate submissions have been received and evidence has been taken from 48 witnesses at 14 public hearings held both in Adelaide and the South-East of South Australia. Much of the evidence received was of a very high quality and has been important to the committee in both drafting this interim report and commencing developing recommendations to be included in the final report, which is anticipated to be tabled in 2016.



In February 2015, the committee made a fact-finding visit to Millicent in the South-East of South Australia to take evidence from local communities and to visit sites relevant to the inquiry. A further fact-finding visit was made to the Darling Downs region of Queensland to meet with community representatives who had experienced the rapid development of a gas industry build phase in their region and to view and discuss the many associated impacts. The Queensland visit was particularly useful in providing members with an insight into what unconventional gas development looks like in an established aquaculture and residential region, albeit one larger than South Australia's South-East.

While it has been emphasised repeatedly during the inquiry that fracking has been occurring in South Australia's Cooper Basin for several decades, it was obvious to the committee that there are a number of significant differences between existing gas development in Cooper Basin's sparsely populated arid zone and potential gas developments in the more densely populated and much wetter South-East region. One sentiment expressed by a number of people whom we met in Queensland was that they were impressed that the Parliament of South Australia was conducting an inquiry into unconventional gas development before any production had occurred, suggesting that this would have been beneficial in Queensland, rather than waiting until mid and post development to try to understand and mitigate the impacts.

The committee returned to the South-East in September 2015 for well attended hearings at the Robe council chambers—I must say they were very well attended with lots of banners and people making it very clear what their view was about the inquiry—and also to view the site of the Jolly-1 exploration well, which has been the point of some contention in the region.

The committee appreciates the strong public interest in this inquiry and the considerable efforts made by witnesses to attend hearings and present evidence. Some of our witnesses have come to every hearing we have had on fracking in Parliament House, and it is no small feat for them to make that effort, sometimes for an hour or an hour and a half's worth of evidence. We really do appreciate the fact that they have taken such a strong interest.

We understand that there remains some knowledge gaps in the information we have received thus far and the committee will be seeking the relevant expertise to address these gaps. Members look forward to continuing their work on the unconventional gas inquiry into the new year and to delivering the final report in 2016. I would like to thank all of those who have given their time to assist with the inquiry thus far.

I commend the members of the committee: the member for Napier, the member for Kurna, the member for Flinders, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC and the Hon. Gerry Kandelaars MLC, for their contributions to this report. As is the way on the Natural Resources Committee, all members have worked cooperatively and, I think, well together. I would also like to extend thanks to the member for Mount Gambier, the member for Hammond, the member for MacKillop, the Hon. John Darley MLC and the Hon. Mark Parnell MLC for their assistance and interest in this inquiry. They have also spent a lot of time with us listening to evidence and moving around South Australia to do that.

Finally, I would like to thank the committee staff for their assistance and I make special note of Barbara Coddington, who has (in a first report for our committee) excelled. I hope she will stay with us for the next report, because it has been a big job for her. At this stage, we have not made a decision to employ any other staff to help us with such a big and sensitive inquiry. I commend the report to the house.

**Mr PENGILLY (Finniss) (11:49):** I listened with great interest to what the member for Ashford had to say. I have taken somewhat of a peripheral interest in this whole fracking debate. I believe, indeed, that it is difficult but not impossible to take the emotion out of all of this and look at it from a common-sense perspective. The reality is that in the 1970s we had the oil crisis. We were running out of oil. We have had peak oil, we have had this, we have had that and we have had everything else.

At the moment we have got vast amounts of gas and oil in the system. In fact, the United States is in a position to export oil rather than import it if needs to through its shale oil and its fracking. I know that the member for Hammond went to the United States to look at the fracking. I am not sure

who else went. I like to keep a balanced approach on these matters, and I will listen with interest when the final report comes back into the house.

Just to also add to the discussion this morning, yesterday BP had its application in the Bight rejected, and I say 'at this stage' because the extreme environmentalists will run around now and say that they have had a mighty victory and that there will be no oil drilling in the Great Australian Bight. Well, there will be drilling in the Great Australian Bight—if it is next year or 20 years or 30 years because they will have to, quite frankly. They will be looking for oil, they will be looking for gas, and eventually it will happen.

I have no great problem with the fact that it would appear that the environmental argument submitted by BP in that particular case does not appear to have been strong enough at this stage, and it has to go back and revisit that, and I know that the member for Flinders may want to comment on it. The mayor of Ceduna, I thought, was very good this morning. He had a balanced approach, which is what we need in all these things. His view was that we need these products to continue our way of life and to continue to boost the economy, and they will be looking for them for a long time.

I have no doubt that one day, well after I am gone, they will be drilling for oil and gas in Antarctica. I think it is a monty they will do that. So, it is an interesting debate to watch and to listen to, and I think it is good that the parliamentary committee is looking at it and taking the time to investigate and spend some time working as parliamentarians investigating that. So, well done and I look forward to the next edition.

**Mr PICTON (Kaurua) (11:52):** I will make some brief comments because I know that the member for Flinders would like to make some comments as well. Essentially, this is an interim report we wanted to make because of the huge expanse of this inquiry, and we did not want the parliament and the community to be left hanging before we had a final report. We thought that we would give this interim report to provide an update on the submissions that we have had, the hearings that we have had, the visits, both to the South-East and to Queensland (which I thought were very instructive) and also some of the baseline information that we are looking at.

However, it is not an opportunity to make recommendations or to provide findings. I think it is worth stressing as well that it is not an opportunity to reopen all of the submissions or to reopen all of the evidence. We have had a significant amount of evidence brought to the committee—over 170-odd submissions—and I do not think that we are asking for any more.

There might be particular areas where we do seek something, but that will be the committee's judgement to make where there is a particular area where we might be lacking. I think that it is also worth noting that, since this project from the committee started a long time ago, there has been significant change in the global oil market as well.

We have seen the oil price drop to, really, a small fraction of where it was when we started the inquiry process, and I think that ultimately leads to less chance and likelihood that such developments will be happening in the South-East in the near future, in my humble opinion; but, we persist with the inquiry because I think there is obviously some interesting policy issues to deal with in any case.

The other thing I would just like to quickly note is that there has been a long history of gas in the South-East, of gas wells across the Penola region. We have visited some of them, and we have been to the old plant which is in the area and which is run by Beach Energy, and to say that there has never been such developments in the South-East is wrong. That gas has supported a wide range of industry in the South-East which is very important.

I would like to make a brief note that I think there are some limitations to a parliamentary inquiry in this matter and I think the expectations of some people of what a parliamentary committee might be able to do in terms of analysis of scientific evidence might be unrealistic. Essentially we can look at the evidence, we can look at reports, we can look at what people have brought to us, but we do not have a bank of scientific knowledge as a committee. I think the expectations that people will have as to what the final report may come up with needs to be borne in mind.

The other point I would like to make is that the Natural Resources Committee has a wide range of other work that we need to continue to do. Natural resources, particularly management

issues and levies, are subjects a lot of people in this house like to discuss, and I think that this committee would like to spend more time looking at those issues. Hence, I am optimistic that we will finish this report by the middle of next year so that we can provide parliament with some recommendations but then also go on to the other issues that the Natural Resources Committee has in its terms of reference which I think are very important for us to look at. I am confident that with Barbara, who is our research officer—and she has done tremendous work and I commend her—we will provide for this parliament by the middle of next year some very interesting findings and recommendations in the area of fracking in the South-East.

**Mr TRELOAR (Flinders) (11:56):** I rise today in the short time remaining to provide a commentary on the 106<sup>th</sup> report of the Natural Resources Committee. As has been highlighted, this report relates particularly to an inquiry that our committee is undertaking into unconventional gas, otherwise known as fracking, in the South-East of South Australia. The terms of reference were quite broad but they included the risks of groundwater contamination, the impacts upon the landscape, the effectiveness of existing legislation and regulation, and the potential economic outcomes to the region and the rest of the state.

The reference was made and the first call of submissions was put out in November last year, so in fact we are 12 months on and it is a very timely interim report. It is just that, an interim report; we have some way to go on this. As the member for Kurna alluded to, we are expecting that by the middle of next year we will be able to put out a final report with a complete summary of findings and recommendations, but we are not at that point yet. We have taken a significant number of submissions, 175 in fact, from a total of 48 witnesses at 14 public hearings held both here in Adelaide at Parliament House and also in the South-East of South Australia.

We have also had a trip to south central Queensland where coal seam gas has been quite topical. They are at a point now where the expansion phase has concluded and they are delivering gas to the coast for export. It was a very interesting, timely and instructive trip for us. Some of the committee on Monday next week are taking a trip to Moomba in the north-east of South Australia where we will be able to see first-hand, and some of us for the first time, the fracking operation as it occurs.

No doubt the global dynamics have changed, the global influences have changed since this inquiry began. The member for Kurna mentioned the significant reduction in the price of both oil and gas on a global scale. That will impact no doubt on proposed developments. I guess underlying this inquiry is a bigger issue and I will allude to it and give it more time at a later date. It is really about how we manage as a parliament, a society and a community competing land uses. I do not think we have necessarily the right answer to that question yet. I hope this inquiry will go some way towards solving that. I seek leave to continue my remarks.

Leave granted; debate adjourned.

#### *Bills*

### **PORT PIRIE RACECOURSE SITE AMENDMENT BILL**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 28 October 2015.)

**Mr TRELOAR (Flinders) (12:00):** I rise to speak today to the Port Pirie Racecourse Site Amendment Bill. It is, of course, a hybrid bill. These bills do come across our table from time to time. I looked up a definition of a hybrid bill. It is, in fact, a public bill proposing a law which affects the private interests of a particular person or organisation. Of course, in the case of this amendment bill, it relates to the Port Pirie race club. It is important and it is a requirement for these hybrid bills to be referred to a select committee, and that select committee, as I understand it, will be nominated and established today.

The Port Pirie Harness Racing Club is one of the most active regional racing clubs in South Australia. It conducts around 30 race meetings annually and so is a very important part of the local sporting calendar. It is a very important part of the local social calendar, no doubt. What the Port Pirie

Harness Racing Club would like to do is to sublease a portion of the land that they control for a commercial development and this, in effect, will enable the club to generate much needed revenue for the club to reinvest into local racing at Port Pirie—a very noble cause.

We are really debating today the potential commercial development on crown land under the care and control of the Port Pirie Harness Racing Club. It is at Wandearah Road, Port Pirie, minister. We will see you there one day, no doubt.

**The Hon. L.W.K. Bignell:** I've been there.

**Mr TRELOAR:** You have been there. I have not, but I am looking forward to getting there at some point. I have no doubt that you have been there as the minister responsible for racing. This proposed development could involve an investment in excess of \$60 million, so we are talking about a fair bit of money here, and they are also talking about a minimum of about 200 jobs, so it is good to be able to give them that opportunity.

The Port Pirie Harness Racing Club would like to lease this land to a developer and use the proceeds to upgrade their facilities. The current act is a 1944 act and what we are looking to do today with the committee is to amend the act to ensure that the minister has the power to lease or sell this land on the terms and conditions that he believes are appropriate. It is a big responsibility, minister, but you well understand the intentions of the club.

I also note that the Port Pirie Regional Council is both supportive of the changes to the act and to the development of the land. It has the support of the racing club, the local council and, hopefully, the parliament, and should go ahead. With those few words, I look forward to establishing the committee to discuss this hybrid bill.

**The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (12:04):** Firstly, I want to thank the minister for getting this bill to where it is today. This bill for the harness racing club in Port Pirie is going to be part of an integral growth opportunity for commercial and retail activity in Port Pirie.

Hopefully, by the time this all finishes there could be an \$80 to \$100 million project being established on the site. I again thank the minister. I also want to thank the member for Chaffey, the opposition shadow minister. I had some discussions with him and it has been very good so far, so I am looking forward to passing this new legislation to enable up to 400 jobs to be created.

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (12:05):** I would like to thank the member for Flinders for his contribution and for the bipartisan support that this bill has had. I would particularly like to thank the member for Frome, a good hardworking local member. I have been to Port Pirie several times and the member for Frome has taken me out to the site. He shares the vision with other people in the area and he has pointed out exactly what the potential could be. Anywhere in regional Australia where we can get a shot in the arm of this magnitude we should be doing everything we possibly can to try to make that happen.

Bill read a second time.

**The DEPUTY SPEAKER:** This bill is designed to enable the Port Pirie Harness Racing Club Inc. (the club, formerly known as the Port Pirie Trotting and Racing Club) to grant another entity the right to the defined land or part thereof for a use otherwise than for the objects for which the original grant of land was provided to the club.

While the Port Pirie Racecourse Site Amendment Bill 2015 by its nature is a private bill, it has been introduced by the government and therefore the application of the joint standing orders as they apply to private bills is not relevant. This leaves the provisions of the joint standing orders as they apply to hybrid bills. The joint standing orders provide for two forms of hybrid bills. The first is a bill introduced by the government whose object is to promote the interests of one or more municipal corporations or local bodies and not those of municipal corporations or local bodies generally. The second is a bill introduced by the government authorising the granting of crown or waste lands to an individual person, a company, a corporation or a local body.

Clearly, this bill does not fit the second category, but it does fit the first, because the Port Pirie Harness Racing Club Inc. satisfies the definition based on precedent of a local body encompassing a corporation or company that has some benefit of, or is operating within a confined geographical locality. Based on the precedents established by this house and the consistent application of the joint standing orders and the principles that guide the consideration of such bills, I rule the bill to be hybrid.

*Referred to Select Committee*

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (12:08):** I move:

That the bill be referred to a select committee pursuant to joint standing order (private bills) No. 2.

Motion carried.

**The Hon. L.W.K. BIGNELL:** I move:

That a committee be appointed consisting of the Hon. P. Caica, Mr Hughes, the Hon. T.R. Kenyon, Mr Treloar and Mr Bell.

Motion carried.

**The Hon. L.W.K. BIGNELL:** I move:

That the committee have power to send for persons, papers and records, to adjourn from place to place and to report on 19 November 2015.

Motion carried.

**The Hon. L.W.K. BIGNELL:** I move:

That standing order 339 be and remain so far suspended as to enable the select committee to authorise the disclosure or publication as it sees fit of any evidence presented to the committee prior to such evidence being reported to the house.

**The DEPUTY SPEAKER:** There not being an absolute majority of the house, ring the bells.

*An absolute majority of the whole number of members being present:*

Motion carried.

**The Hon. L.W.K. BIGNELL:** By leave, I move:

That the committee have leave to sit during the sitting of the house today.

Motion carried.

## FIREARMS BILL

*Second Reading*

Adjourned debate on second reading.

(Continued from 28 October 2015.)

**Mr VAN HOLST PELLEKAAN (Stuart) (12:13):** It is my pleasure to rise to comment on behalf of the people of Stuart on the Firearms Bill. At the outset, I say that I strongly support people or organisations who want to legally and responsibly own and/or use firearms. That is very important and, just as important, I am completely opposed to anybody who wants to illegally or irresponsibly use or own firearms. Illegal firearms are one of the scourges of our society, but that does not mean that the legally responsible people need to be penalised so that we can address that scourge. I accept that it is a very difficult balance to find legislation that does both those things.

I also declare my personal interest. I am a legal and responsible (certainly in my opinion, although that is for others to judge) owner and user of firearms, so I have a personal interest in this debate, and it is only fair that the house knows that. It is also very important to my electorate, the electorate of Stuart, and there are many constituents of mine who are responsible, legal owners and users of firearms.

I thank the many constituents who approached me on this topic and the many other organisations from around the state who have approached me—some people I know well; some people I have never heard of before. All the organisations that have approached me I have dealt with before as a former shadow for police, and I thank all those people for contacting me and putting their perspective and their point of view forward because I know that every single one of them has done it in a responsible, positive, well-meaning way.

This is really all about public safety; it is not so much about the weapon or the implement or the article itself. It is actually about public safety, it is about keeping the public safe and it is about keeping the police force safe—the people who work night and day to keep us safe so that they are not confronted with criminals or potential criminals in possession of illegal firearms, or even in possession of legal firearms, who are going to use them illegally or irresponsibly.

It is obviously about public safety, but it is also about the safety of legal and responsible firearms users. There are a lot of aspects of this legislation, including protecting people from even accidental harm, whether it is a physical accident—tripping, falling, whatever it happens to be—or some personal error of judgement. It is important to remember that this is about trying to protect everybody, regardless of how it is that they personally participate with regard to firearms.

As I said before, it is a very difficult topic for the government to find a position on, for police to find a position on, and for the opposition, because there are people on both sides of the argument with extremely strong views. What sets this apart from many other areas of debate is that there are people on the same side of the argument with differing views as well. There are people within the broader firearms community who do not all agree with each other on different aspects of not only this bill but how firearms in general should be used, accessed, stored, etc., so it is a very difficult topic.

I acknowledge that this is a tough spot for the government to be in. I acknowledge the work of the police, in my judgement, to find the very best way forward that they possibly can. I acknowledge that it will not be possible to get it just right so that every person who is actively involved in this area of interest will be fully satisfied, but I say again that a large part of that is because a lot of different segments of the firearms community actually have different views as well. Clearly, it is not possible to make all of them happy, let alone make happy the people who are in favour of responsible use of firearms and the people who are not in favour of that, and that extends the difficulties even further.

I would like to put on record my very strong support for the shadow minister for police, the member for Morialta, because I know that this is not something that has been part of his personal life previously. He has pursued this issue and done much homework and engaged with the minister, engaged with police and engaged with the firearms community to the very best of his ability in a really open and objective way, and I think he has done a tremendous job. I know that the minister has engaged with him very positively as well. There is still work to do between the government and the opposition with regard to amendments, so at this point in time we do not have the final bill that we will be voting on a bit down the track.

I would like to talk about the bill from a personal perspective on behalf of the people I represent. The six goals of the new act—to improve public safety and prevent crime, reduce red tape, overcome deficiencies, facilitate a nationally consistent approach to firearms control, increase functionality of the act and modernise the act—are all very important and I support them wholeheartedly. The desire of both the government and SAPOL to pursue those goals makes very good common sense and, as a former shadow for police, I know that the current act needs to be upgraded significantly.

One of the foundations of the legislation and the rules and regulations that we have always dealt with, and will continue to deal with, is a system of having classes and purposes—classes of firearms and purposes of use—and I think that is absolutely spot on. It is really good common sense. There is a lot more on this that I need to talk about, but I am fully in favour of anybody who wants to consider themselves to be a responsible and legal user and/or owner of firearms having to nominate a class or a few classes and nominate a purpose or a few uses.

If you want a pistol for target shooting say so; do it the right way and it is perfectly acceptable. If you want to use your pistol for a different purpose you will need to seek permission to use your pistol for that different purpose. It would be the same for every class of firearm and every purpose there is, and I think it is logical to ask people to nominate them up-front. If you cannot nominate up

front exactly what class of firearm you want to have—whether that be for a right to use one or right to own one or both—and if you cannot nominate what you intend using it for, you really are well and truly outside the scope of what most people would think was reasonable.

From time to time there can be some difficulties with regard to professional firearms users in particular, and I am thinking of roo shooters. Every now and again there can be a bit of awkwardness about whether the options for class and use or purpose are quite right for the individual, but I do not have any problem, either, with the fact that that individual could go to SAPOL and say, 'Look, this is my genuine situation, this is my genuine need. Could I please have some special understanding for that situation?'

One of those situations, which has been brought to me by pastoralists, is a desire to have a .410 pistol for snake and wild dog eradication; essentially, protection from snakes around homesteads and shearing sheds, etc., as well as the capacity to actively pursue a wild dog while riding a motorbike. I would say that is a very practical request for the right person to make. I do not intend that to be anything I will bring into this bill, or an amendment or anything like that, but, on behalf of my constituents, I just flag that if you are living several hundred kilometres or more from Adelaide it is a practical situation. You might well and truly find that one of the best ways to try to humanely eradicate a wild dog below the dog fence is to have a .410 pistol. I just use that as an example of what people could ask for, to have a class or purpose that is actually outside the regulations at the moment.

One of the greatest difficulties of this legislation is the fact that we are dealing with regulations that sit outside the act. It is no secret that that is actually the most awkward part of all of this. The regulations are outside the act, and if the regulations were written in one way it would make many people happy and if they were written another way it would make many people unhappy. I understand why some of that flexibility is necessary, but it is not possible to avoid the reality that so much of what is important and so much of what will actually impact on people's lives is in the regulations. We in the opposition do not know what the regulations are at the moment, and of course people are concerned that down the track they could be changed at any time.

That requires a great deal of trust. Now, I am happy to say: I trust the police. Not every single one out of 4½ thousand police officers is just perfect but, as a broad and genuine statement, I trust the police. Of course, because I trust the police does not mean that everybody is necessarily going to be comfortable with that. I have had briefings with the police over many years on firearms, and I believe they want to go about this the right way. They are not trying to squeeze out responsible people: they are trying to squeeze out irresponsible and illegal people, and they deserve to have the flexibility to do that. They do not deserve to have the flexibility to make the rights of responsible firearms owners and/or users more difficult.

In the time that is left, I just want to talk about some of the specifics of the bill and again share my perspective on behalf of the people of Stuart. The issue of a right versus a privilege is important to a lot of people. To be perfectly honest, it does not matter to me; it honestly does not matter. It is what you are allowed to do versus what you are not allowed to do. I know that that is important for a lot of people in the firearms community, but I do not really mind if it is called a right or a privilege. I just want to know what people are actually allowed to do and what they are not allowed to do.

Permission to purchase is an issue that has been brought to me by licensed responsible firearms dealers. I think it is very important that we reverse the current situation whereby a person goes to a firearms dealer, essentially purchases a firearm and pays a deposit; the dealer has to buy it and put it in a safe. So, not only is the individual's money outlaid but also the dealer's. Then you go to the police and ask for actual permission to acquire that firearm. I understand that that can be reversed. I think that is very important.

It is much more sensible for a person to get their permission up-front. The police say, 'Yes, you are responsible. You've passed every test we would consider appropriate for this request. Here's your piece of paper, you have permission'. Then you go back to the firearms dealer and say, 'I'm completely compliant and legal, I'd like to purchase this, please' and outlay your money. Firearms

dealers are not stuck with dozens and dozens of guns, their hard-earned working capital is not tied up and everyone can get on with it.

The police could always withdraw that permission down the track if they needed to anyway. The permission should have a time limit on it and not be open-ended; it could be three months, four months or whatever seems appropriate to actually go about acquiring that firearm. If you do not do it, the permission can just lapse.

The issue with regard to silencers or noise inhibitors is something that would affect a very small percentage of the community, but I think it is important that it is being considered; that for specific purposes they could become legal. Expiation notices—I think that is a very positive thing. Overwhelmingly, the biggest issue, the most emotional and commonly brought up issue that has ever come to me about firearms is the fact that if you make one tiny mistake you have broken the law. It makes great sense to have an expiation notice, just like a speeding ticket, to say, 'You're not a criminal. We're not going to waste the court's time, your time and police time, but you have actually done the wrong thing. So, here's an expiation notice.' It could be up to the officer involved at the time to decide exactly how to apply that if and when necessary. I think that is really important.

It is quite understandable that somebody could be doing everything just right but maybe they dropped a box of bullets on the floor and did not manage to pick up every single one of them and one rolled under the cupboard and was not locked up appropriately. Technically, it is wrong, but they do not need to go to court for that. So, I think that is a very positive aspect of the bill.

Restrictions on stored ammunition—I am comfortable that there should be restrictions. It is not necessary for people to have outrageous amounts of ammunition, but of course what the restrictions will be is going to be in the regulations. It does make people very uncomfortable. It is hard to vote in favour of that while in favour of the principle without knowing what the restrictions would actually be.

Restrictions on firearms ownership is exactly the same as the ammunition. I do not believe that people need to have enormous numbers of firearms in their possession, even if they are incredibly responsible. Unless you are a collector of some sort, I do not see the need for that. If you are a professional roo shooter, for example, it might be very sensible to have three or perhaps four firearms of the same calibre. Again, that is going to be in the regulations, so, again, another very important area of trust.

Employees of farm or station owners in primary industry to be able to access the storage of firearms is, I think, a tremendous move forward. It is very important that access to a firearm can be shared between the right people so that they can go about doing their work, understanding that relatively quick access is often necessary. That is a really good thing.

Ongoing amnesty is very positive. It is just common sense that there should be ongoing amnesty. The need for SAPOL to have its IT systems upgraded has been an issue for a long time. I am sure that the minister, SAPOL, the commissioner, the opposition and everybody would agree that SAPOL, really across the board, is working with outdated IT systems, not just in firearms but absolutely everywhere. This legislation will require a significant investment in SAPOL's IT systems for it to be effective. It is very, very important. We know that too many firearms are reported lost, stolen, missing all the time, but we also know that some of those are technical losses as well, over years tied up with the IT systems that monitor firearms. It has to be dealt with. Again, separating the legal firearm owners users from the illegal is the key to this.

I have spoken with firearms groups, and I have said that I am comfortable with making some of the rules and regulations a bit stiffer, not because I want them to be penalised but because I think it is actually to the advantage of the legal firearms community to separate themselves from the illegal firearms community, and one of the ways to do that is to have some slightly tighter rules and regulations that you have to follow. I think we should have a world where everybody knows that if you see somebody clearly responsibly going about their business with a firearm, and it might be just walking between the car and a shop (and, by the way, by shop I mean gun dealer or a firearm shop, not the corner deli), the broader community should know that we have got great rules, that this is not something to be scared of. You can tell the difference from an outlaw motorcycle gang person doing whatever their business is.



I do not want life to become harder for the responsible people, but I do accept that responsible people should quite easily be able to adhere to some slightly tighter rules. Again, it comes back to trust. The success of this bill will be all about how the police go about enforcing it. If the police enforce this legislation, if it is successful, in a too heavy-handed way, whether that be the commissioner's decisions all the way through to the individual officer in a small country town or a suburb of Adelaide, everything we are talking about at the moment will fail. I am comfortable in giving the police an opportunity to do that, but I put clearly on record that, if it is not done responsibly, I will be standing up first and foremost to say so really clearly. I do not expect have to do that, but it is very important. It is fundamental to all of this.

Deputy Speaker, 230 to 250 firearms are stolen every year and hundreds are reported missing. A few years ago, when I was shadow for police, the Australian Crime Commission reported between 1,000 and 1,100 firearms missing, stolen, reported lost, whatever it happens to be, every year. That is what we have to address because they are the firearms that end up in the hands of criminals. This bill, on the surface, will aid that effort enormously. On that basis, I am comfortable to support it with what I know at the moment. I do want to know more about the regulations. I do want to know what the final set of amendments that we will be dealing with is, but the principles I have talked about are principles that I am very comfortable with. I think they are important for the protection of the community and the protection of the legal responsible firearms owners.

**Mr PEDERICK (Hammond) (12:33):** I am happy to contribute to the conversation around the Firearms Bill 2015. I want to note the contributions so far by the shadow minister for police, the member for Morialta and the member for Stuart. I think there have been some good words already put to this debate. The member for Stuart already presented what he thought were the very good attributes of the work that the member for Morialta does. I commend the member for Morialta. I was in here the other night when he spoke for about 90 minutes to the introduction of this bill. For a bloke that has just shot five shots at a target range, though he did say that he had a very good grouping, I think he did an excellent job of putting forward the various nuances of the bill. As has been emphasised, there are people on either side of the argument: the pro responsible gun users and the people who want to get rid of firearms altogether. Then there is probably another group who want things opened up a bit more.

What I would like to say in my second reading contribution is that I think to go anywhere near what the United States has as far as so-called gun control and what the National Rifle Association is after and that sort of thing is just way out there and something we do not need. I do not consider that anyone in society, unless they are in the police force or the armed force, needs to have access to an automatic weapon. There may be other reasons around competition, but aside from all of that, I do not see any need for anyone to have a fully automatic rifle. I think it is something that is not necessary in society.

But, in saying that, we do need to manage what we have, and even though we can put all the best intentions in place, sometimes, as we saw the other day with the break-in at Virginia, things can go wrong. I know that has probably been under heavy investigation as to the dealers' storage of those handguns that were stolen, but I also do not want to get to the stage that we all have to build concrete vaults to store our guns in.

I say that as a registered gun owner: I have a 12-gauge pump-action shotgun (870 Remington) and a .410 shotgun as well. I did have an interesting time when I registered my 12-gauge pump-action about 16 years ago. I had it in a box and, straight out of Fisher Firearms, I took it straight down to Murray Bridge Police Station, put it on the counter, did all the particulars, no worries, took it home, put it together and put it away. A week or so later, I got a call from my father saying that a senior police officer was checking into my gun registration. I said, 'That's interesting, I've only just done it.' I guess, as gun owners, you do get a bit paranoid, because my father did not have a gun licence. I said, 'Whatever happens, you don't know anything about my gun,' and that is a paranoia that gun owners get, to a degree, to make sure they comply with the regulation and the legislation.

Anyway, I rang the senior police officer back and, evidently, the number that had been written down as the registered number was wrong. I made it fairly clear that that was not my problem. I said, 'The box was there, the gun was there in several pieces—I can't remember whether it was two or

three—and someone has written down the wrong number.' I went and verified it and said, 'I've done all I can. I don't want to hear anymore about it, really,' because I was trying to comply, but somewhere there had been a problem. I am not trying to be hard on the police, but that happened in real life, and it shows there can be problems at either end of the argument.

Certainly in regard to people, if they have a passion that they need to fire a fully automatic weapon or a semi-automatic rifle or something, you can go somewhere like The Gun Store in Las Vegas—I have been there. It has been a shooting gallery for over 25 years and, yes, there are different rules and regulations in the United States. I was fascinated by the amount of different rifles and pistols that you could use under heavy supervision. In fact, in that store, there was only one person I saw not carrying a gun, and they might have had a hidden gun for obvious reasons—for self-protection and protecting the clients if something went awry. It was an interesting experience. I selected a SAW 240—a .223 (or 5.56 on the metric scale)—and for 40 shots I think it was about \$US130 or \$US140. I put a couple of single shots through and then let a quick blurt through. At the end of the day, if you want to do that, go somewhere like that and do it or go to a shooting range here in South Australia. I do not think you will get access to the same guns, but do that if you need to and do it in a controlled manner. I must say that was a very controlled situation.

In regard to firearms, I acknowledge the work the police have done consulting with us and the overview they gave. Some of the statistics around firearms licences include that in South Australia 65,473 South Australians hold firearms licences. There are 309,209 registered firearms in South Australia and 17,023 registered handguns, and the sad thing is that up to 250 are stolen each and every year. We certainly need to be mindful of the security arrangements of heavy cabinets bolted to the wall and securely locked down.

In my conversations with different people in regard to this issue, I have had concerns presented to me by gun owners—obviously, legal gun owners—and gun dealers. We have gone through the new bill piece by piece, which obviously will replace the act if it goes through. We had questions about certain parts, and I would get the act and say, 'Hang on, that's already there, so don't be too concerned as it's already part of the act.' There were some concerns, and I am sure we will flesh out a lot of those during the committee stage.

What we are being told is that we need a new act because it is ambiguous and complex, difficult to understand, follow and administer, and deficient and antiquated, and that if we have effective administration and clear parameters there will be improved community safety. We are told there has been development over 10 years to get this bill into shape. Consultation was flagged in 2008 and 2012, and there was a ministerial round table in 2014-15.

This bill seeks to target the key issues of improved public safety, red tape reduction, overcoming deficiencies, a national approach, increased usability and modernising the act. The principles around the bill are:

- to privilege conditional and overriding need to ensure public safety, and I think there will be more debate about that in the committee stage;
- safe, responsible storage, which I have already mentioned; and
- a nationally consistent approach, which certainly helps as we have such a mobile population these days.

As I said, the objects are:

- the control of automatic and semi-auto weapons, and farmers and professionals are the ones who are allowed to use these;
- to establish an integrated licensing and registration scheme;
- to require a genuine reason to possess firearm ammo, and that is certainly what I need to do with my five-shot pump-action class C. When I renew my licence, I have to put in a genuine reason; and
- stricter requirements for firearm activities and transactions.

Obviously, the object is to reduce the number of unlawfully possessed firearms, and that is something we really need to concentrate on as a state. I am not sure how we are ever going to beat it completely, and that is the nub, I think, of this bill and the act.

As to illegal firearms, no matter what we do in a legal context, no matter what legislation we pass, no matter what regulation we put in place, as we saw the other day when guns were stolen north of Adelaide, some people just do not care. They work outside the law. You could have virtually any penalty in place—and obviously we do not have the death penalty anymore—but, sadly, there would still be people who would wish to access illegal guns for their deeds. On that note, one of the objects is to prevent and restrict criminals from accessing and using firearms, minimise the risk of persons becoming victims of firearm crime and minimise persons causing injury or harm to others.

In regard to improving public safety and preventing crime, there will be a security code of practice, public safety notices, self audits, the relationship between guns and drugs, dealer-employee prohibition and a registrar authority to require relicensing. There has been a discussion around red tape reduction, and I sincerely hope there is. There may be a scheme about sound moderators, a broader permit scheme and non-specific permits to acquire firearms, and I guess we will work those issues through in the debate in the committee stage.

It is part of the red tape reduction that classes D and H licence terms be extended to three years and five years with the implementation of sufficient IT systems. Other issues include overcoming legislative deficiencies, including vicarious liability and deactivated firearms, which will have to be registered if this bill goes through. That is related to an issue in Queensland, where there are up to 4,000 deactivated firearms that were activated.

In relation to regulated imitation firearms, I note the recent case of someone in Murray Bridge who committed a crime (an alleged crime, at the time) in relation to an imitation firearm; I believe they were not convicted, so we will have an interesting time with that in committee. Then there is the transportation of firearms and the exclusion of prescribed firearms from the handgun definition. I have already talked about the national approach to firearm control.

In regard to increasing usability, this is in regard to disqualifying offences. I think the ongoing general amnesty is a very good provision, if that goes through in this bill. For whatever reason, if people find a gun somewhere or somehow a gun turns up (and there could be several reasons for that) that is unregistered, they can take it in and get rid of it and not cop a penalty. There is also discussion around general exemption from any provision of the act. Part of the modernisation of the act includes additional licence categories, service of notices by fax or email (I do not know how many fax machines get used now, but I guess the odd one still comes through) and expiable offences.

Then we have a discussion paper about our farmers. We talk about access to the farm safe by employees, but my understanding is that the employee has to have the appropriate same licence category as the owner of the gun, but we can talk about that in committee. In relation to the joint storage of firearms, not just by farmers but by club owners, I have had some discussion with pistol club owners about the storage of guns, especially if a husband and wife, say, are both in a gun club. There are rules about mental stability, etc., of individuals. I believe they can have their guns in the same gun cabinet but with separate locking capabilities to lock them in. I think a lot of these things are sensible, but we also need to deal with the reality of how people use firearms.

On the issue of loaded firearms when driving between paddocks, that is the reality of what happens today, especially if you are out spotlighting or out shooting in daylight. I certainly do not believe in having a shotgun cartridge or a bullet in the breech of a gun. If I had a .22 and for whatever reason I had a bullet in the breech, I would always want a bolt action so I could lift the bolt, because safety is the prime thing. Sadly, many years ago—and it was many years ago—at Coomandook one lad who went out spotlighting did not come home alive. So, safety is of the utmost essence, and people acknowledge that.

As the member for Stuart explained, we need to be careful that we do not go too far on the requirements for legal gun owners by just making it harder and harder and harder. If that happens, I fear that people will think, 'Whatever I do is going to be classed as illegal.' If the police turn up to do an audit, which they are entitled to do, and there might be a very slight breach where a gun might have been got out of the cupboard and put down in the shed while someone went in for a cup of

tea—or there could be other factors—there needs to be some reality around what legal gun owners do. In saying that, I acknowledge what can happen on some of these audits.

I was informed recently that down in my area there were 200 guns found in the audit, so I acknowledge that. But we need to make sure that gun owners can use their guns for work in a legal way. In relation to pistol club shooters—and there are very strict restrictions on pistol club members, and I understand why—it affects the viability of pistol clubs even operating because people think, 'It's just too hard to get on board if I want to go through the whole process.'

There are many gun clubs in my area and around my area and around the state. There are clay-target shooters, black-powder shooters, and I cannot remember their name, but there are people who dress up as cowboys and carry on—

**The Hon. T.R. Kenyon:** Western.

**Mr PEDERICK:** Western shooters, thank you member for Newland. That is their sport, and good on them. In saying that, we do have to make sure that we do not clamp down too hard on legal gun owners because I think we will get a reverse effect. We have to make sure that society is safe, that we look after the interests of society and make sure that we keep guns out of the hands of people who should not have them and do not need them. I think the biggest battle in this state for all of us, including the police force, is to make sure we keep those illegal guns out of society. It will be a tough job, but that is the big thing we need to target here into the future, and I look forward to the committee debate on this bill.

Debate adjourned on motion of Mr Speirs.

*Sitting suspended from 12:53 to 14:00.*

#### *Parliamentary Procedure*

### **PAPERS**

The following papers were laid on the table:

By the Speaker—

Ombudsman SA—Annual Report 2014-15 [Ordered to be published]

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

Health Advisory Council—

Balaklava Riverton Health Advisory Council Inc Annual Report 2014-15  
Barossa and Districts Health Advisory Council Inc Annual Report 2014-15  
Berri Barmera District Health Advisory Council Inc Annual Report 2014-15  
Bordertown and District Health Advisory Council Inc Annual Report 2014-15  
Ceduna District Health Services Health Advisory Council Inc  
Annual Report 2014-15  
Coorong Health Service Health Advisory Council Inc Annual Report 2014-15  
Eastern Eyre Health Advisory Council Inc Annual Report 2014-15  
Eudunda Kapunda Health Advisory Council Inc Annual Report 2014-15  
Far North Health Advisory Council Inc Annual Report 2014-15  
Gawler District Health Advisory Council Inc Annual Report 2014-15  
Hawker District Memorial Health Advisory Council Inc Annual Report 2014-15  
Hills Area Health Advisory Council Inc Annual Report 2014-15  
Kangaroo Island Health Advisory Council Inc Annual Report 2014-15  
Kingston Robe Health Advisory Council Inc Annual Report 2014-15  
Leigh Creek Health Services Health Advisory Council Inc Annual Report 2014-15  
Lower Eyre Health Advisory Council Inc Annual Report 2014-15  
Lower North Health Advisory Council Inc Annual Report 2014-15  
Loxton and Districts Health Advisory Council Inc Annual Report 2014-15  
Mallee Health Service Health Advisory Council Inc Annual Report 2014-15  
Mannum District Hospital Health Advisory Council Inc Annual Report 2014-15  
Mid North Health Advisory Council Inc Annual Report 2014-15

Mid West Health Advisory Council Inc Annual Report 2014-15  
Millicent and Districts Health Advisory Council Inc Annual Report 2014-15  
Mount Gambier and Districts Health Advisory Council Inc Annual Report 2014-15  
Murray Bridge Soldiers' Memorial Hospital Health Advisory Council Inc  
Annual Report 2014-15  
Naracoorte Area Health Advisory Council Inc Annual Report 2014-15  
Northern and Yorke Peninsula Health Advisory Council Inc Annual Report 2014-15  
Penola and Districts Health Advisory Council Inc Annual Report 2014-15  
Port Augusta, Roxby Downs and Woomera Health Advisory Council Inc  
Annual Report 2014-15  
Port Broughton District Hospital and Health Services Health Advisory Council Inc  
Annual Report 2014-15  
Port Lincoln Health Advisory Council Inc Annual Report 2014-15  
Port Pirie Health Advisory Council Inc Annual Report 2014-15  
Quorn Health Services Health Advisory Council Inc Annual Report 2014-15  
Renmark Paringa District Health Advisory Council Inc Annual Report 2014-15  
South Coast Health Advisory Council Inc Annual Report 2014-15  
Southern Flinders Health Advisory Council Inc Annual Report 2014-15  
The Whyalla Hospital and Health Services Health Advisory Council Inc  
Annual Report 2014-15  
Waikerie and Districts Health Advisory Council Inc Annual Report 2014-15  
Yorke Peninsula Health Advisory Council Inc Annual Report 2014-15

By the Minister for Transport and Infrastructure (Hon. S.C. Mullighan)—

National Heavy Vehicle Regulator—Annual Report 2014-15  
National Rail Safety Regulator—Annual Report 2014-15  
South Australian Rail Access Regulation—Annual Report 2014-15  
Tarcoola-Darwin Rail Access Regulation—Annual Report 2014-15

*Ministerial Statement*

**REPATRIATION GENERAL 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) (14:02):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.J. SNELLING:** Today I announced that expressions of interest are now open to determine the future use of the Repatriation General Hospital site. Following the relocation of current clinical services to other SA Health sites, the intention is that the Repat—

*Members interjecting:*

**The SPEAKER:** The member for Hammond is called to order.

**The Hon. J.J. SNELLING:** —site will be sold or leased, with the strict condition that it is used for health, aged-care, education or community-related purposes.

In May, the state government received over 30 registrations of interest in the Repat site from health, aged-care and community organisations. We have also engaged with the local community to hear their views about how they would like to see the site used. Today, we are calling for formal expressions of interest, which is the next step in determining the future use of the site.

The Repat has a very proud history of serving veterans and the wider community. Each submission will be evaluated based on community feedback and the benefits the proposal will bring to our veterans and the local community. The unique mix of heritage listed buildings, purpose-built buildings, university facilities and remaining areas of significance to veterans gives the site a flexibility which suits a variety of healthcare, aged-care and community-related purposes.

Acute clinical services currently housed at the Repatriation General Hospital are expected to transition to alternative hospital sites in 2017-18. The chapel, museum and remembrance garden will remain on the site, with ongoing access to the public. Orthotics and Prosthetics SA, as well as the Flinders University facilities and the ViTA Building, are outside the site boundary that is offered.

*Parliamentary Committees*

**JOINT COMMITTEE ON THE OPERATION OF THE TRANSPLANTATION AND ANATOMY ACT  
1983**

**Ms VLAHOS (Taylor) (14:06):** I bring up the report of the committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

*Question Time*

**POLICE WORKERS COMPENSATION**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:07):** My question is to the Minister for Police. Why won't the government give police officers the workers compensation scheme that they deserve?

*Members interjecting:*

**The SPEAKER:** The member for Kavel is called to order. He will not interrupt the Deputy Premier.

**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) (14:07):** Thank you, Mr Speaker. I will leave aside the question of the niceties about matters being in the other chamber. Let's actually examine what's happening here and what has happened. Just over 12 months ago, this parliament passed legislation to create the Return to Work Act. That legislation resulted from a policy that the Premier took to the people of South Australia at the election in March 2014, so it is an election commitment.

I have to say that, to the credit of the Leader of the Opposition—and, indeed, it is credit that the government has publicly acknowledged and it is credit that he has publicly claimed, and rightly so—it was supported by the opposition. That legislation replaced legislation that everybody agreed was not delivering proper outcomes for injured people. It was not delivering proper outcomes for injured people for a range of reasons.

*Mr Tarzia interjecting:*

**The SPEAKER:** I call to order the member for Hartley.

**The Hon. J.R. RAU:** Most importantly, it was a scheme that did not have adequate focus on the health and safety of employees or workers. It didn't pay sufficient attention to getting them back to the workplace early so that they could have the best opportunity of an effective recovery and return to work, and it had failed a great many people for many, many years.

That scheme was replaced, with the support of the opposition, by a new scheme. That new scheme came into operation on 1 July, some few months ago. There is actually a passage in the legislation that says that that scheme would be the subject of a review after two or three years of operation in order for us to be able to look at the scheme as a mature, functional scheme—

**Mr Gardner:** We're helping to speed up the process.

**The SPEAKER:** The member for Morialta is called to order.

**The Hon. J.R. RAU:** —and see what elements of the scheme were in need of improvement, if any were, and to see whether any changes were needed to be made. In the context of that, I can tell—

**Dr McFetridge:** Why wait?

**The SPEAKER:** The member for Morphet is called to order.

**The Hon. J.R. RAU:** —the parliament that there were a great many groups and individuals, employers and employees alike, that spoke with me in the lead-up to the preparation of that election commitment being delivered. My recollection is PASA did come to see me about this matter very late in the piece. If I am not mistaken, it was at a point in time when the legislation was already in the Legislative Council; that shows you how late in the piece it was. They raised a number of issues. I asked some of my staff to speak to members of PASA executive; they did. I forwarded a letter to them inviting them to come forward with any suggestions and whatever about how things might be improved.

Then a few months ago it became clear that something was brewing between the Hon. Robert Brokenshire and PASA. They had decided that they had a better way to proceed with the matter, which didn't involve sitting down around a table with me or with the Minister for Police or with the Treasurer; it involved them going through a particular campaign. Of course, they pressed the go button on this campaign, coordinated with the Hon. Robert Brokenshire, about three or four weeks ago. From that point onwards, PASA—and I make a point here: there is a great distinction between PASA and police officers in this respect.

**The SPEAKER:** The minister's time has expired. The deputy leader.

#### **POLICE WORKERS COMPENSATION**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:11):** I have a further question to the Minister for Police. Did the minister or anyone in his office read or prepare or edit or amend or approve a letter dated 13 November 2015 from the police commissioner to the Police Association on the proposed amendments to workers compensation?

**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) (14:11):** Thank you, Mr Speaker, I will just finish what I was saying.

*Members interjecting:*

**The SPEAKER:** Minister, you may well do that, but you are supposed to answer the substance of the question and you have been asked a different question.

**The Hon. J.R. RAU:** Yes, and I will answer it but, in doing so, I just need to lay the groundwork as to the circumstances and the context. I don't know whether PASA ever actually sat down properly with the commissioner either to have a chat with the commissioner about—

**Mr GARDNER:** Point of order, sir. The minister is continuing his answer as he threatened to do; he is ignoring your instruction. Under 137 there are steps you can take for obstruction.

**The SPEAKER:** I will listen carefully, but the minister appears to be constructing the foundations of a germane answer.

**The Hon. J.R. RAU:** I am. I am laying the groundwork, because the groundwork is very important. The situation is that Mr Brokenshire coordinates with PASA—not police officers, PASA—to press the go button on what had already been planned as a premeditated campaign to go over a fortnight or so, with a climax to be today—

**Ms CHAPMAN:** Point of order: I am not interested in a campaign by another member of parliament. I am interested in an answer as to whether the minister or his office—

**The SPEAKER:** The deputy leader is called to order for not making a point of order but making an impromptu speech. Deputy Premier, can you be quick with those foundations?

**The Hon. J.R. RAU:** They are nearly all there, Mr Speaker. What then transpired is that the bill introduced in the other place by Mr Brokenshire at the behest of the police would have the effect of actually picking all of the good bits out of the old scheme and an economic loss payment of a considerable amount of money (up to about \$450,000) from the new scheme, putting them all together and creating this new super scheme.

**Mr GARDNER:** Point of order: he is not being quick with his foundations at all, sir.

**The Hon. J.R. RAU:** I am on the cusp of it, Mr Speaker. The point is that the letter from the police commissioner actually points that out—

**Ms Chapman:** How do you know? Did you read it?

**The Hon. J.R. RAU:** —because I actually read a transcript this morning.

*Members interjecting:*

**The Hon. J.R. RAU:** Yes.

**Ms Chapman:** Who wrote the letter?

**The SPEAKER:** The deputy leader is warned, and it would be a pity if she went because I believe she has other questions.

**The Hon. J.R. RAU:** I read a transcript this morning of a radio interview with Mr Carroll and one of the media personalities at which time Mr Carroll explained what the police commissioner had said in that interview, and Mr Carroll said that the police commissioner does not agree with us because he thinks this is over the top and he doesn't think this is a good thing. I am paraphrasing but that is the gist of it.

Now, as to the question about the police commissioner. Mr Speaker, I am reliably informed that there is no possibility of the police commissioner being told to do anything by the police minister or me; he is perfectly capable of writing his own letters.

**The SPEAKER:** Other than it be in writing.

**The Hon. J.R. RAU:** Indeed, and there is no direction under the Police Act so far as I am aware. And so the situation is, Mr Speaker, that I think the notion that the police commissioner would be receiving a direction from any minister in the government to write a letter of that type is as insulting to the minister as it is to the police commissioner; and, incidentally, PASA should actually apologise to the police commissioner for having suggested that he has such disregard for his officers that he would take no steps to try to ensure that an officer who has been severely injured in the course of his duties would not be looked after when, in fact, the police commissioner took those steps back in August before this campaign even began.

**The SPEAKER:** There is the superstructure. The deputy leader.

#### **POLICE WORKERS COMPENSATION**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:16):** Yes, thank you; rebuilding Rome, I think. A question again to the Minister for Police. Does the minister consider being shot in the face in the line of duty as a reasonable justification for full workers compensation entitlements to be supported? Oh, come on John!

**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) (14:16):** No. This is a question about compensation. This is a question about the compensation, and can I just make this very clear: first of all, I regard that police officer as being one of the fine South Australians who are out there working all the time to look after us, and that man along with others to their credit have got back to work. He is actually back at work that man, and it is to his great credit and the credit of everybody concerned that he has been able to do that, and I take my hat off to him.

The second point I would make is: why on earth PASA would think it is in the long or medium or short-term interest of that man's recovery for him to become a mascot in this campaign I don't know.

**Ms Chapman:** He was out there today.

**The Hon. J.R. RAU:** I don't know, but can I say this: the thing that they did not say early on when they were making all these rhetorical flourishes, histrionic statements about him being tossed in the wastepaper basket, or whatever it was, what they did not tell anybody was that, before the



campaign had even begun, the police commissioner had made an interim determination that that man by reason of his injuries and the requirement of long-term surgery and other treatment would be deemed 30 per cent or more incapacitated, which means that any suggestion that he was sitting waiting to fall off the edge of some cliff is nonsense.

So, it is all very well to be asking questions about whether or not we think this man has been injured in the course of duty. Of course he was, and it is a terrible thing to happen to him, but to suggest, as PASA has, that the police commissioner was so indifferent to this man's condition that he could not even be bothered doing something about it when in fact he has—

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** —is actually something that I think—

**The SPEAKER:** The deputy leader is warned for the second and last time.

**The Hon. J.J. Snelling:** He's ruining your big day.

**The SPEAKER:** The Minister for Health is called to order.

**The Hon. J.R. RAU:** —Mr Speaker, if PASA was to do the right thing on behalf of its members it would be courteous for it to actually publicly say to the police commissioner that it apologises for having made the suggestion or inference out there in the public domain that the police commissioner was so uncaring of the police who serve in his police force that he would not attempt to do something to look after this man's welfare, and he has done it.

#### **POLICE WORKERS COMPENSATION**

**Mr GARDNER (Morialta) (14:19):** Supplementary: is the Deputy Premier able to identify the individual who he referred to throughout that answer as 'that man'? In particular, given that he knows about the interim determination that has been provided by the police commissioner, does the Deputy Premier have any advice as to whether the individual concerned would meet the 30 per cent threshold?

**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) (14:19):** The effect of the interim determination is to mean that he is in a position where he is deemed to be 30 per cent plus. As I understand it, again from stuff in the media and things which have been said by Mr Carroll, his injuries are such that he will require ongoing surgery potentially for years.

People might also be interested to know that the legislation provides for anybody, not just police officers, who finds themselves in that position. Ongoing surgery out beyond two, three or whatever years, is covered by the legislation, including time for them to recover from that surgery. That is already covered.

The ultimate question is that at some point in the medium or distant future, when a stable condition is arrived at—and that is a matter for the determination of the individual injured person, not for my determination or the police commissioner's—that person can apply for a whole person impairment assessment at that time, whenever that may be, and in this case that may be many, many years. At that point in time, there will be a determination. At the moment, we have an interim determination and the interim determination says 30 per cent plus.

#### **POLICE ASSOCIATION**

**Mr GARDNER (Morialta) (14:21):** My question is to the Minister for Police. When did the minister last meet formally with the Police Association?

**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. I would need to check my diary. I don't recall the exact date, but I am happy to get that date for you. I can say that I was in contact with the Police Association yesterday and that I have received correspondence. I have corresponded with them on

a number of occasions, and I have responded to the letter they sent to me and to other members, and they were in contact with my office yesterday.

#### **POLICE ASSOCIATION**

**Mr GARDNER (Morialta) (14:22):** Supplementary: can the minister remember when the last time was that he met face to face with representatives of the Police Association?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:22):** I think I just said that I would need to check my diary. I will check my diary and get the date for you, but I recall—

*Members interjecting:*

**The Hon. A. PICCOLO:** It wasn't back in April. Sorry, that's when you asked for—

**Mr Knoll:** I thought you said you didn't know.

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

**The Hon. A. PICCOLO:** Sorry, Mr Speaker, I will speak through you. Not only have I had formal discussions but I have also met with PASA people at a number of events and functions, as you know I do because you are there as well.

#### **POLICE ASSOCIATION**

**Mr GARDNER (Morialta) (14:22):** Supplementary: I cannot recall the last time I saw the minister talking to them. Why didn't the minister attend the Police Association AGM?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:23):** I am more than happy to answer that question. I would have preferred to attend the AGM, as I did last year. Unfortunately, this year it coincided with country cabinet, and country cabinet was in my region. Both as minister and local member, I think it was important that I represented the government in my area on the day.

#### **POLICE ASSOCIATION**

**Mr GARDNER (Morialta) (14:23):** Supplementary: given that the Police Association AGM is identified at the same time every year and the minister had 12 months' notice of that, when did he become aware that country cabinet was going to be held at that time?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:23):** I don't recall the dates, but what I can say is that I am more than happy to meet with PASA any time and I have indicated that in my correspondence. I have never rejected an offer to meet with them. In terms of my country cabinet commitments, which are part of our agreement with minister Brock, the member for Frome—

*Mr Duluk interjecting:*

**The SPEAKER:** I call to order the member for Davenport.

**The Hon. A. PICCOLO:** —those country cabinet meetings are very important. We are going to the South-East next week. It was disappointing that I was not able to attend, but hopefully I will be able to attend next year's.

#### **HEALTH REVIEW**

**Ms WORTLEY (Torrens) (14:24):** My question is to the Minister for Health. Can the minister update the house on what the feedback has been from his federal counterparts on the government's Transforming Health program?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:24):** I can indeed, and I thank the member for Torrens for her question. The goal of delivering best care, first time, every

time, has been met with overwhelming support. Transforming Health is focused on improving the quality and consistency of our hospital system and ensuring that we use our resources in the most effective way.

This requires many changes to the way our hospital systems are set up so that we can meet all the quality standards that were developed last year by our clinicians. Mr Angus Taylor is the Liberal Party member for Hume in the commonwealth parliament. He wrote recently about Australia's healthcare system, and regarding acute bed numbers he said:

It might seem paradoxical that lower bed numbers is a good thing, but it means that we are keeping people out of hospital.

The member for Hume cites—

*Dr McFetridge interjecting:*

**The Hon. J.J. SNELLING:** It's great to hear the member for Morphett disagreeing with his federal counterpart; I will have a little bit more to say about that. The member for Hume cites a recent review of hip and knee replacements which showed Australia has the longest stay among peers at 60 per cent more than average. He also commented on, and I quote:

...huge variation across regions which can't be explained by demographics. For instance, there is a sevenfold difference across Australia in admission rates for procedures such as cardiac catheterisation and knee replacements.

Members may recall that discussion papers, released as part of Transforming Health last year and earlier this year, talked about these same problems in the health system and what we could do to fix them. The member for Hume has also called for more innovative models in Australia, which means he says, and I quote, 'Consolidating—

**Mr KNOLL:** Point of order, Mr Speaker. By the minister's definition, he is referring to Angus Taylor's website and directly quoting a speech that Angus Taylor made that is publicly available information.

**The SPEAKER:** In the course of my day, I normally wouldn't go to the website of the member for the federal division of Hume, so I would hardly describe that as 'a readily accessible source'. Minister.

**The Hon. J.J. SNELLING:** The member for Hume has also called for more innovative models in Australia, which means, he says, and I quote:

...consolidating high complexity procedures into centres of excellence. It will require highly efficient centres of routine elective surgeries like cataract surgery and knee replacements.

In short, the member for Hume recommends those same changes across the country that we are implementing here. Indeed, he acknowledges the work we are doing. He says:

Some states are beginning to address this. South Australia is pursuing a 'transforming health' program to deliver 'right first time, every time care—

**Mr KNOLL:** Point of order.

**The SPEAKER:** The minister will be seated. Time on.

**Mr KNOLL:** Now that I have emailed it to your inbox, Mr Speaker, will you concede that it is 'readily available information'?

**The SPEAKER:** The member for Schubert is warned for a bogus point of order, my having ruled on that a minute ago.

**The Hon. J.J. SNELLING:** Last week, I hosted the COAG Health Council meeting here in Adelaide, made up of state health ministers, both Labor and Liberal, and the federal Minister for Health, Sussan Ley. The meeting included a presentation by Professor Dorothy Keefe, the Clinical Ambassador for Transforming Health. Following Professor Keefe's presentation, minister Ley commented that hearing these plans and achievements was 'music' to her ears.

Those opposite have been vocal in their misinformed criticisms of Transforming Health. Clearly, some of their federal Liberal colleagues are far more enlightened. If Liberal members of the

federal parliament, including the federal Minister for Health and the member for Hume, can see the need for change within our health system, then I hope that those opposite might listen to their federal counterparts on this issue, cease their carping negativity and start contributing in a positive way to these reforms.

**The SPEAKER:** Minister, that was debate. The member for Unley.

### UNEMPLOYMENT FIGURES

**Mr PISONI (Unley) (14:29):** My question is to the Minister for Communities and Social Inclusion. What is the social impact of the ABS figures showing a rise in the male unemployment rate in South Australia, which has now trended up from 5.2 per cent to 8.3 per cent, since the government promised to create 100,000 new jobs back in 2010?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:29):** I thank the honourable member for his question.

*Mr Pengilly interjecting:*

**The SPEAKER:** The member for Finniss is called to order.

**The Hon. J.W. WEATHERILL:** It's actually a very important question. It goes to the structure of the growing segments of the economy and the declining segments of the economy. There is a basic truth behind the proposition—and this is not universal. In general terms, the growing sectors of the economy are disproportionately clustered into—

**Mr Pederick:** What about the dying segments?

**The SPEAKER:** I warn the member for Hammond.

**The Hon. J.W. WEATHERILL:** —what have traditionally been known as female occupations, and the declining sectors of the economy have been clustered into what has traditionally been described as male occupations. So we are seeing a very substantial divergence in the male and female unemployment rate, and this does have very profound social impacts, of course, at the level of the men who are directly affected in terms of their wellbeing and their capacities, but it also raises some important issues about household formation. The truth is that the traditional household formation has many women more proportionately doing more work around the home than men. They do more part-time work and it may challenge some of those household formations.

As we do grapple with the changes that are occurring in our workforce, it may well be that households are going to have to revisit, potentially, who is the principal breadwinner, and that will be a challenge to the identity of certain men within the household. That is a profound change in the social construct. They are all things we're going to have to grapple with. Obviously we want to arrest the decline in those traditional male occupations, but the truth is a lot of these trends are well established now and we're going to have to grapple with the social consequences that flow.

### STATE EMERGENCY SERVICE

**Ms VLAHOS (Taylor) (14:31):** My question is to the Minister for Emergency Services. Can the minister advise the house about the State Emergency Service's responses to floods that occurred in early November, particularly around Kapunda?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:31):** I thank the member for her question and I also acknowledge her support for emergency services in her electorate but also her moving the motion for Wear Orange Wednesday in this place. I would like to note today that it is Wear Orange to Work Day. Today we recognise and show support for the wonderful work performed by the State Emergency Service's 1,660 volunteers. I would like to acknowledge and thank all the members in this place today who are wearing orange in support of those volunteers. I do that for both sides of the house.

I was proud to be invited recently to join the Edinburgh SES unit at the Gawler Village fair on their volunteer recruitment drive. In late October, it was my pleasure to visit the volunteers at the SES unit at Kapunda during country cabinet. The people I met were without exception dedicated and passionate about protecting their community. Approximately one week after my visit, South Australia

experienced several large bands of rain that caused significant flooding in several regions. One of the worst hit was the town of Kapunda.

When I heard about the conditions and the flooding in Kapunda, I was naturally concerned not only as Minister for Emergency Services but also for the member for Stuart and for Kapunda's proximity to my electorate. However, having met the volunteers from the Kapunda unit just a week earlier, I was comforted to know that they would be mobilising and doing their best, and coming to the community's aid. By all accounts, I was correct. The SES volunteers worked tirelessly to protect homes and property from flooding and responded to many calls for assistance. The event also caused localised flooding in a number of communities including Port Lincoln, Whyalla, Burra, Jamestown, Meningie, Port Pirie, Moonta, Kadina and Wallaroo.

A number of homes and businesses were affected by strong winds and floodwaters. Units across the state came to the community's aid. SES crews responded to approximately 300 calls across the state. To all of the SES volunteers who responded, thank you for your wonderful efforts from both the government and the community of South Australia. The SES received excellent support from the CFS, MFS, the Bureau of Meteorology and SAPOL, as well as DEWNR staff and local councils across the state. SES staff also worked tirelessly to ensure the community was prepared. I would also like to extend my appreciation to chief officer Chris Beattie for the way he managed the situation.

#### EMERGENCY SERVICES VOLUNTEERS

**Dr McFETRIDGE (Morphett) (14:34):** Supplementary: the minister, like all of us, holds the SES in high regard, so will the minister tell the house if he will put the SES and CFS volunteer charter into legislation, not just regulation?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:34):** First of all, regulation is legislation. I would have thought that—

**Ms Chapman:** Wrong.

**The Hon. A. PICCOLO:** No, it's not wrong. Secondly—

*Members interjecting:*

**The SPEAKER:** The Premier and the Treasurer are called to order and the member for Finniss is warned. Minister.

**The Hon. A. PICCOLO:** I will be engaging with the volunteer sector and all volunteers who are involved in emergency services. The commitment I gave at the beginning of the process last year was that it would be an enforceable regulation—

**Dr McFetridge:** You said legislation as well.

**The Hon. A. PICCOLO:** I know what I said; I was at the meeting. I am sure some of your colleagues who were at the same meeting would remember what I said.

*Dr McFetridge interjecting:*

**The Hon. A. PICCOLO:** In regulation, that's correct.

*Dr McFetridge interjecting:*

**The Hon. A. PICCOLO:** No, the head power will be in the act, and I understand the head power exists in the act already, which you appear not to know. I also understand, and the member for Morphett—

**The SPEAKER:** The member for Morphett promised me exceptional behaviour in this question time. He is now warned.

**The Hon. A. PICCOLO:** That was a misleading statement, if I ever heard one. I am also advised that the honourable member who has moved a private member's bill in this parliament values volunteers and the MFS and CFS people so much that he introduced his bill without consultation.

**Dr McFetridge:** I talk to them every day. I don't wait for special occasions.

**The SPEAKER:** The member for Morphett, although provoked, is also warned a second time. The member for Unley.

### SCHOOL BUSES

**Mr PISONI (Unley) (14:36):** My question is to the Minister for Education and Child Development. Can the minister advise why her department gave multiple school bus contracts worth more than \$4 million to a Queensland company before her department's review of school transport services has been completed and tabled?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:37):** The school transport policy review has been in train for some time under fairly constrained terms of reference in terms of maintaining existing resources. We have done a survey and are working through what the people who are using the bus service experience, what they find good about it and what they would like to see changed, and, as I say, within quite constrained circumstances of not changing the resourcing, looking at what might be different. That has been undertaken for some time and is nearing its conclusion.

Separate to that are the business arrangements that the department enters into from time to time to ensure that the service continues to be provided. I do not have any detail in this chamber about that particular contract, so I can't confirm whether that took place or not, but it would appear to me to be entirely separate. The review is looking at the status of the various elements of the transport policy and the experience of the users rather than saying whether or not we will continue with a particular service while that is taking place.

### DISABILITY JUSTICE PLAN

**The Hon. P. CAICA (Colton) (14:38):** My question is to the Attorney-General. Can the Attorney-General update the house on the upcoming Disability Justice Plan Symposium?

**The Hon. A. Koutsantonis:** Can you?

**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) (14:38):** I thank the honourable member for his question, and yes I can. There has been a strong interest in the inaugural Disability Justice Plan Symposium being held tomorrow, and the event is now fully booked. The symposium is a key action in South Australia's Disability Justice Plan. The 150 attendees will include a broad range of community leaders and representatives from the disability sector, policymakers in criminal justice agencies, representatives from our courts, and researchers to share findings and promote best practice in improving access to justice.

I will be opening the symposium and will launch the Disability Justice Plan annual report for 2014-15, which outlines the achievements and milestones in the first year of the plan's implementation. Keynote speakers at the symposium include: Graeme Innes AM, Australia's former disability discrimination commissioner; Terese Henning, Director of the Tasmanian Law Reform Institute; and the Hon. Kelly Vincent MLC.

Workshops in the afternoon of the symposium will provide an opportunity for the community and interested parties to provide further input into the implementation of key initiatives in the Disability Justice Plan. The event will contribute to the ongoing cultural change across the criminal justice agencies, which is vital to the plan's success. It will also provide an opportunity to report back to the community on progress and build on the strong consultation that went on at the time of the plan's original development.

### HOUSING TRUST

**Ms SANDERSON (Adelaide) (14:40):** My question is to the Minister for Communities and Social Inclusion. Can the minister advise the house if any South Australian companies tendered for the 346 Host Integration Software for the South Australian Housing Trust mainframe integration automation contract worth \$454,982 that was awarded to an interstate company?

*The Hon. A. Koutsantonis interjecting:*

**The SPEAKER:** The Treasurer is called to order.

*Mr Pederick interjecting:*

**The SPEAKER:** The member for Hammond is warned for the second and final time. Minister.

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (14:41):** I thank the member for the question. I do not have that information with me. I will have to come back to the house.

#### HOUSING TRUST

**Ms SANDERSON (Adelaide) (14:41):** Supplementary question.

**The SPEAKER:** I hope it is a supplementary, therefore the member will not be reading it because it arises from the minister's answer

**Ms SANDERSON:** Yes. Whilst the minister is getting that information, could she please find out if it will be implemented by December this year. That was in line with the Auditor-General's estimates questions from 2014, and I quote vaguely without reading it, 'The computer system currently used by the South Australian Housing Trust'—

**The Hon. P. Caica:** You do things vaguely very well!

**The SPEAKER:** The member for Colton is called to order for that interjection.

**Ms Chapman:** You can read the quote. You're allowed to do that.

**Ms SANDERSON:** Okay. In 2014, the Auditor-General's Report reported, and I quote, with your leave and that of the house, 'The Housing SA application system platform was outdated and the mainframe technology tools supporting Housing SA's key systems will not be commercially supported by December 2015.'

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (14:42):** I thank the member for the question and acknowledge that that was raised by the Auditor-General. I know that housing continues to talk, along with Renewal SA, about their involvement here. I will come back to you with that answer.

#### PACIFIC SCHOOL GAMES

**Ms HILDYARD (Reynell) (14:42):** My question is to the Minister for Tourism. Thousands of students from all over the globe will be in Adelaide this weekend for the Pacific School Games. Can the minister tell the house about this inaugural event and what it means for our state?

**Mr GARDNER:** According to standing order 97, the question has been phrased incorrectly and the member has made an impromptu speech.

**The SPEAKER:** Let's have a question.

**Ms HILDYARD:** Can the Minister for Tourism tell the house about the Pacific School Games and what they mean for our state?

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:43):** I thank the member for Reynell for that question and for her strong interest in sport and major events. It was great to join with the member for Reynell on Monday when we announced that South Australia will host the women's Australian golf open from next year for the next three years. It was terrific to see you there. The work that you do to promote women's sport and major events is great.

The Pacific School Games kicks off in Adelaide on Saturday. More than 4½ thousand students and their families will be in South Australia for the 10-day event and it will pump about

\$13.6 million into the state's economy. It is terrific to have people from so many different parts of the Pacific who are here. They will be participating in swimming, diving, softball, baseball, soccer, touch footy, table tennis and basketball. They will be using our world-class facilities, of course, including the swimming centre at Marion, which will also host the Olympic trials next year as people head off to try to make the Australian team to go to Rio.

South Australia does events very well. They are a great contributor to our economy and lead to growth. It was fantastic to be in Sydney last night at the Australian Events Awards, where South Australia was named the best state or territory in the nation when it comes to putting on major events. People were there from around the country and were keen to see what was happening in South Australia. We also won awards for WOMADelaide, Writers' Week and many others, and we were finalists in categories like Best Sports Event and Best Tourism Event as well. So, it was terrific to have South Australia recognised on the national stage as being the best state for putting on events.

If anyone is looking to get accommodation for this weekend or next weekend, it is pretty much booked out in Adelaide because of the AC/DC concert on Saturday night, of course. We have got the—

**Mr Pederick:** Hear, hear!

**The Hon. L.W.K. BIGNELL:** The member for Hammond will be at the AC/DC concert—rock on. I'll be there with you; it should be fantastic. So, we have AC/DC here, we have got the AFL draft, and of course we have got the equestrian three day event, which is the only four-star event held in the Southern Hemisphere, in our beautiful Parklands. I know from speaking to Alice, one of the competitors who we have here who is competing with her horse Hilly, that they were a little worried about the heat today and yesterday, and they are looking forward to that cool change. We wish all of the competitors the very best.

Major events bring \$277 million into the state each year, and of course are responsible for thousands of jobs. We have an ambition to grow the visitor economy from \$5.4 billion a year to \$8 billion a year by 2020. We want to take the job figure from 31,000 to 41,000. We have put on 1,000 extra jobs in the tourism sector in the past year, and we want to see continued growth in the area as we transform our economy.

I encourage anyone who knows someone who wants to either start out their career or change their career to tell them that the visitor economy is a great place to do it. It is something that we have as one of our top five economic priorities. We are doing everything we possibly can to get more people here from interstate and from overseas. That is why, in this year's budget, we put in an extra \$35 million to be used to go after the sort of major events that we are hosting in the next couple of weeks, like the Pacific School Games.

We are also spending money on getting more conventions to our brand new Convention Centre. We are spending more money on marketing, both here in Australia and on the international scene as well, so that we can get as much money from other economies into our economy to really grow South Australia.

## TOURISM

**Mr KNOLL (Schubert) (14:47):** Supplementary, Mr Speaker: can the minister outline whether he will be taking a limousine, taxi or walking to the concert on Saturday?

**The SPEAKER:** I think it is a bit hypothetical.

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:47):** I thank the member for the question, and I point out that in the time that he has been in this house, representing a tourism and wine area, he has never actually asked a serious question of me about anything—

*Members interjecting:*

**The Hon. L.W.K. BIGNELL:** —that has anything to do with tourism, and if he wants to play—

**Mr PISONI:** Point of order: this is imputing improper motive on a member, sir—



*Members interjecting:*

**Mr PISONI:** Point of order, sir: imputing improper motives on a member is against standing orders.

**The SPEAKER:** The expression is 'imputing improper motives', not 'impugning proper motives'. But, with that correction: the question was incendiary and tendentious, and so is the answer. The member for Goyder.

#### REGIONAL EMPLOYMENT

**Mr GRIFFITHS (Goyder) (14:48):** My question is to the Minister for Regional Development. Can the minister outline why unemployment in Port Pirie has increased from 5 per cent to nearly 11 per cent in the last five years?

**The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (14:48):** I cannot guarantee that those figures the member is quoting are correct; however, everything is being done in the regions of South Australia to create job opportunities. We will continue to do that. The transformation of Nyrstar secures the security of Port Pirie and the region for the next 30 years. We as the government are trying to everything we can—

*Mr Pengilly interjecting:*

**The SPEAKER:** The member for Finniss is warned for the second and final time.

**The Hon. G.G. BROCK:** Mr Speaker, we have on this side of the house put up ideas on everything we can to stimulate the economy out there, and to assist the economic growth. I take the question on notice.

#### REGIONAL EMPLOYMENT

**Mr GRIFFITHS (Goyder) (14:49):** Supplementary, sir: will the minister now concede that the government's economic plan is failing to address increasing unemployment in regional South Australia?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:49):** The government is embarking on an ambitious plan to lower the cost of doing business in South Australia supported by the member for Frome, which will indeed assist regional South Australia. I note that at the time the budget was announced, when the government announced its ambitious tax plans, members opposite derided us, saying these were the wrong taxes to cut. Now, six months later, they want us to accelerate the tax cuts that they think won't work. Quite frankly, the opposition is yet to put up an alternative plan for regional South Australia.

*Ms Sanderson interjecting:*

**The SPEAKER:** I call to order the member for Adelaide.

**Mr PISONI:** Point of order, sir. The minister is entering debate.

**The SPEAKER:** The question was, 'Has the government's economic policy failed?'

**Mr Gardner:** It was whether the Minister for Regional Development would admit that it had failed.

**The SPEAKER:** Thank you for that correction: that makes all the difference. Now the Treasurer is answering it and, surprise, surprise!—there's a tinge of debate to it.

**The Hon. A. KOUTSANTONIS:** I don't think so, sir. I think I'm just laying out the facts as I see them. At one stage, we're criticised for not doing enough on land tax and we should have focused on land tax and payroll tax. Then the opposition put out a package saying we should accelerate the tax cuts we announced which they said were the wrong ones.

They then say that we should spend more money on infrastructure, having previously said in the election campaign that spending money on infrastructure funded by the government is a false economy.

**Mr VAN HOLST PELLEKAAN:** Point of order.

**The SPEAKER:** Point of order.

**Mr VAN HOLST PELLEKAAN:** I think you would have to admit this is more than a tinge of debate.

**The SPEAKER:** No, I don't have to admit it. If you ask a question such as, 'Has the government's policy failed?', you're not really asking for information, are you? You're going to be really surprised when the minister doesn't provide information since he hasn't been asked for it. Minister.

**The Hon. A. KOUTSANTONIS:** It's a bit rich to have an opposition that takes one set of policies to an election, dumps them, adopts ours and then says, 'Accelerate them,' and then has a straight enough face to say that to actually spend money on infrastructure after having told everyone it was false economy spending.

*Ms Sanderson interjecting:*

**The SPEAKER:** I warn the member for Adelaide.

**The Hon. A. KOUTSANTONIS:** The opposition attempted to stop Adelaide Oval; they attempted to stop building the NRAH; they want to stop the O-Bahn, but now they're saying we should be investing in more infrastructure. Not only that, they took to the election a policy of abandoning the Torrens to Torrens South Road upgrade, yet they are now telling us to spend more money on infrastructure.

They're wrong on tax; they're wrong on infrastructure. What are they right about? Luckily for us, the current Leader of the Opposition says, don't worry, he's not going anywhere because there's no-one else good enough to replace him. That's the confidence he has in members opposite and quite frankly, the little interview going on today isn't going as planned.

**Mr GARDNER:** Point of order, sir.

**The SPEAKER:** Point of order.

**Mr GARDNER:** This is the government that said they wouldn't sell the Repat in the life of a Labor government. This is clearly debate.

**The SPEAKER:** The member for Morialta will leave under the standing order for a bogus point of order for 15 minutes.

*The honourable member for Morialta having withdrawn from the chamber:*

**The SPEAKER:** Treasurer.

**The Hon. A. KOUTSANTONIS:** We are attempting to do more for our regions. In the most recent budget, the Minister for Transport successfully lobbied his cabinet colleagues for an increase of nearly 33 per cent in regional funding, up to a \$110 million increase, taking the total budget to \$330 million—a dramatic increase in funding for our roads.

We're the ones who have put sealing the Strzelecki Track on the map as an issue, not members opposite. We're the ones who are talking about a nuclear fuel cycle for South Australia. We're the ones talking about mining and we're not the ones attempting to stop unconventional gas exploration in this state: it is members opposite. So don't come in here and lecture us about the regions. Indeed, Mr Speaker—

**Mr VAN HOLST PELLEKAAN:** Point of order.

**The SPEAKER:** It had better be better than the last one.

**Mr VAN HOLST PELLEKAAN:** This time I will ask you to agree that this is debate—standing order 98. It has been nothing else, sir.

**The SPEAKER:** It has been in the nature of debate because the question was in the nature of debate. If the opposition asks questions seeking information, rather than rhetorical questions, if the opposition seeks information and then a minister debates the answer, I will sit down or warn or

chuck out under the sessional order the minister, but that wasn't the situation here. The minister was asked, 'Had the government's economic policy failed?' and the minister is answering it in the spirit in which it was asked. The minister.

**The Hon. A. KOUTSANTONIS:** Thank you, Mr Speaker. Can I just say that everyone on this side of the house is dramatically impressed with the way the regional development grants are working in our regions. Every time I go into the regions and, indeed, every time I meet with a regional council or mayor, they are always talking about how well these grants are working because we are empowering regional communities. By abolishing taxes, by incentivising growth and by investing in our regions we are helping.

I would ask the opposition this: what would the unemployment rate be in Port Pirie had it not been for the Nyrstar redevelopment? Where would Port Pirie be now without the member for Frome and his intervention to make sure that that redevelopment occurred? Where would we be today? I will tell you where we would be: we would have the opposition talking about false economy spending or you can't subsidise industries, like we heard the federal Minister for Cities talking about today.

We believe in investing in the economy and we believe in investing in South Australia. We will help Nyrstar and we will help regional communities, we will invest in roads and infrastructure, we will cut taxes and we will back our resources industry. We won't simply just sit, carp and whine and not come up with an original idea of our own. If, after 14 years of opposition, this is the best you can serve up, you should all be ashamed of yourselves.

**The SPEAKER:** Supplementary, member for Hammond.

#### REGIONAL EMPLOYMENT

**Mr PEDERICK (Hammond) (14:56):** Supplementary to the Treasurer: if the Treasurer believes so much in regional South Australia, why did he knock back the \$25 million of the diversification fund and why won't the government match the Liberal commitment of \$20 million for the Murray Bridge racecourse development?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:57):** I was in the room when the deal was done, so I can tell you what the deal was. It was a deal that was done with the previous federal Labor government. In fact, it was something that we were prepared to do in standing up for the Riverland. When we did the deal to get the 3,200 gigalitres of water down the River Murray, we wanted to make sure it did not have an adverse effect on the people of the Riverland who had done so much since 1969 to peg their take from the River Murray and who had spent their own money in large measure to actually improve their irrigation techniques.

There was very little additional water that could be wrung out of getting rid of inefficient irrigation practices. We had to find new ways of actually supporting that Riverland community, so I reached an agreement with the then minister for finance about this question. The agreement was that we got \$240 million, which was essentially based on the Water Industry Alliance proposition, and then a further \$50 million, which would be split into two \$25 million categories.

The federal bureaucracy, as is the way of these things, decided to put strings attached to that last \$25 million, which meant that we would have had to sacrifice up to about \$20 million of GST, so it would be money in and then money out from the government.

**Mr Pederick:** Every state is subject to GST.

**The Hon. J.W. WEATHERILL:** Well, we were special and we did a special deal for South Australia because of our unique circumstances. If those opposite think that they wanted to be treated the same as New South Wales and Victoria after the sacrifices that were made by our communities, you don't understand South Australia—and this is part of the difficulty. What we did was we took their constituency off them and brought them over, and they stood together with us and fought for a River Murray.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** I know what was going on over there. They wanted the irrigator community to split apart from us. They didn't want to stay with us and fight for that

3,200 gigalitres of water. We took your constituency and we put it alongside us because we represented their interests.

We stood up for them, and they know who stood alongside them and won this fight, and they are disappointed that you are not continuing to fight for that \$25 million. I know you had a proposition in the lead-up to the last election. I know where you were in—

*Ms Chapman interjecting:*

**The Hon. J.W. WEATHERILL:** Well, no, this goes to your racecourse.

**Ms CHAPMAN:** Point of order. Mr Speaker, I don't know particularly what your view was on this, but the Premier is accusing you of all sorts of things that you have allegedly done.

**The Hon. J.W. WEATHERILL:** He raises the racecourse. I know where you were in the last couple of days before the election campaign.

**Ms CHAPMAN:** Point of order. Mr Speaker, the Premier repeatedly makes reference to your input now on the racecourse.

**The SPEAKER:** I uphold the point of order. The Premier will address his remarks through the Chair, and I am very interested in the racecourse.

**The Hon. J.W. WEATHERILL:** Mr Speaker, we know where they were in that last couple of days leading up to the election. I was in Colton proposing a new police station. They were up in Hammond, in Murray Bridge, proposing a \$20 million racetrack—and don't some of the marginal seat members think that was such a genius political move. Some deal was done up there—

**Mr Wingard:** That's the base politics you people play.

**The Hon. J.W. WEATHERILL:** Don't talk to me about base politics. Base politics? Who was kicking the can for the donations? Let's have a look at that. We were securing an agreement for our Riverland irrigators. There wasn't one vote in it for us, not one vote in it, but we wanted to have a constituency that stood together and we presented a national front, and we did that and we had an important win and it's an historic win for South Australia.

**The SPEAKER:** Does the member for Goyder want to have a supplementary? Deputy leader.

#### GILLMAN LAND SALE

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:01):** Thank you, sir. I have a question for the Treasurer. Can the Treasurer inform the house—

*The Hon. J.M. Rankine interjecting:*

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

**Ms CHAPMAN:** —if he has ever read a report into the Gillman land deal which included a finding of maladministration against the Treasurer?

**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):** There was a report published recently by the ICAC commissioner sitting in the role, in the shoes, of the Ombudsman in relation to Gillman. That report is publicly available.

*Mr Wingard interjecting:*

**The SPEAKER:** The member for Mitchell is called to order.

*Mr Wingard interjecting:*

**The Hon. J.R. RAU:** That report contains—

**The SPEAKER:** The member for Mitchell is warned.

*Mr Wingard interjecting:*

**The SPEAKER:** The member for Mitchell is warned a second time.

**Ms Sanderson:** What about him? Look at what he's doing.

**The SPEAKER:** The member for Adelaide is warned a second and final time.

*Ms Sanderson interjecting:*

**The SPEAKER:** The member for Adelaide may leave the chamber for the next hour under the sessional order. Minister.

*The honourable member for Adelaide having withdrawn from the chamber:*

**The Hon. J.R. RAU:** As I was explaining, Mr Speaker, there is a report in relation to that particular matter. It has been published and, to the best of my knowledge, that report contains nothing of the sort.

### EMERGENCY SERVICES LEVY

**Dr McFETRIDGE (Morphett) (15:03):** My question is to the Minister for Emergency Services. Is the government proceeding with making farm firefighting units exempt from the ESL?

*Mr Goldsworthy interjecting:*

**The SPEAKER:** The member for Kavel has been on the ran-tan all day. He will cease interjecting. Treasurer.

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:04):** We do have concessions in place for people who have their own vehicles which are used in response to fires, and we do charge a fixed ESL levy, I am advised, on the vehicle registrations. I will get a more detailed answer for the member.

I point out that the ESL was a levy introduced by the former Liberal government and it was introduced for very good reasons at the time. It was introduced to appropriately fund, train and equip communities to be able to fight fires because we all know that we cannot have standing fire units in place to fight fires in some regional communities.

We do offer discounts to people who live in regional communities. For example, people living in certain townships receive a 20 per cent discount, further out from that you receive a 50 per cent discount, and if you are not in an incorporated area at all you receive a 90 per cent discount. We do offer incentives.

The overwhelming point about the emergency services levy is that this is not money that I can take and use for anything else. This is money that is used to fund our emergency services. I understand the member for Morphett has a keen interest in this because he is a dedicated CFS volunteer. I do not for a moment think that he is asking these questions for a political motive. I think he is asking out of genuine concern for those CFS volunteers. I will put this out to the member for Morphett—every time we offer a remission, we have to use our other source taxation to subsidise those remissions, and that means taking money out of the hands of hardworking South Australians through business taxation. That means small businesses—mums and dads out there trying to get ahead—cannot—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** It is either cutting expenditure in health and education or increasing taxes. There is no magic pudding. Remissions being reintroduced will cost the budget in excess of \$90 million and we will have to take that from our own source revenues, which will mean that we cannot cut taxes or we cannot spend money on health and education. What I am saying to the member is that we are doing all we can to make sure that these farm units have the equipment that they need and that we can help them when they do respond on our behalf.

The ESL is a levy that was born out of a necessity which was understood by the former Olsen government. It introduced by your former treasurer, Mr Lucas, and Mr Griffin, the former attorney-

general. These are the people who argued for it. I think it is a bit rich now for members of the opposition to be saying it is a bad tax. It was their tax; they introduced it.

*Grievance Debate*

**LABOR GOVERNMENT**

**Mr GARDNER (Morialta) (15:07):** This is a government that has entirely lost its moral compass. It is not a bad government just because it is a Labor government. It is a bad Labor government that has no idea anymore of what it stands for, why it is here, its purpose for existence and why they want to be in government. Once upon a time, the Labor Party used to talk about serving the working people of South Australia. Once upon a time, the Labor Party used to talk about serving the vulnerable people of South Australia. There are proud servants of the Labor Party throughout its history who have supported those in our community who serve us the most, who sacrifice for us the most, who give the most for us, and I think of no more than our veterans and our police.

But what has this Labor government done under the current Premier? What has this Labor government done under the administration of the Premier, the Treasurer, the Minister for Health and the Minister for Police? We have seen their word to the people of South Australia and the veterans of South Australia completely gone back on by their announcement to shut down the Repatriation General Hospital. That is a betrayal of our veterans and, even more, it is a betrayal of the community, especially in the western and south-western suburbs, who rely on that hospital for their needs.

The veterans of Australia deserve better. The veterans get support from our federal government. The veterans get support from the Liberal Party. The veterans get support from the community. One hundred and thirty thousand South Australians have signed, either in writing or through their electronic signatures, the petition to save the Repatriation General Hospital, and what has this government done? It has spat in their faces and decided that it will be closed down.

Today we see the height of arrogance and hypocrisy from a Labor government that has campaigned with the support of police officers and the people of South Australia. They have had a law and order agenda. They have criticised former governments for closing police stations. They have criticised former governments for not being supportive enough of police, yet this is the first government that has spat in the face of our police officers through their cruel reaction, adding insult to injury in the way that they treat our police officers who are injured in the course of their duties.

The Liberal Party, led by the Leader of the Opposition, will stand with the police officers of South Australia, as the Deputy Leader of the Opposition did today on the steps of Parliament House in supporting the police officers of South Australia while the minister was in his office or in the chamber getting regular updates from his staff on what was going on outside.

We had Labor members of parliament looking very awkward, looking very embarrassed, on the steps of Parliament House as the Police Association, supported by well over 1,000 members of the South Australian community, rallied on the steps of Parliament House for the first time in 25 years, seeking a fair go from the government.

And what did they get? Dead silence from the government except from the Deputy Premier who has taken it upon himself over the last two weeks to be the voice in opposition to the Police Association's reasonable claims, to the point where he is not even interested in coming up with a better way forward; he just says that he has accused the Police Association of not presenting all the facts appropriately, and that is an unfair accusation.

The Deputy Premier today, I note referred to somebody he described as 'that man' in relation to officer Brett Gibbons, who was the victim of a serious injury when he, in the course of his duty protecting the community, was shot in the face. Brett Gibbons stood with Alison Coad, stood with members of the opposition, and members of the other parties in the Legislative Council and the Police Association on the steps of Parliament House today, proudly and courageously putting their case for fair treatment because policing is a unique sort of occupation.

The service that police officers get the community is a unique form of service. The sacrifice that they offer themselves, where they put themselves in harm's way for us, where they do not get the opportunity to put their personal safety before the community's safety needs to be respected. The Liberal Party respects that; the Liberal Party supports them in that.

It is a shock to the well over 1,000 people who braved the 39° to be on the steps of Parliament House today, having walked from Victoria Square, that people such as the Premier, people such as the Attorney-General, would not stand with them. The Liberal Party will stand with them, the Leader of the Opposition will stand with them. The Labor Party in South Australia has lost its moral compass. They are a bad government and they deserve nothing more than the community to turf them out at the next election, and I urge the house again to stand with our police officers as they seek a reasonable fair go.

*Mr Duluk interjecting:*

**The SPEAKER:** The member for Davenport will not interject out of his seat.

### FLOREY ELECTORATE

**Ms BEDFORD (Florey) (15:12):** The end of the year looms and so too many traditions that many of us really look forward to. Christmas pageants are abounding. We had the Credit Union city pageant last weekend and, of course, the weekend before that we had the Tea Tree Plaza Christmas pageant, in which the Florey mobile proudly participates, and which heralds the arrival of Santa to not only Adelaide but of course Modbury; and so formally begins the Christmas season.

Community groups all over Modbury and the Tea Tree Gully area come together for our annual pageant, which starts at the Tea Tree Gully council depot and progresses along Smart Road to Westfield's Tea Tree Plaza shopping centre. Westfield provides organisation and hundreds of balloons for the many participants and people who come along to watch. Participants include footy clubs, pony clubs, calisthenics clubs, churches, car clubs, the Tea Tree Gully Redbacks band and many more groups, like the Modbury Lions, who for years have provided the beautiful green pony float providing an unforgettable day for the pageant fairy princess.

Lions do a great job in the community and Lions Peter, Alan and, of course, our own former colleague Bob Gregory are always on hand for the pageant and many other good works, and they do a great sausage sizzle at Bunnings to make sure they can raise the funds to do the good works they do. They provide many people, and me in particular, sir, with dozens of wonderful Lions Christmas cakes, conveniently available in one kilogram and 1.5 kilogram sizes, and they also do a great pudding. These funds also go straight back into the community for the good works that the Lions are well known for.

Groups all around the state are organising their end-of-year get-togethers and there is an air of excitement as we begin our preparations for the big day so many of us celebrate. Schools are having their graduations. I have been able to briefly attend the Modbury High School graduation assembly. On Monday I witnessed the Valley View Secondary School's graduating class receive their certificates. The Florey Music Awards also play a big part in the end-of-year activities in our area, and I have been lucky enough to present the trophies at the Valley View Secondary School and the Modbury High School already.

Now in its 18<sup>th</sup> year, the Florey Music Award recognises a student, judged by the school's own criteria, and each school has a different awarding regime: either talent for effort or instrumental or choral work. Music is a vital part of every child's development. I acknowledge the great work of music teachers, the instrumental music branch and those involved with the primary school's choir program which culminates each year with such wonderful performances at the Adelaide Festival Theatre. This concert has become a much loved tradition and highlight of the school year.

I have also been able to officiate at Premier's Reading Challenge presentations at Modbury school, Modbury Special School, Burc College, Prescott College and many others in the next few days. Thanks must go to all classroom teachers and librarians for their support of this great program. When it started over 10 years ago, I do not think anyone really guessed how well it would be embraced and how important it would be in making sure all participants become great readers. I would like to remind students to thank the people who started them reading: their mums, dads and caregivers. Reading well is a gift for life.

While thinking about all the joys of the end of the year, I would like to remind everyone how precious life is and how an accident can really forever change life in a second. Sadly, so many people will die or be injured to varying degrees all over Australia, more particularly here at home in South

Australia where our year has seen so many tragedies. The grief such accidents bring is enormous and, if we all play our part, preventable.

It is my wish for everyone to take things a little slower, enjoy each other and the many good things we have to share and to spare a moment to think about how we can help each other beyond the commercial aspects of the season. It is in giving that we truly receive. Thanks have to go to all the volunteers, all our ambulance and healthcare workers, our police officers, our fire officers in the MFS and the CFS, our State Emergency Service workers, and all the people who will keep the state going while we celebrate. We appreciate all that you do and hope that you will not have to do too much this Christmas, particularly not for us or our families.

### SCHUBERT ELECTORATE

**Mr KNOLL (Schubert) (15:16):** I rise today to make a public plea on behalf of my community. Recently, the government came up for country cabinet and a public forum held at the Nuriootpa High School. On each of the seats there was a flyer and on that flyer it talked about the government's commitment to regional South Australia. It broke up the regions into the seven RDA areas and talked about the projects that were committed and the money that was being spent in each of those regions.

The funny thing is that this country cabinet was hosted in the RDA Barossa region, which includes Mallala, Light, Gawler and Barossa councils. Interestingly, this RDA region received the lowest amount of funding across South Australia in that document, which I find a little bit interesting, that you would come to a region and say, 'Hey, we want to highlight you the fact that we've given you less money than we've given any other region in South Australia.'

It highlighted \$6.2 million worth of funding for two projects. The first of those projects is for dialysis chairs to be housed at Gawler Hospital, which is very valuable and very welcome, but not in my electorate. The second project is the Evanston Gardens Primary School upgrade, which again is an important project, but again not in my electorate. What I would like to do is highlight the two areas that I think are very worthy of funding, and I plea with the government that in the next funding rounds, the next budget round, these two projects for infrastructure spending are considered.

The first of those is at Nuriootpa Primary School. It is a fantastic school, I might say at the outset, that I have had only good feedback from when I talk to the parents of students who go there. Some of them have raised concerns with me, and I did pick up something in the Nuri Primary School newsletter, and I would like to quote it here. They said:

The mouldy/collapsing ceilings are an issue for us to deal with. We have been able to secure the ceilings, at school expense. Again, the facilities manager is trying to find a solution to [this] and has forwarded this request to central office. Neither of these projects are within our budget—the paint cost DECD \$54,000 three years ago and the ceiling would cost thousands upon thousands of dollars to replace.

I have a school that is providing high level, high quality education that does not have the facilities that it needs in order to maintain a high standard. When I read statements like 'mouldy/collapsing ceilings', I do begin to wonder whether or not money needs to be put in there. That is the first project I would like to put on the table.

The second project I would like to put on the table is around Nuriootpa High School. I know the Minister for Education, when country cabinet was up, toured the high school. In fact, we had the country cabinet public forum in the gymnasium. It was then reported in the local media, as *The Leader*, a great Barossa newspaper, reports on everything that goes on within the Barossa, and in there it talked about the visit by the Minister for Education to the school, but it highlighted some issues. I will quote Neil White, the principal of Nuri High School, where he says:

The other major issue for our ageing school site is the cost of maintenance and utilities. Our allocated funds do not cover the costs and we are relying on fundraising and community donations to run some programmes and develop facilities.

He goes on to say:

The department is doing a whole of state audit to determine amongst [other] things, the state of buildings with an aim to develop a blueprint and progressive development plan.



Nuri High School has seen a huge increase over recent years of number of students, and again, I think that is testament to the good quality education that they provide.

Certainly, again, I have had really good reports, especially under the former principal Ian Tooley and the current principal Neil White continuing his legacy, about a school that provides fantastic education and parents voting with their feet to send their students to this school. They are basically going to a school that is now bursting at the seams, where normal classrooms have had to be turned into a disability unit as opposed to having a second stand-alone disability unit that could free up those classrooms, to having old classrooms that are hugely expensive to heat and cool and are really not a good environment for students to be in. So, there are two projects that I put on the table for the government to consider in the next budget round to ensure that the schools in my area are up to scratch.

### WILTJA YEAR 12 STUDENTS

**Ms WORTLEY (Torrens) (15:21):** Today marks the final exams for more than 20,000 year 12 students sitting their stage 2 SACE. On Monday evening, I attended the Wiltja graduation ceremony, where nine Aboriginal students graduated. They boarded at Wiltja in my electorate of Torrens for varying lengths of time—some for five years, others for only a year. Their schooling took place at Windsor Gardens Secondary College, where they completed stages 1 and 2 of SACE, and also at Woodville High School, where many of them completed years 8 to 10.

Listening to their stories on the night and the challenges they faced leaving family and friends behind while they studied in Adelaide and the way Wiltja became their Adelaide home and family and saw them through was inspirational, as were the many success stories told by former graduates of Wiltja who now are out in the workforce and universities. These students came from across South Australia and the Northern Territory, including the APY lands, Alice Springs and outlying communities, including Papunya and Engawala.

Today, I recognise the Wiltja graduates for 2015. I congratulate them for their significant achievements. I also acknowledge their dedicated teachers and the staff at Wiltja and the sacrifices many of their families made in supporting them on their journey. Completion of year 12 marks the end of the formal school years before embarking on a path to university, TAFE, trade training or entry to the workforce.

As the parent of a year 12 student and as a former teacher, I know some of the challenges these students and their parents may have faced throughout the year. I have spoken to so many who embarked on this journey in 2015 and others who have taken it in previous years. All have their own stories to tell, and while year 12 is a significant year in the school life of our young people, it is not definitive as to how they will fare into the future. It is not the be all and end all, and it is important that the students who have now sat their exams understand this. There are many options available to them. They need to seek out the path that best suits them.

Last night, Windsor Gardens Secondary College had their senior school presentation night. Unfortunately, as the parliament sat until midnight, I was not able to attend, so today I send my congratulations too to the 2015 year 12 graduates from Windsor Gardens Secondary College. This year's year 12 students must now wait to see the outcome of their efforts. There are a number of options available to those completing their SACE, whether or not they achieve their desired ATAR.

For those wanting to get into a university course for which they did not achieve the required ATAR, pathway options may include sitting the STAT, the Special Tertiary Admissions Test. Another option may be accepting a position in a course offered, working hard to get a high grade point average and using that to apply for entry to another course.

Embarking on a University of South Australia one year fee-free Foundation Studies course where students learn the skills required for successful university study is another option available. On completion of the program, they can then use their grade point average to apply for entry into a university degree or into the second year of a UniSA college diploma. Students need to look at the SACE, SATAC and university websites for more information about all of the options available, and they really should discuss these with their parents.

Finally, students across the state will be able to access their results from 8.30am on Tuesday 15 December through Students Online. As a result of the separation of electronic results and the delivery of printed certificates and other documentation, students, families and schools will have more time to access any necessary support and clarification before Christmas.

Official documentation will be posted to students progressively from Tuesday 15 December and they will be able to print an unofficial copy of the Record of Achievement directly from Students Online. Given that results will be released first electronically, students are requested to log into Students Online as early as possible to avoid any unnecessary delay in accessing results and to make sure their PIN works prior to the results release date.

This is an exciting time for students and it may also be quite daunting. They are likely to face many challenges into the future, but this is a time they should really celebrate. I congratulate all year 12 students who have this year successfully completed their SACE, and their parents as well for the journey that they too took with them.

### SCHOOLIES

**Mr PENGILLY (Finniss) (15:26):** I listened with some degree of interest to the member for Torrens, particularly in relation to year 12 students, because one matter that I want to talk about today is where they are all going to be this weekend, and that is down at Victor Harbor for Schoolies.

When I commenced in this role, Schoolies was fairly haphazard but manageable. Prior to that, when my eldest son went some 16 years ago, or whenever it was, it was a complete shemozzle. It lasted for over a week and it usually meant that hundreds of thousands of year 12 students were left in a pretty untidy state. However, that has all changed, and that is what I would like to talk about today.

I would like to commend those who run Schoolies, particularly the Green Team, and, of course, the services that look after their welfare, and that includes the Victor Harbor City Council. It is now an extremely well-run event. That occurs because of the efforts of the Green Team. They are simply legendary. The hundreds of people from the Green Team who go down there and volunteer to assist and keep everybody safe are wonderful.

The event is now over Friday, Saturday and Sunday and then it is all over. The young people of South Australia who attend have a good time. They are in a safe environment and they are well looked after. Those who would seek to go down and peddle drugs or other dubious activities are caught out pretty regularly and they do not have a lot of joy. It costs this state an enormous amount of money to conduct Schoolies and, this year, it is under the direction of Inspector Gus Sickerdick from Mount Barker.

I tend to keep away, to a certain extent, from Victor Harbor over the Schoolies period. I really do not want to be there. However, it is interesting to watch the community attitudes and how they have changed, from many in the community not wanting anybody down there to now accepting that it is well run, that it is controlled, that drugs are limited and that the so-called toolies (the ones who left school years ago) are held up, not to mention the efforts that are made on the roads in getting the kids down there and back home safely if they are driving themselves. Many of them choose to go in buses and charter buses, or their parents drive them down.

The police are out there, as they should be, on the roads, stopping cars if they need to, checking them out, or just generally maintaining the road safety. They do a wonderful job and I take my hat off to them. It is an incredible economic fillip to the South Coast because they do stay as far away as Goolwa, Middleton and Port Elliot and come into Victor for the festivities. Some of them do not even go to them; they just stay where they are and camp and have a generally good time.

I am afraid that in my day when we left school we went straight to work. We did not have anything like Schoolies. It was out the door of the schoolroom and straight into a job, quite frankly.

**Mr Treloar:** Pick up a handpiece.

**Mr PENGILLY:** Well, I think I had to go carting hay the day after I left school, from memory, and that has never really stopped. I reiterate my great pleasure in seeing how well it is run now. I

know that the Mayor of Victor Harbor, Graham Philp, who is a former police sergeant, takes a keen interest in it, as he should. It is going to be a good weekend.

What we actually like is cold weather, not hot weather. Cool weather is much better for schoolies. They do not tend to imbibe as much as they would, and they do not get sunburnt as much. The boys seem to think they can run around without their shirts on and get cooked like crayfish, but hopefully the weather will be mild and they will have a good time.

The other thing I want to mention in the brief time I have left is to do with the situation on the turn-off from Pages Flat Road and Main South Road, where there has been an upgrade to the section of road. It has been built up and plants and flowers have been put in. It is dangerous, and it is causing a lot of concern. *The Times* ran the story last week. I will be tabling a petition in the next day or so; it is a dangerous spot.

Time expired.

### CONCEPT2CREATION

**The Hon. J.M. RANKINE (Wright) (15:31):** Concept2Creation is a program which is an excellent example of the creative learning that takes place in all of our schools, how learning is made interesting, challenging and relevant in both primary and high schools. This year, the 11<sup>th</sup> year of collaboration between our schools and industry in northern Adelaide, saw 3,000 students participate, and over 400 students displayed their projects last Tuesday at the Golden Grove Recreation and Arts Centre.

This program started back in 2003, when local schools and industry leaders got together, realising how important it was to better prepare students for the real and future opportunities. I think it was fair to say there was increasing frustration about local kids not getting local jobs and not being prepared for the jobs of the future. I had the opportunity to view what they had done, talk to many of the students and teachers and, later in the afternoon, present awards.

Minister Gago visited, as did you, Deputy Speaker, and many local government representatives, including Tea Tree Gully mayor, Kevin Knight. I am sure they were all as impressed as I was. Concept2Creation has been extremely successful in helping students and schools understand and develop an appreciation of advanced manufacturing processes and has been expanded to schools outside of the northern Adelaide suburbs and as far afield as Riverton and District High School, who, if my memory serves me well, took out one of the awards.

There were state schools and private schools. Participating northern suburbs schools included Golden Grove High; Salisbury East High; Tindale; The Heights, Madam Deputy Speaker, which is in your area; and Valley View High, which I think also took out an award. Craigmore High—and I note that the member for Napier is here—also took out an award, and the list goes on. There were also schools from across Adelaide.

Twenty-eight primary and secondary schools were involved in this program, which is jointly funded by Department of State Development and the Department for Education and Child Development. Students, teachers and industry partners work together to solve problems that require a product or service. Assisted by industry mentors, students take the product from concept, through research and development, production and quality assurance, to the final creation and marketing.

In this, they used the science, engineering, maths and technological knowledge they learn in their school subjects to create their Concept2Creation project, and the examples we saw were quite amazing. I was really impressed not only with the students' knowledge but also with their enthusiasm, the way they displayed their projects, how well they were able to articulate what they had been doing—the processes they undertook and why—and their ultimate outcomes and conclusions.

The strength of our education system in South Australia is that it encourages and gives students the opportunity to use their imagination and develop creativity in problem solving. That means that when they enter the workforce, they are equipped to think, not just do. The other great advantage we have is the investment our industries provide in assisting teachers and our schools in ensuring that students have the relevant knowledge and skills they will need. Not only does the

Northern Advanced Manufacturing Industry Group provide opportunity and mentor students in the process of their projects but also, importantly, they provide teachers with professional development.

I want to thank all those who have supported and encouraged these students throughout this process and congratulate not only those who were award recipients but all those who were willing to have a go. You never know what you can achieve until you try and that is the measure of success—being willing to try and learn, then try and learn again and not give up. Failure is not having the courage to have a go in the first place.

Some students said they were keen to follow on with engineering studies, some medicine, and some were just not sure what they wanted to do but, universally, they really enjoyed this challenge and the learning they gained. It made their science, maths, physics and technology studies relevant and fun and it ignited their passion and interest. I have no doubt that many will go on to lead the way in innovation and technology in whatever field they choose to follow. If this group is any indication, our state is in very good hands for the future.

### *Bills*

## **FIREARMS BILL**

### *Second Reading*

Adjourned debate on second reading (resumed on motion).

**Mr BELL (Mount Gambier) (15:37):** I rise to make a couple of points on the Firearms Bill, most of which have come in through correspondence to my office. Before I start, I do need to thank the minister. Every time I have gone to him with an issue that has been raised, he has been forthright and, I believe, sincere in his answers, which I really do appreciate.

I put on the record that the following people have made presentations to me, and I want to make sure they are acknowledged in this debate: Arthur Martel from Mount Gambier Pistol Club and Impact Practical Shooting League, Trevor Gartside, John Lacey, Stephen Bunnik, Andrew Kuchel and Alex Musolino. The RSL and a number of farmers have also raised issues with me.

The standout points that have been raised are concerns about the lawful use of firearms and making sure that those people who are doing the right thing and who are law-abiding citizens are not unfairly impacted by regulations that are designed, if I am correct, to reduce criminal behaviour and also address those who use firearms in an illegal sense.

The vast majority of people who are registered gun owners—and I will go through some statistics in a moment—are law-abiding and certainly aim to comply with legislation wherever they can, but in a presentation to me, the Impact Practical Shooting League, which is on Mitchell Road, Compton, in the seat of Mount Gambier, wants me to express the point that the discretion of the registrar is too broad. I must admit, in reading through the bill, I hold similar concerns. I know other people have spoken on the powers of the registrar.

I guess, in broad terms, what we do not want to see is an over-reach by a registrar. Just because somebody is a licensed gun owner, their civil rights, which should be protected, should not become infringed due to the powers granted to a registrar. What they are talking about there are the common law rights, which they believe will be removed. There is no right of appeal to the court if an injustice has been done. I am hoping the minister can address that at some stage. They believe there is no appeal to the courts and, with that, no compensation provision if found in their favour. The proper place for these topics should be through parliamentary debate and not by regulation alone, so I will get that onto the record.

Another group that has come to see me is the RSL clubs. Their concern is around fees associated with registration of replica, imitation or decommissioned firearms. As most people know, RSL clubs do a wonderful service, but they are not flush with excess funds. One of their main concerns is that there not be an onerous burden on volunteers who are doing the registration. We would be very keen to make sure that that is not an annual fee or a burden that some volunteer needs to continually undertake.

In terms of farmers, I was encouraged by the minister's second reading explanation and some conversations that I have had with the minister about red tape reduction. Of concern for farmers

is the storage of firearms and the ability to have joint storage so that multiple employees will be able to store their firearms in a joint facility, as long as that is up to standard. Another issue from a farmer's point of view is transportation of firearms, particularly around lambing season when they may be out fox shooting or transporting firearms between paddocks or a number of farms. We do have a number of farmers down the South-East who have large holdings and they may go over quite a distance.

I want to reinforce the issues around law-abiding citizens. I did some research, but unfortunately it was from 2007. I could not find anything more recent, although I am not saying it is not out there. It was estimated that there are around 20,000 illegal handguns in Australia. With firearm theft in Australia, it was found that less than 0.1 per cent of registered firearms (that is, 1,500 firearms) were reported stolen by police. Rifles accounted for the majority of all stolen firearms, with bolt-action rifles the most often listed. As I said, there might be some further up-to-date information on that.

I have some correspondence from the Law Society. I believe that the minister has received correspondence as well, but I will read this in to signify that I have discussed this in parliament. I quote directly from their letter:

The Society recognises that possession and use of firearms needs to be carefully and diligently controlled, and also that the current Firearms Acts 1977 ("the Act") needs to be updated. With this in mind, the broad intent of much of the bill is appropriate, with reference to the current expectations of society.

Specifically, however, the society is concerned about several aspects of the Bill. Principally, they are as follows:

1. The extension of criminal responsibility for serious offences to the civil concept of causation (ie, without the need for criminal intent): refer to clauses 32, 37, 41;
2. The abrogation of the right to silence, particularly without the necessary legislative infrastructure to safeguard from misuse of information and to ensure a fair trial; refer to clauses 54, 55 and 60;
3. Empowering the police to search and seize information without a warrant: refer to clause 54;
4. Unjust reversal of onus of proof, which has the effect of abrogating right to silence and presumption of innocence.

That is a principle which I hold dear in many forms. I continue:

5. The issuing of interim firearm prohibition orders and public safety notices by non-judicial authorities.

The Society considers that some of the aspects of the Bill are not "user friendly" for the following reasons [there are only 2]:

- (a) Some of the clauses are prolix, often because a clause tries to cover too much ground; and
- (b) Some of the clauses are conceptually difficult, particularly where they prescribe an act as prohibited, and then allow exemptions in particular circumstances—

I do agree with that in some areas. The letter continues:

—(and those circumstances often refer to different sections of the Bill). See, for example, clauses 31, 32 and 41.

Again, I am led to believe that the minister has a copy of that letter but, if he has not, I am more than happy to pass that on.

The other correspondence I received on this is from the Combined Firearms Council of South Australia Incorporated on 26 October 2015. Again, that council is signalling a number of concerns regarding legal aspects of the Firearms Bill 2015, and I draw the attention of the house to a submission by the non-partisan Law Society of South Australia, which I have just indicated and which raises concerns regarding these legal principles. With that, Mr Acting Speaker, I conclude my remarks.

**The ACTING SPEAKER (Hon. P. Caica):** The member for Flinders.

**Mr TRELOAR (Flinders) (15:47):** Thank you, Mr Acting Speaker, and it is good to see you in the chair, sir, this afternoon. I hope that you are enjoying the debate.

**The ACTING SPEAKER (Hon. P. Caica):** It's riveting.

**Mr TRELOAR:** Riveting, no doubt. I will try to continue in that vein. I rise today to make a contribution on the Firearms Bill 2015, and I declare an interest immediately. I am a registered owner of firearms and I have a gun licence. I am looking at it here at the moment.

*Mr Pederick interjecting:*

**Mr TRELOAR:** I know that we are not supposed to use props but, as the member for Hammond suggested, I cannot quite believe how young I look on my firearm's licence, but that is what this place can do to us, I guess.

**The Hon. T.R. Kenyon:** It's done ten yearly.

**Mr TRELOAR:** Ten yearly, exactly, Tom. So, I am the proud holder of—

**Mr Gardner:** These guys might need to have a chat.

**Mr TRELOAR:** No, it is up to date. I am the holder of a class A and B licence for the purpose of category No. 5, which is primary production, so there you go. And it just so happened that I had it in my wallet today. I would also like to congratulate all the work that the shadow minister has done on behalf of the opposition. It is an extraordinary amount of work.

The bill itself has involved an extraordinary amount of work, I know, for the government and for the police, both. Everybody has attempted to come together and come up with a bill, and some of that work is still to go, I might add, during the committee stage, and I know that will be an opportunity for members of the opposition to question the minister and also to put in amendment proposals. We are looking forward to that part of the day as it unfolds.

Obviously, safety is paramount—the safety of the community at large and the safety of the individual—and that is a quest of this legislation. It is also, of course, aimed at keeping those operatives who are working outside of the law away from guns. It is probably a sad thing to have to acknowledge, but baddies will always be baddies and often if they want to get a firearm they probably will. In fact, it has occurred to me that even a half-baked boilermaker with a half decent workshop could probably knock up some sort of implement that could shoot a projectile. Be that as it may, that is not going to be covered in this legislation, it is just that people need to be aware that those who want a firearm probably ultimately will be able to get one.

I understand that there are 65,000 gun licences in South Australia and, as I have already said, I have one of those. There are over 300,000 registered firearms in South Australia. Last year, over 200 guns were stolen and therein lies the problem I think because those guns, of course, must have been in some way unsecured and have now gone into circulation with goodness knows who taking control of them.

Many constituents have actually contacted me with regard to this legislation. Primary production is a major component of our regional economy on Eyre Peninsula with many farmers and fishermen, most of whom regard a firearm, particularly a rifle or a shotgun, as a tool of trade, and that is recognised within the legislation and the licensing arrangements. Many have contacted my office regarding this legislation and what it might mean for them. To be honest, we do not quite know yet what it might mean for them because we have not seen it in its final form. There will no doubt be amendments made to the current form.

I acknowledge one constituent in particular, and that is Mr Peter Wyschnja of Port Lincoln, who is representing the Port Lincoln Firearms Collectors Club and the Heritage Munitions Museum. Peter and I have had a couple of conversations about this legislation. In fact, Peter is a collector. He is an active shooter, but he is also an avid collector of firearms, both current and historical. He invited me around to his well-secured shed one night to view his collection of firearms, and I have to say it is the most impressive private collection that I have ever seen and he is very proud of it. He is concerned about how this legislation might impact on him as a collector, but also those who are involved in re-enactments. Guns are not just a tool of trade. They can be a hobby. They can also be part of people's lifestyle and they are concerned about how this legislation might affect them.

Peter has done a lot of work going right through the bill as it has been proposed, highlighting points that he has concerns with and even prompting questions, but we will get to them at the committee stage. Obviously, the Law Society has made a submission. I have half a dozen different

submissions from a number of gun clubs, etc., the Law Society, the Australian Airsoft Council of South Australia Incorporated, Southern Vales Practical Shooting League, Re-enact South Australia World War I and II Living History (these people are avid historians), the Arms and Militaria Federation of Australia Incorporated, and the Adelaide University Regiment Rifle and Pistol Club.

All of these organisations have been really proactive in their involvement with this significant legislation—and there is no doubt that it is. It has been a long time coming and a lot of work has gone into it. They have all raised concerns. I am sure that the minister would be aware of them and, hopefully, considered some of them in his amendments, but for the purposes of *Hansard* I might just quickly read some of the concerns because these are quite broad concerns. We may hone down the finer detail when we get to committee. The Law Society has specific concerns about several aspects and principally they are as follows:

1. The extension of criminal responsibility for serious offences to the civil concept of causation.
2. The abrogation of the right to silence—

which the member for Mount Gambier mentioned just a few moments ago—

particularly without the necessary legislative infrastructure to safeguard from misuse of information and to ensure a fair trial.

Rights under common law, I would suggest. They continue:

3. Empowering the police to search and seize information without a warrant.
4. Unjust reversal of onus of proof, which has the effect of abrogating right to silence and presumption of innocence.
5. The issuing of interim firearm prohibition orders and public safety notices by non-judicial authorities.

The society also considers that some aspects of the bill are not user friendly for the following reasons:

- (a) Some of the clauses are prolix, often because the clause tries to cover too much ground; and
- (b) Some of the clauses are conceptually difficult, particularly where they prescribe an act as prohibited, and then allow exemptions in particular circumstances (and those circumstances often refer to a different section of the Bill).

Obviously they are suggesting that some clauses of this bill are trying to do too much. In essence, I think what this bill ultimately needs to do is actually simplify the legislation and make it simpler for gun users, simpler for the police and simpler for licensed firearm owners to be aware of the legislation and the laws that they operate within.

Some of the critical commentary from stakeholders comes from—and I will read this into the *Hansard*—the Australian Airsoft Council South Australia:

...I find that the new Bill before Parliament contains many areas that will have an enormous effect on our member's activities...The members of our Council believe this Bill goes too far in making it more onerous on lawful firearm users particularly members of sports shooting clubs and will not affect the criminal misuse of firearms one bit.

So we might explore that, and the minister may have a response to that. From the Southern Vales Practical Shooting League:

There is universal opposition to the new Bill from owners, clubs, associations and the retail industry.

I am not sure that that is exactly right but certainly there are concerns out there. They continue:

They are all represented through the Combined Shooters and Firearms Council which has been a respected representative group for quite some time...This is about trying to achieve a satisfactory result regarding firearm laws that are acceptable to all concerned.

A fair and reasonable request. Re-Enact SA said:

We are alarmed at the inclusion of a necessity to licence and register arms that have been removed from such obligations by the fact that they were required to be deactivated beyond repair or reinstatement—to the satisfaction of the Registrar. Once deactivated and certified, why is there any need to register these objects or licence their owners?

Certainly the collector who I have been speaking with in Port Lincoln has these same concerns. A number of his firearms are deactivated and he believes that that is an appropriate state for them to

be in. They are also concerned about the registration scheme for non hand-held pieces and also replica firearms. The Arms and Militaria Federation of Australia are concerned that the bill will have a detrimental effect on their hobby with no justifiable reason for such impositions. And so it goes on. There are some really legitimate concerns raised by people who are avid and law-abiding collectors and citizens.

A couple of things from the paper that have particular regard to my constituency are storage and also the transportation of firearms, for example, from paddock to paddock. With regard to transportation, there will be a code of practice in relation to the transportation of firearms that will potentially represent a loosening of current restrictions, and many landowners and farmers will be pleased to hear that. The focus will be on reasonable precautions being taken. The code of practice will clearly outline what is expected, so we will see that.

I mentioned deactivated firearms and certainly Peter Wyschnja talked to me about deactivated firearms. Currently, no registration is needed. South Australia Police argue that this is a public safety problem as a result of the case in Queensland, where 4,000 deactivated firearms were apparently reactivated and circulated amongst criminal organisations. The government argues that South Australia and Western Australia are the only two states where deactivated firearms do not fall within the definition of a firearm. The bill as proposed will require that deactivated firearms be registered.

My question during committee, minister, will be: should that registration be implemented and at what cost? I imagine that many collectors will have many firearms that fall into this category, firearms which they have not registered in the past and have not have to pay fees for, and will now be up for considerable cost should there be a registration fee.

I like the concept of an ongoing general amnesty. We have had amnesties over the years from time to time, and I have even been involved in a couple myself in the early days. We can only assume that there are still firearms out there that are not registered. That is a reasonable assumption, I think. The fact that owners still have the opportunity to hand in firearms is a good thing, and hopefully that will continue because from time to time, for various reasons, owners will make a decision to hand in guns.

With regard to farmers—and I spent 30 years as one—we certainly regard it as a tool of trade. I doubt, member for Hammond, whether there would be a farmer in South Australia who would not have a firearm of some sort.

**Mr Pederick:** I would be very surprised.

**Mr TRELOAR:** You would be very surprised. In fact, many of my constituents use firearms on a weekly basis, if not a daily basis, not just for the control of vermin but, as the member for Morialta very politely pointed out, to euthanise livestock should they need to, and that does happen from time to time.

**The Hon. A. Piccolo:** You mean kill them?

**Mr TRELOAR:** I mean euthanase, minister. I congratulate everybody involved in the work that has been done on that. Obviously, we do have some concerns still. Many collectors and gun owners out there have concerns and a little bit of apprehension about what this bill might mean for them, but hopefully we will get to a point, particularly after committee and after it has been through the upper house, where most people are reasonably comfortable with where it is at. Ultimately, we need to make the bill more readable, simpler, better able to be applied and less confusing for both gun owners and the police.

**Mr PICTON (Kurna) (16:02):** I welcome the opportunity to make a few comments on the Firearms Bill. I promised the Minister for Police that I would make them relatively brief, given that there has been a number of speakers on this debate already who have made some very useful contributions so far, particularly the member for Morialta's very lengthy and extensive contribution. It was very helpful.

**The Hon. A. Piccolo:** Quality or minutes?



**Mr PICTON:** Well, both, I am sure. This is a significant reform to this area of law. This is the first major review of the act we have had in the last 35 years. I understand that since then there have been something like 11 minor amendments to the act, so it is time to modernise it and to look at it entirely again. This is an area where we need to get right the balance between community safety and the needs of people to have firearms where it is appropriate to do so.

We cannot eliminate all firearms from South Australia; in fact, there is quite a significant number of firearms in South Australia. The key thing is that they are managed appropriately, that they are kept by people who need to have those firearms and that there are proper safeguards around our legislation and offences if things go wrong. That is what the bill sets out to achieve.

I know firsthand from my father-in-law, Mr Sam Blefari, who has a property in Uraidla, of the need for firearms for people who operate farms. It was the first time that I went to visit my now wife's property up at Uraidla, where we went down into the cherry orchards with my father-in-law to pick up the ladders after the—

*Members interjecting:*

**Mr PICTON:** —that's right—harvest season of the cherries, and my father-in-law spotted a deer out of the corner of his eye. He has well-trained perception for spotting such animals. He said, 'Chris,' and this was the first time he had ever met me, 'I want you to go back to the shed and get the gun.' This could have been because he saw a deer or it really just could have been because he wanted to inform me that he did have firearms readily available on the property—and this is still a bone of contention. It would be remiss of me if—

**The Hon. A. Piccolo:** You didn't get the gun, did you?

**Mr PICTON:** No, I went and—

**The Hon. A. Piccolo:** Don't incriminate yourself.

**Mr PICTON:** —that's right—I did not comment on how important such firearms are for people who operate properties in regional Australia.

I think the important thing in Australia that we do not have is people obtaining firearms just for protecting themselves. That really marks us as separate to the United States. Members will be aware of the long, ongoing debate in the US about the right to bear arms under their constitution. We do not have that right in South Australia. It is, of course, a privilege to have a firearm, and we need to have legislation that establishes the reasons for which people should have that privilege. That is what this bill seeks to do and I am very supportive of that.

The bill does a number of things, including enacting the underlying principle that firearm possession is a privilege, conditional on the overriding priority to ensure public safety. It creates management of people against whom firearm prohibition orders are enforced. It also creates new offences that have been created to protect the community and assist in preventing firearm-related crime. It introduces a code of practice provision for the security of firearms, ammunition and licensed dealers' premises.

I think all those provisions are particularly important because, as I said, there is a need for firearms, but we do need to manage them safely and ensure that they are appropriately dealt with. I think enacting those provisions, and also restricting the types of firearms that people have access to, is one of the reasons that we have such a low rate of death by firearm compared with countries like the United States, where those protections are not available.

In a previous professional life, when I worked for the commonwealth government, I worked closely with the Hon. Jason Clare MP when he was the minister for justice. He did a significant amount of work on this matter from a federal perspective, looking at the different laws across the states and the commonwealth. I understand that this bill tries to enact some of those changes, looking at how we can better harmonise nationally our laws.

Importantly, he undertook some work with the Australian Crime Commission and established a report looking at the number of firearms that are unregistered circulating around Australia, which included some worrying statistics: something like 250,000 unregistered longarms and

10,000 handguns are in circulation in Australia. I think that is one of the key reasons why the minister has introduced an ongoing amnesty in this bill, which I think has broad support, so that we can try to reduce the number of unregistered firearms circulating in the community.

Of course, firearms are not something that expire. They do not go off with age. They will exist and be around for a very long time. Once they get out of the legal system and into the unregistered market, they will not go away in a hurry. I think that ACC report, in fact, went back and found some unregistered firearms in circulation in Australia that had been used in crime dating back over 100 years. It just goes to show how long these firearms can be in circulation if they go into the black market.

The ACC report also stated that theft remained a primary method of diverting firearms into the illicit market. For that reason, this bill and the regulations will require stronger storage requirements for firearms owners to prevent guns entering the black market. I think there has been broad consultation with the community about these provisions. I am sure that there will be some people at the margins who might complain about some of them, but I think this parliament needs to take the approach that it sees these provisions as important because of the potential risks if storage is not secure, such as the theft of firearms.

We have a very strong contrast with the debate in the US about firearms. The ability of the minister to have these long discussions over the last year without the ferocious venom that you see in this discussion in the US is a credit to everybody involved in this debate in Australia. We never want to be in the place that the US is in now when it comes to this issue.

While the US is having this debate, we continually see references from them back here in Australia and a lot of distortions about how our laws work in Australia. In fact, I think it was just this week (and it was reported in *The Advertiser* today) that the National Rifle Association in the US has been circulating a video misquoting our former premier, Mike Rann, when he talked about the right to protect yourself from home invaders. They have been trying to use that quote to talk about the right to bear arms, which of course was not at all his intention when he made that comment.

It is completely outrageous for the NRA to make such remarks. If they ever came here and spoke to people, I think they would see that most people think that we have the balance right in Australia in regard to our firearms laws, and I think this bill further enhances that.

In the process of this bill coming to the house, I was able to have a briefing from our colleagues at SAPOL. I was very interested to hear the background of both how this bill has come about but also some of the statistics about gun ownership in South Australia. I was very pleased to hear about the level of thought and effort that has gone into SAPOL's efforts to try to prevent the theft of guns and firearms deaths in South Australia. Full credit to all of those people who work very hard on firearms regulation in South Australia in what can be a very difficult job at times. I am sure we have all seen through our electorates that the decisions that SAPOL needs to make can be quite difficult at times—full credit to them.

I endorse this bill and look forward to its passage. I hope it will lead to better gun safety and better community safety but also clearer laws and less red tape for our society.

**Mr PENGILLY (Finniss) (16:12):** I wish to make a contribution to this debate. I attended the briefing here at Parliament House some weeks ago and raised a few issues, which I might go over. In essence, much of the bill does not particularly phase me. A lot of it is okay. If some amendments are put and carried, I think it will make the bill better. If the old firearms bill is outdated and this one updates that, it might be useful, particularly in the administration side of things.

I have made comments in this place about the firearms section and the amount of time that it used to take for licences to come through. That has improved to some extent, so I am pleased about that, but we still get complaints coming through the office about the length of time. I just hope that in all of this we do not forget common sense. You can put all the laws you like into place but you have to use common sense.

Common sense is at the fore with a vast majority of firearms owners that I know. The problem is that we have a minority in this community who do the wrong thing with firearms; the vast majority do the right thing. Why should the rest of us be put under more pressure over our firearms? I am a

firearms owner. The one I use more than anything else is a single shot .22. It is just a fact of life: you carry it around on the farm for various uses. I have some almost-antique firearms for which I would not even know where to get ammunition, quite frankly.

It has been brought to my attention, as I have been lobbied by firearms owners, collectors and the like in my electorate on some aspects of this. They were concerned, but I think, to the best of my knowledge, a lot of those concerns have been allayed.

I listened to what the member for Kurna said about the USA. The USA is a completely different animal to South Australia. The USA constitution was framed around their right to bear arms, and the reality of that was they were able to bear arms so that, if their armies were defeated, they had another army of citizens behind them. That was the intent of their constitution. So, if the Brits, at the time, overran them, they had another army from the population of the USA. That is where it started.

I was fortunate enough to be over there in August and stayed in a small city called Stockton, out from San Francisco. I stayed with people we had got to know and talked to people in the street. None of the people in that street had firearms. None of them had ever used firearms. None of them saw the need for firearms; they did not have to have one. Walking around San Francisco and Seattle, there was no evidence of what goes on.

We see what happens in the media all the time, and they play up shootings. Sure, they happen, but among the vast majority of Americans, particularly where I was moving, there was just no evidence of it. The police were most helpful; they were not roaring around. They were doing what they had to, and what you see on TV just did not happen. It was no different to being in the city of Adelaide or in Australia. Obviously, incidents take place and they have to deal with those.

I for one applaud the British police force who, to the best of my knowledge, still do not carry firearms. The bobbies do not carry firearms. I stand to be corrected on that if I am wrong. Of course, their tactical squads do, but I think it was a sad day in South Australia when our police started carrying firearms. I did not like it, I still do not like it, and I do not think it does the image any good whatsoever.

I was absolutely staggered when I went out front to the rally to see the number police officers and supporters out there today. It was just absolutely amazing to see the numbers out there. Why did the minister not go out there? We sit in here and debate this, and he has to be in the chamber, but no representative of the government would go out there today and talk to the police and others who were out there about the issue at hand.

The crowd was highly irate. I repeat: I was absolutely amazed at the numbers. I am sure it will be well and truly on the news tonight and be discussed further perhaps on the radio tomorrow. SAPOL officers, staff and supporters made the government look absolutely ridiculous today out the front.

I pick up on what Matthew Abraham said the other day on ABC in the morning. He said Mike Rann, when he was around, would have fixed this issue in about two seconds flat. He would have given them what they wanted and he would have fixed it up. He was never seen anywhere without a police officer alongside him when he was talking about police issues, and he would have fixed it up. Instead, what we see is this bumbling government allowing this to fester. They have completely upset SAPOL, and we saw that today. I say you can wear it, as far as I am concerned.

Back to the legislation. I mentioned that collectors and other people have come to see me. I have also had representatives from the RSL. Hopefully a lot of these things will be sorted out. The guns in parks will probably never fire again, even if you spent two years working on them. It is really important that no pressure is put on organisations such as the RSL about these monuments—and they are monuments—by way of unnecessary bureaucracy and overregulation.

I am seeing the minister and I believe he has seen some reason in all this. He can mention it later, but I want it to be well and truly on the record that I object to our RSL, particularly, having any pressure put on them where they have a .303 up in the clubroom. If you go to the Royal Australian Regiment facilities and see what they have hanging on the wall, these are important historical artefacts of how this country was defended and fought for, and they are part and parcel of Australian culture and idiom.

I was asked only the other day what has happened to the field gun at Victor Harbor and whether they had to get rid of it. The answer is no, it is being rebuilt by Mr Bob Suba; it will be back there and it will look spectacular. Likewise, I know collectors have had serious issues with some of what is proposed. Hopefully, when the minister winds up the debate, he can put some of that to rest properly.

In the briefing I attended, I particularly raised some issues to do with farmers and farming families who, by the very nature of where they are, as the member for Kaurna mentioned, just have firearms—end of story. You have firearms. You cart them around in your vehicle from time to time. You might need to shoot a sheep or a feral cat or destroy an animal to put it out of its misery, and there should be no undue pressure on people who do that.

At the committee stage I want to ask some more questions and get it on the record again, but there are occasions when you may have your firearm in your ute and you may have to go into the town. The police were quite helpful on this in the briefing. There needs to be means whereby farmers or landholders can go into town, have that weapon in the car and, if it has a trigger guard on it as is suggested, that may be a satisfactory means of keeping it safe. Likewise with ammunition, if it is locked in the glove box, if that is seen as secure and unable to be tampered with, I am comfortable with that. There has to be the room to move. The other point that was raised was the issue of farmers' wives who are fairly deadly shots with snakes.

**Mr Pederick:** Sometimes not!

**Mr PENGILLY:** Yes—sometimes I prefer to use a long-handled shovel, quite frankly. But it is not unusual in a farming situation to have a snake outside the back door. It happens too regularly. Why they want to come there, I do not know, but they do and then, of course, the other half of the outfit has to go and get a gun and dispatch the snake. Should that happen, there should be no threat of any sort of punishment to the spouse of a farmer who is out there basically defending their property or their children by dispatching said snake.

It might sound a bit simplistic and a bit boring and a bit country bumpkin, but they are important issues that need to be dealt with. There needs to be some sensible regulations or law—call it what you may. There needs to be some common sense brought into it, so that they can do these things and not fear any sort of retribution.

I had to get the gun out myself the other day when I was home on the farm and I was thinking, 'Well, I've got to get that back and lock it up, otherwise I'm breaking the law.' And I thought, 'Well, how stupid is that.' We were shearing and I had to get the gun. I took it down to the shed and it was down there for a day or a day and a half and, to all intents and purposes, I am breaking the law, but it is what you do. It is the way you run a property, minister. You just cannot run back and forth and lock things up and get them out every five minutes. You may not pick the thing up for another six months, I might add.

I am aware that the minister has been holding roundtable discussions for some time on this with a wide group of interested people and parties. I am also aware that you are never going to please everyone. I have absolutely no issue whatsoever with crashing down doors of bikie fortresses, suspected bikie hide-outs, drug laboratories or whatever when there are firearms possibly in there. I have no problem whatsoever with that.

I know very well one police officer—he is a former police officer now; he has not been retired that long—who would like nothing better than to crash down a door and go and sort out a bikie establishment. These things have to happen. These people—I call them scum—who make it difficult for the rest of us to deal with firearms and other offences should not put too much pressure on the vast majority of people for whom firearms are a necessary way of life.

It was interesting this morning at the Be Active challenge at the netball park at Mile End that the sports ambassadors were called out. Who did the Premier single out for special attention but Libby Kosmala for her prowess at shooting? I am thinking, 'Well, hallelujah.' She is off to the Olympics again. It is a sport. It is a sport enjoyed by many. It is not something I want to enjoy, but clay shooting is an Olympic sport, and it has been for a long time. Owning a gun does not make you a criminal. If you do not choose to do the right thing in the care of your firearms or take some sensible precautions then you leave yourself open and I am fully cognisant of that.

During the course of the committee I advise that I will raise some of those issues because I would like it on the record. We will be supporting the bill, but we would like to see some changes to things. I know the minister has acquiesced to some changes and I suspect there will be further changes in the other place. Hopefully out of this we will get a law which is updated and better than the current one, but is not restrictive on people who do the right thing and is in the interest of common sense.

**Mr WILLIAMS (MacKillop) (16:27):** Firearms licensing and regulation is always a contentious issue because, as the member for Finnis has just been saying, there are people for whom the use of a firearm is almost a daily event; it is a tool of trade, and I will come back to that. There are people at the other end of the spectrum who believe in their heart that we would be a better society with no firearms at all, but there is obviously some common ground in the middle.

I must admit I find it offensive that people, the minister and this piece of legislation would say that having a firearm licence is a privilege and not a right. I have had a firearms licence ever since licensing of firearms was introduced in South Australia. I think that is the case. I did not go through a TAFE course or anything to get my licence. I got it virtually automatically.

**Mr Pengilly:** When you were seven years old.

**Mr WILLIAMS:** No, I was a bit more than seven. I cannot remember exactly when it was, but I do remember that, when licensing was introduced, I was able to qualify and I have been a registered gun owner for longer than I care to remember. I regard, in my trade of being a farmer, that a gun—and more than one type of gun—is a tool of trade. As a farmer, from time to time, unfortunately—and none of us enjoy doing it—we have to put down injured livestock, obviously.

I recall many years ago a truckload of sheep overturned right by my back gate, and we went down and there were literally hundreds of sheep injured on the road, and it was quite an effort. There was a team of us helping to destroy the livestock that we identified that had broken limbs, that were seriously injured and were not able to be taken back to their place where they came from and nursed back to health, and that sort of thing happens from time to time.

Vermin control is a significant issue on our farm. Vermin control is something that we undertake on a regular basis. When I say 'we', these days it is my son, and he has equipment specific to that purpose, and that is obviously guns and baiting—all things that are very dangerous. Baiting for foxes is very dangerous. We use highly-dangerous chemicals. It would almost be impossible to undertake farming, particularly in the sheep industry, without undertaking some sort of vermin control.

I was reading an article in a magazine today where it is suggested that losses of newborn lambs could be as high as 30 per cent to foxes; and, where there is little or no effort within a group of farmers to control feral foxes, that could well be the case. That has a significant economic impact not just on the individual farmer but, obviously, on the economic wellbeing of the state and the nation.

This state and this nation rely very heavily on livestock production and the controlling of vermin is something which is an integral part of livestock production. I have a firearms' licence and I am a registered firearms' owner. I pulled my licence out of my wallet a moment ago and I see that I am licensed to use classes A, B and C firearms, and the purpose of use is purpose No. 5, which is primary production.

I see that the way in which classes A, B and C are listed on my licence indicates that class C is the more deadly and dangerous of the guns that I own, and that is a five shot self-loading shotgun. I have that in my possession. It was purchased by my father many years ago. I am still confused, and I am sure that most farmers are confused who have on their licence under 'purpose of use', purpose No. 5. I have always assumed that I could use it for those purposes below No. 5—1, 2, 3 and 4.

I do not know whether or not that is the case. The minister may be able to enlighten me on that. He is shaking his head; he is suggesting that I am not. I am licensed to use my shotgun for vermin control but I am not allowed to shoot a duck with it during the duck season, apparently. I just brought that up because that highlights one of the things which I think is a nonsense about the regulatory system that we have, that is, that the burden and the level of difficulty on law-abiding

citizens has been made greater and greater over a relatively short period of time because a very small number of people choose to use firearms for the wrong purpose.

The point I want to make is that it is my firm belief that it does not matter how onerous we are with firearm regulation, there is a certain percentage of the people in our communities who will flout those regulations, anyway. There is a certain group, or certain people in our society who own illegal firearms, who possess firearms illegally and they are unlicensed; and it does not matter where we set the regulatory framework they will continue to do so, and there will be people who continue to seek out ownership of firearms or possession of firearms for illegal purposes.

The balance that we need to try to achieve with this sort of legislation is to ensure that the firearms in the possession of legitimate users—hunters, collectors, farmers and sporting shooters, and I am sure there are other smaller categories as well—are held securely.

I fully appreciate that there is a large issue, where guns are supposedly stolen fairly regularly in South Australia, and I think that is of concern. It is a concern of mine that guns which are legally held find their way into the hands of criminals because they have been incorrectly or poorly stored. On the other side of the coin—and the member for Finnis was saying a similar sort of thing—if I were a full-time farmer, as a tool of trade a gun is something I would be using on a very regular basis.

In my capacity as a local member, a constituent came to me after the local police had called on him to inspect his storage system for his guns. He had an adequate gun cupboard. He had come in to have lunch, the rifle that had been in his ute he had taken out of the ute—and I think he had done the right thing by taking it out—but he did not lock it in the cupboard while he was having lunch: he stood it behind the kitchen door. The local police officer said, 'No, you can't do that,' and took the gun from the farmer's possession and reported him for that offence. I think that is a nonsense.

I have had plenty of incidents where I have seen vermin, such as a fox or a rabbit, and I have to tell you that if you have to go back to the house, or wherever your gun cupboard is—and I choose to have mine in the house as I think it is more secure there than if I have it down in the shed—take your boots off (as my wife insists), go and get the key, go to the gun cupboard, unlock the gun cupboard, get the other key, unlock the ammunition cupboard, get all the bits and pieces, put it back together, lock the cupboards before you leave the room, go back out, and put your boots back on, the rabbit or the fox has long since gone, and it defeats the purpose to a significant extent.

**The Hon. A. Piccolo:** Don't take your boots off.

**Mr WILLIAMS:** Don't take my boots off! Leonie is going to hear about that, minister. I am just pointing out that the practicalities for law-abiding gun owners and gun users can be very difficult and I think we need to find a balance. I am not suggesting at all that people should not be responsible in gun ownership. I accept that they are a dangerous thing to have in our community, and those of us who are required to have guns need to act responsibly. I accept that, but there is a lot of red tape around the responsible ownership which makes it very difficult.

Another issue that I think is being addressed at last is this. On our farm, as I have said, I have a shotgun in my possession which I inherited from my father. Between my son and I, we have two or three rifles and a couple of shotguns. We both have a gun safe, but my understanding is that, as the registered owner, the guns should be in my gun safe; if my son wants to take them and have them in his possession for a period of time—because he is actually doing the day-to-day managing and running of the farm—he has to have a written note from me, and that has been a nonsense also.

What it has really meant in our case—and this is a practical outcome of some of this red tape—is that we own more guns between us than we actually need. We have found, at least in the case of a .22 rifle, that we have always had a .22 rifle each, whereas that has probably been unnecessary and we could have been lulled into a situation where we had more shotguns than we needed. I am pleased to see that that anomaly, or that difficulty—the sharing of guns between people or staff who work on the same farm—is being addressed in this piece of legislation, and that has been a very great difficulty.

One of the other difficulties I have encountered is the 28-day cooling off period if you go to purchase a new rifle or a new gun of the same class of gun that you already own. I had this experience—and it is going back a few years ago, it is historic—when I wanted to buy another rifle,

a .22 rimfire rifle. I happened to be in Adelaide, I went to a gun shop and I arranged to buy the gun, but I could not take possession of the gun. I had done all the paperwork and all of that, but I could not take possession of the gun for 28 days.

I had to wait that particular time, and this was before I was a member of this place, and it was just an inconvenience. Virtually, if I wanted to take possession of the gun at the end of 28 days it probably would have meant that I had to make a special four-hour trip to Adelaide to pick up the gun. That is an issue I raised during the briefing with the officers from the Firearms Branch. I am not too sure whether that is being addressed, but it is another difficulty with the way the thing is being regulated.

Another issue I raised at the time during the briefing with the officers was transferability of the gun licences from state to state. I was under the misapprehension that we had national gun laws and that we were moving towards having national gun laws so that we had the exact same rules. My electorate and my home are quite close to the Victorian border; in fact, I have constituents who have a farm on both sides of the South Australian/Victorian border, with part of their farm in South Australia and part of their farm in Victoria.

It would make a great deal of sense to me if they were subject to the same rules and laws on either side of the border and probably needed only one gun licence if their place of residence were on one particular side of the border, that the gun licence on that particular side of the border would be fine for them to use to give them the authority to use their firearm on the other side of the border. I am not too sure whether or not that is the case, to be quite frank.

I had a constituent come to me quite recently who told me that he had previously been a resident of South Australia, he had a gun licence in South Australia and then moved interstate. I think he moved to Queensland in the first instance and then moved to Tasmania, and about 10 years later (it might have been even longer) he came back to South Australia, and I wrote to the minister earlier this year sometime, I think, on this particular case. He came back to South Australia and had to go back to step 1 to re-establish a South Australian gun licence. He had to go and do a training course, and so on, to get a gun licence to continue possession of his guns here in South Australia.

The nonsense of it was that with his existing gun licence—I think it was Tasmanian—that he held at the time he was told that until that expired (which I think was last month, from memory, October this year) he was adequately covered with that licence but that to transfer it to a South Australian licence he would have to go and register for a TAFE course, do the course and make all the applications. Again, I think that is a nonsense. He had already proved, he suggested, in at least three states that he was a fit and proper person to own a gun licence.

The problem with doing some of these courses is that they only run from time to time, and if you are out in country South Australia sometimes it is incredibly inconvenient to do a course. I can understand somebody who has never owned a gun licence previously having to go through and learn all the things that they need to learn about gun ownership, gun safety and so on. It is the sort of thing that once you have learnt, it is a bit like riding a bike, you do not readily forget. I was taught by my father about gun safety and there are things about a gun that I never do.

I talked about storing the gun in the house. I would never walk through the home with the gun loaded; I would never do it. In fact, I do not drive around in the vehicle with the gun loaded. I usually only load the gun as I am about to use it. Things like climbing through fences and all that sort of thing I learnt as a small boy, and I think once you learn them you do not forget them because you respect the firearm and you respect the danger of it.

I really felt for this bloke. As I said, I wrote to the minister. The answer that came back was a standard answer which basically said, 'Sorry, that's the way it is, and you will have to go through and do the course.' I think there was one caveat that if he could prove that previously he held a licence in South Australia there might have been an exemption, but even that would have been quite onerous for him; it was 10 or 15 years before. I think that is something that, for people who are genuine and have proved that they are fit and proper persons to own a firearm and move from one state to another, we should be able to allow them to automatically renew their licence in the new state. I wish that that would be part of that process under this legislation. It is what we do with regard to a licence to drive a motor car. To be quite frank, more people are killed in motor cars and motor

accidents than are killed with guns in this state. We do it with motor cars but we do not do it with guns.

Can I just finish off by saying that guns in the hands of the wrong people is something that we need to stamp out. I will just repeat: making the regulatory system more and more difficult on those who need to possess and use guns I do not think helps in making it easier to keep guns out of the wrong hands. I think that is a completely different issue, other than, as I said, the security of the guns that are stolen. I look forward to the committee stage of the debate.

**Ms COOK (Fisher) (16:46):** I am really pleased to speak in favour of the government's Firearms Bill. There are many reasons that I have taken the step into this form of public life. Most of them are deeply personal and all of them involve some form of advocacy. I remember where I was on New Year's Eve 2012. I had a new baby in the car and a foster child who was deeply impressionable at the age of 11, having moved into our house not long before. We were very happy, positive and ready to start this new family life. We had been to an Adelaide United game and spent time with dear friends eating at a cafe watching the wonderful fireworks at the Bay, and we could not have been happier.

When driving home, my husband and I heard on the radio the news of the shooting of a young man at Warradale earlier on that New Year's Eve. Lewis McPherson was just 18, recently graduated from Brighton High, and ready to start his life. It was such a terrible loss and so very unnecessary. As is usual in Adelaide, you are never far removed from these events, and many, including our dear son Sam's friends and relatives, were closely connected to Lewis. My husband and I were therefore deeply affected by Lewis's death, and when contacted by his family for some support we were very glad to help.

I will take this opportunity to remind members that it is not the loss of life that we need to think about only. Lewis's buddies, in particular those who were with him on that terrible night, are still struggling. Some of them have to fight hard to stay on this earth. James Lamont and Liam Trewartha will suffer for the rest of their lives. This is bigger than Lewis, and any loss, any tragedy, causes a ripple effect.

Three years have passed and my family are still connected this beautiful family. Kimberly and Paul (who has also since passed away), Mark and Tina, as well as Lewis's many wonderful relatives and friends worked tirelessly raising money trying to stop violence in the community and lobby for a safe one. We have all heard about some of the work that has been done by this family in the public sphere, and I congratulate them on that. Together we will never stop.

Moving forward, I participated in this particular consultation and connected with the participants of the community around firearms, with Lewis in my mind always. Over the past 12 months, the Minister for Police has undertaken a really broad community consultation and harnessed community and stakeholder views on the reforms proposed for the bill. This process has driven the development of the bill to improve the regulatory firearms scheme for the benefit of all South Australians. I was really honoured to spend some time consulting with this community group and pleasantly surprised by how much I had in common with many of them.

This was alongside the Minister for Police. He held seven round tables between September 2014 and August 2015 to help write this bill that is before the house. It was a fantastic opportunity to speak to legitimate firearms users who are interested in hunting and sport, and also with other victims and their families and community activists. This was to try to find a solution that satisfied those who wish to use firearms in a safe manner and in a process which is not cumbersome and protects those who are rightly concerned about the damage that firearms can cause. I agree that guns will be accessed by the wrong people in an unlawful manner and used in an unlawful and harmful manner, and that really makes it so imperative that we do make lawful ownership as uncomplicated as possible.

Consultation is a key goal of this government, which is eager to give the community ownership of the laws and regulations that govern us. As well as community round tables that were held to help design the bill, the government has been really eager to consult with the community on a wide range of other issues that members would be aware of, which has never been done before, using tools such as the YourSAy website, where there has been consultation on other issues such



as national parks, the future of the outback of South Australia, and the taxi and chauffer industry. Also, citizen juries have been held looking at dog and cat management, which is so important. That has attracted a diverse range of people to give the best advice about community expectations on a wide range of issues.

The main purposes of this bill are to improve public safety and prevent crime, reduce red tape, overcome deficiencies, and facilitate a national approach to firearm control—and can I say, having heard the minister throughout the many different sections of the act, he was very consistent in terms of what areas had to be referred on to the national group for consideration as well. We aim to increase functionality of the act and also to modernise it. The bill achieves a clear and sustainable balance between firearms control which maximises public safety and encourages the responsible possession and use of firearms for legitimate reasons. The bill reaffirms the underlying principle that firearm possession and use is a privilege conditional on the overriding priority to ensure public safety: it is not a right.

The bill has been amended a number of times over its history, making it quite complicated and arduous. However, these amendments have largely been to deal with criminal firearm users to best protect our community, and their attempts have been incredibly valiant. Little has been done to address the parts of the act that are difficult to interpret, follow and administer. Additionally, little progress has been made to improve firearm controls and enforcement measures and provide a sound administrative and governance framework to meet community expectations.

Wholesale reform 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. The new system will assist in improving public safety by strengthening firearms controls and providing the tools necessary to combat contemporary firearms crimes. It will be easier to comply with by reasonable law-abiding firearms owners, and that is what we are all aiming for. The bill is still concerned with trying to achieve the safest community standards for firearms and, to achieve this purpose, provisions have been created with respect to the management of persons against whom a firearms prohibition order is in force.

A code of practice provision is purposed for the security of firearms, ammunition and licensed dealers' buildings, which intends to overhaul and enhance current security requirements and reinforce the responsibilities associated with firearm ownership and possession. This code of practice will provide clear guidelines for the security, storage and transportation of firearms and ammunition. This has been proposed as an alternative to establishing a cap on the number of firearms that an individual can possess at any given time. This received broad agreement by firearms groups during the consultation on the bill. The overarching purpose of the 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 present to the community should they fall into the wrong hands, which is a really sensible approach.

The bill permits a senior police officer to issue a public safety notice to the owner or occupier of a regulated premises, like a firearm dealership or a firearm range, to address a public safety concern or a perceived issue to 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.

A prohibition on certain persons being employed by a licensed dealer is also proposed. But for legitimate arms users, the bill also expands the powers of the Registrar of Firearms to allow them more freedom to make judgement calls about the desires of a firearms user, making it easier for sport and hunting shooters to use their firearms in a safe and desired manner. Again, that is the broad aim.

To help achieve national consistency for firearm control, several 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. The more I get involved with different projects in this place, I get a bigger understanding of some of the difficulties and barriers that we face amongst a whole range

of issues with cross-border discussions and communications, so it is really important that we build that into this legislation.

Provisions that 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. The registrar must also be satisfied that this genuine need cannot be met by a firearm already in the possession of the applicant.

The bill intends to create a more efficient and effective regulatory framework for firearms control. Important reforms contained within the proposal aim to maximise the functionality of the act by:

- including a provision for prohibiting a person from being granted a firearms licence if the applicant has been found guilty of an offence prescribed by proscribed disqualifying offences. It is a bit complicated and a bit wordy but it makes a lot of sense;
- implementing a general and ongoing firearms amnesty to allow a person who has unauthorised possession of a firearm or firearm-related parts, such as ammunition or a sound moderator, to surrender the item at a police station; and
- enabling a registrar authority to exempt a person from a provision of the act, creating significant administrative flexibility of the legislative scheme.

This bill will help to protect the community, hunters and sports shooters, and of course farmers, and will greatly improve the way firearms are regulated in South Australia.

It was fascinating to be involved and interesting to hear from collectors and other people working in the industry, such as Paintball, which is affected by these laws as well. It was very interesting. I thank the minister for welcoming me into that roundtable environment and learning so much. I commend the bill to the house.

**Mr GRIFFITHS (Goyder) (16:58):** I wish to make a relatively short contribution to this debate, but I do want to put two perspectives that I have. I understand that when legislation is seen by some to control the way they undertake things, the response is sometimes quite different, depending on what perspective of the argument—I will use that term loosely—you come from. The parliament is here to resolve difficult issues, and that is why it is important that legislation on this is considered.

I want to put two perspectives, if I may, one being good. First, I will just clarify that I am not a gun licence holder. I do not own a weapon. I married into a family from an agricultural background and they do have guns. I have witnessed the safety aspects as they store their guns and use them and ensure that they are safe.

I am proud to have the opportunity to be a patron of several pistol shooting and rifle clubs in the electorate that I represent. I go to them when I am invited because there is a tremendous camaraderie that exists within those groups. They are very competitive when it comes to the results that they want to try to achieve. However, the one message that I have taken from all of those clubs is the safety issues that they pursue. It is absolutely paramount to them. It is obvious to me that when I go there they do not just put on an example because I am around and I might do them in if they are doing the wrong thing. These people truly want to do the best they can in whatever they undertake, but they also want it to be as safe as it possibly can. In every possible way, the safety aspects are demonstrated to me when I look at them. That is the same for all the groups that I have been to. No matter the location, no matter the circumstances—larger weapons, smaller weapons and everything between—it is the safety aspect that is demonstrated.

I come from a regional community where I know that guns are considered to be more of a presence within a larger number of homes than they might otherwise be in a suburban area, but I have also seen the tragedy of when a gun is not stored appropriately. In my case, it was the 12-year-old son of a man I have known for nearly all of my life, from an agricultural sector.

They were spotlighting on a Saturday night, and then the young man, who was only 12 at the time, decided that he wanted to go out and do something on the farm which involved the use of

machinery. An incident occurred; he thought he had damaged it rather seriously, and then for some reason that none of us who know the family and the young man in particular can ever understand, he decided to take his own life because of the fear of what he had done. He was able to do so because he was able to access a gun that had been used the previous night.

That is a tragedy which remains with that family forever, and I think of that young man continuously. I had moved away from them but I had known his dad so well that I was certainly at the funeral, and it was an absolute tragedy. The impact that it had upon his mum, who I do not think has ever truly recovered from it either—that was it. The family has disintegrated since as a result. There are two younger siblings who are very strong young people and who have overcome that, but for the mum and dad it is an issue they have dealt with for at least the past 10 years, I think it is.

He was taken far too soon, and it was because an opportunity existed: the gun had not been put away as it should have been. There are some who might criticise me for putting that on the record. It is an absolutely tragedy that all of us have to live with. I know that 99.9 per cent of people will ensure that the requirements are undertaken all the time, and they do that diligently.

The member for MacKillop has related stories of how he learned, as a young boy, to ensure that safety exists. For this father, he lives with that regret every day. On that one occasion when the gun was not put away, for all the time that they have had guns as part of their operation on their farm, the tragedy occurred. I do not know what could have triggered the thought in the young man's mind for that to happen, but it did.

So that is why I do respect that legislation needs to be reviewed. The legislation needs to be appropriate, not just to ensure safety but to ensure accessibility when it is required, but safety has to be paramount. I took the opportunity to attend the briefing the minister coordinated that was provided in the Balcony Room in parliament, and I am still haunted by the fact that—I think it was 240 or 260—guns go missing per year. I am flabbergasted that it is to that level, and that it can be to that number. This becomes part of an opportunity for those who choose to never obey the laws to do the wrong thing.

I have not taken as close a view on this as I should have, as I have been focused on other legislation, but I know that members of the opposition have had some quite lengthy discussions about this, and the shadow minister in particular has done an exceptional job in trying to develop the position that the Liberal Party holds. It is about trying to ensure workability exists in the legislation that the minister proposes. I know that his intent is an honourable one: to try to get some results here that people can work with.

The minister confirmed with me that the legislation had been tabled. He came to me in this chamber and said, 'We have looked after the farmers.' From the perspective of the community that I come from, I am grateful for that. There will be a lot of discussion about individual clauses, and I respect that too. The importance of the parliament, now that it has legislation before it, is to put in place a system that not only offers protection and the security attached to gun ownership but ensures that the needs of those who either have accessibility to a gun through a working situation or a recreational situation can use it.

The chap who asked me this question has passed away since, but as a candidate standing for parliament in 2006, the very first telephone call I had from anybody about running for parliament was not 'What do you bring to the opportunity for that?' but 'What is your position on gun ownership?' It was the very first call that I had, and it was from an older chap—

**Mr Pederick:** Good luck!

**Mr GRIFFITHS:** I know. I thought, 'God, I have been thrown in the deep end here; what sort of an answer do you give?' I have had a relationship with him for a long time so we got through—

**The Hon. A. Piccolo:** Do you think he had you in his sights?

**Mr GRIFFITHS:** I won't repeat that, minister! He was a very responsible sports shooter all his life and he died when he was 83. He had been involved in that for over 60 years and he had taken every precaution in terms of gun safes and so forth, so that weapons were not transported

irresponsibly. It demonstrates to me that there is a level at which all our communities have an interest in this bill and how, in a practical way, it is going to work.

I have been contacted by the president of one of my sporting shooter clubs and I understand he was involved in the dialogue that the minister has undertaken over the last year and a bit, in which discussions with the representative bodies have been a focus. He raised questions and concerns about practical issues with me, and he wanted some assurances that there will be opportunities for people who do the right thing not to be driven away from something that they love doing.

I did not want to hold up the house any longer than that but I just wanted to put the two perspectives that I have on the record. I am saddened to hear the member for Fisher relating a tragedy that she is personally aware of and I think most of us in this room have some physical perspective on how a gun has been used inappropriately. I look forward to the committee stage and also the passage of the bill.

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:06):** I rise to speak on the Firearms Bill 2015 and I thank the member for Morialta for his presentation of the opposition's position and the development and implementation of a number of amendments that I am sure will assist in improving the bill. I do commend the minister for his approach in having a considered and appropriate consultation as to how we reform this important area of law.

In short, our side of the house supports the registration system which, really, was formalised back in 1977 under the current act. It is one of the mechanisms that you can use. It is time-honoured and, I think, proven to be reasonably appropriate and effective, but it needs updating. The contemporary assessment of what is now required was done in a sensible way. Obviously those who are professionals in the firearms division of the South Australian police force were valuable to all of us in the roundtable discussions as to what is working and what is not and where they needed to have reform.

I remain concerned that firearms that are illegal and other weapons—including knives and the like and motor vehicles, for that matter—are still without adequate management in terms of protecting South Australians against their illegal use or criminal behaviour, either in supporting other criminal activity or being used directly to hurt people. Our management of that area is, I think, fundamentally deficient.

It is not necessarily exclusively in the realm of responsibility of the Minister for Police or the Commissioner for Police. I accept that law enforcement traverses some other areas of responsibility, but the application of the investigation—whether it is with extra resources or simply the commissioner looking at some directed involvement in the surveillance and apprehension of those who are either stealing legally-registered weapons and using them for improper purposes, importing illegal weapons into the state via trucks, vessels, ports or whatever, or indeed the trading of them internally—needs some attention.

I accept that it is not addressed by this bill, but that is the crux of keeping South Australians safe. Until we deal with those issues, we are not going to have really comprehensive protection for South Australians. I certainly think there needs to be a lot more done in that regard.

Can I address one matter in the bill which I see as being relaxed, and I think it is important. It probably needs to have a sympathetic assessment when it comes to those who are going to be in charge of its regulation, namely, the use of silencers. I think we are calling them some other new thing—sound modification.

**The Hon. A. Piccolo:** Sound moderators.

**Ms CHAPMAN:** Sound moderators we are calling them now. Anyway, we know what we are talking about. There might be some other type of implement which reduces the sound, other than a silencer; if there is, I suppose we have to make provision for that. It might be something where we turn off the hearing aids up here.

Before I make comment on this, I should say that I am not the owner of any guns. I inherited a couple after my father died and promptly, like all good citizens, made sure they were delivered up to the appropriate authorities. I am not sure whether he had a licence for them all actually but, in any

event, they had no purpose for me. In farming interests, my brother has the appropriate weaponry that is always properly encased and so on; he follows all the rules.

I make this point: I do not own a gun and I do not like using a gun, even against animals for pest management, but they have a very important role in urban and rural parts of our community. Suffice to say that other speakers have spoken about the importance of the need to put down livestock from time to time and the importance of being able to have access to weapons quickly—guns in particular, obviously—for that purpose. Usually, if it is anything above a chook size, the use of guns is important for a swift and humane disposal.

I want to address pest management, which is not beyond the wit of most people here in this house, I am sure, that is, undertaking some eradication program in respect of pests. There are a number of these: pigs, goats, deer and so on, but I want to particularly focus on foxes because they are an introduced species. Foxes have been in South Australia for about 140 years and they are a pain in the neck. They are ravenous when it comes to the destruction of our birdlife and they are a pest of the first order.

I particularly bring the attention of the house to this matter because, if you deal with the disposal of a pest by shooting it and it is in a pack, obviously if you shoot one without any kind of sound modifier the rest disperse and you do not have any chance of dealing with the rest of them. It is pretty basic, but that is the reality. I do not know a lot about foxes because where I was born we did not have foxes and rabbits—and we still do not on Kangaroo Island, thankfully. However, in areas that I represent in the Adelaide Hills they are prolific. They raid people's little chicken houses in the local community and they cause havoc at times for lambs in the Adelaide Hills, as well as for other small pets and livestock, so they need to be dealt with.

I gave evidence at an inquiry of the Legislative Council in respect of fox management three years ago. Three years later, we still do not have a program that is actually being implemented in the Adelaide Hills. I went to the last NRM board meeting which had fox management on the agenda to find that there was a proposed trial for part of the Adelaide Hills. I have been desperately trying to get something to happen, particularly on large tracts of government-owned land—SA Water, Forestry, and parks and wildlife—so that we do not offend the border rules, which of course prohibit baits being laid within a certain distance of people's boundaries, etc.

I recently had a meeting with minister Hunter and representatives from the department on a number of matters, but also on this issue I was given a display of a little injector thing which goes into the ground, a bit like a big sprinkler system. Of course, when the fox bites the piece of meat on the top it is supposed to then push up some poison. It is not easily accessible to anything else that has a very strong grip, so foxes are the ones that are likely to be hurt, other than the local pooch, the neighbouring dog and so on. All that sounds good, but it has not actually happened yet. We are still back on the old 1080 regime to bait them, which is pretty ineffective really, unless it is done on a wholesale scale across the Hills.

I for one know that even though other ideas are being looked at, whether it is to deal with corellas in the trees at Strathalbyn or foxes in my area or deer or kangaroos jumping over the highways or koalas getting run over on the South Eastern Freeway, we have to maintain a vigilance in the management of pests in the community; and, when all else fails, or government departments fail us by not actually dealing with it, we rely on people who are appointed under contract to dispose of the vermin in this category.

I just want to say that for those who are contracted by the department—either primary industry, the Department of Environment, and sometimes the Department for Health—in the management and use of rifles and weaponry for this purpose, then I applaud them because I think they are very constructive and important in environmental preservation and conservation of the animals, whether they are the management of an abundant native species or the management and eradication of animals, such as the fox.

I want to just say that, when I read the bill, initially I was concerned that there would be no application to the Crown, and you start to wonder, once you remove the police, emergency services, the Department of Primary Industries, etc., the people who are under contract for this work, who is this bill going to apply to. Is it just amateur members of shooting clubs and farmers? It is pretty

narrow, I have to say. So, I think there is a question that does need to be raised still about how we deal with the management of those others in the community who are not directly under the influence of this legislation.

For obvious reasons, we have a separate regime of the responsible management of firearms in areas such as Corrections and, obviously, the police, and those regimes operate without any knowledge to myself, anyway. As to whether there is any problem with that, I do not suggest there is. However, it just seems to me that in the pest management area we use a lot of private contractors. If they are owning their own guns and then accept the contracts, I would think on the face of it they are subject to this legislation currently, under the 1977 act, and will be under this bill.

I am not sure about the status of what happens in respect of someone who is contracted or employed by the department for the management and disposal of animals and is using weaponry which they do not own but which is owned by the department. They might be someone who manages guns on a marine vessel in the department of fisheries, or they might be someone who is employed in the Department of Environment. Just on the face of it, there seems to be two sets of rules.

The minister might want to clarify as to the application of government employees who are using guns for lawful purposes, obviously, who therefore are not contracted as currently amateur clubs are and hunting clubs are for this job, and as to what rules apply to them in respect of their safe storage, and so on, of guns which they do not own but which they are using in their workplace.

As I say, I am leaving aside Corrections because they have a regime of protection, and I know, I have seen it, and I think it is excellent that they do not take the guns home with them. They cannot even get their car keys out of their own locker, I think, in most prisons now until they have secured their weapon into the locker; and, obviously, the police have their own regimes.

I would just like some clarification on that, but otherwise I commend the minister and our shadow minister for the excellent work in progressing this bill.

**Mr TARZIA (Hartley) (17:19):** I also rise today to support the Firearms Bill 2015. I learnt a lot during the consultation phase of this bill. I learnt that a lot of my constituents—many more than I thought—do have firearms, and it was good to see so much interest in the bill by local constituents. It enabled me to really look into detail at the sorts of issues that they were facing in respect of this legislation and the complex issues that are highlighted in such a bill. I have to say—and I echo the words of the deputy leader—that I commend the minister for the way he has gone about preparing this legislation, as well as the drafters of the bill and the South Australian police.

I have had a little bit to do with the South Australian police, particularly the firearms unit, over the years because many local constituents have had issues, big and small, with that area, and I must say that I have always found that particular section of the police to be very statesman-like, very professional and firm, but very fair as well. This is a complex regime and it is an area that is very difficult to get right. Trying to rectify the many flaws that exist in the legislation is very difficult to do and so I commend those responsible for doing so.

In saying that, many people in my area are part of an array of groups that use firearms—gun clubs, hunters, clay target shooters, etc. I am pretty sure that my parents may have a deregistered firearm. They might actually be implicated firsthand—

**Mr Gardner:** Decommissioned.

**Mr TARZIA:** Decommissioned.

**Mr Gardner:** Deactivated.

**Mr TARZIA:** Deactivated. They may have a deactivated firearm, so even some of my relatives might be impacted by legislation if it is passed in the next couple of days. Many of the people who have come to see me have sincere issues, which I will highlight in due course. One of them is about the cost of administering the bill, how it will be costed, and where that money is coming from.

We all know that firearms and legislating around firearms is an extremely serious issue. Many registered firearms that are acquired for legitimate purposes can be diverted to the illicit market. It is unfortunate that the few who do the wrong thing make it much harder for what are many law-abiding, licensed individuals, as well as licensed firearms dealers as well.

Many of the firearms that are acquired legally unfortunately have a tendency to be stolen, and illegal importation is another massive market in Australia. The Australian Crime Commission conservatively estimates, in fact, that there are more than 250,000 longarms and 10,000 handguns in the illicit firearms market, so these are significant issues. What we are talking about here is people using firearms. Obviously, the firearms themselves do not cause harm without that human element, and so what we have to do as lawmakers is to make sure that we regulate this area extremely well so that we keep the people of South Australia as safe as we can.

The member for Morialta has proposed many amendments. I agree with those amendments, which I will explain. Amendment 1 is in relation to changing the first principle of the act to remove the word 'privilege' at 3(1)(a). Amendment 2 is to change the first object of the act to remove the word 'prohibit' at 3(2)(a). Amendment 3 is to change the sixth object of the act to remove duplication of the word 'criminal' at 3(2)(f).

There is an amendment concerning ammunition components, which I know he will flesh out in the committee stage, as well as some comments that we will have concerning the definition of ammunition at clause 4, and potentially changing the term double barrel to multiple barrel at 5(b). I know we may have some questions around the minimum age for junior shooters as well.

The introduction of the general defence is a significant area of law and, for the purposes of natural justice, this defence is around an array of areas, and obviously that is extremely important to us. This general defence, which exists in the current act, we think is certainly worthy of discussion, at least to make sure that it is included in the amendments that we will be speaking about. That is something that we will certainly have more to say about as well.

There are many goals for the new act, and who could argue with any of them? We are all hand in hand here when it comes to the purposes, the goals, the intention of what the minister says are those of the new act. For example, improving public safety and preventing crime; reducing red tape; overcoming deficiencies; facilitating a nationally consistent approach to firearm control; increasing functionality of the act; and modernising the act.

In regard to improving public safety and preventing crime, the bill speaks about creating regulatory power for the introduction of a security code, and that security will reflect the level of the risk involved. In relation to public safety notices, they will be available to a senior police officer who can serve it on the owner or occupier of a dealership, firing range or the like, requiring that they take certain actions in relation to whatever the public safety concern is. The new bill obviously also speaks about firearms prohibition orders and how the registrar may issue a firearms provision order (an FPO) against members of criminal organisations or against people subject to a control order.

Self-audits are spoken about, and I note that licensed firearm owners or dealers may be required to undertake a self-audit of firearms in their possession at the time of renewing their gun licence. There is also the introduction of an aggravated offence for unlicensed possession of a firearm if an unlicensed person commits a drug-related crime. Obviously we have seen a link between that sort of behaviour and further criminal activity, so I think that is a very relevant consideration that this bill adopts.

There are dealer employee prohibition elements to the bill as well as the registrar authority to inquire regarding licensing as well. Red tape reduction is also targeted in this bill and I think, when we can reduce red tape, like any area of law, we should certainly look to do so, as long as there is safety, and safety needs to be our paramount factor in consideration of this bill. As long as the safety of the public is maintained, if there is room for red tape reduction then so be it.

I know that my colleague the member for Morialta, the shadow minister, will have more to say about inserting vicarious liability provisions. You have to be careful; I think you have to tread carefully when you talk about vicarious liability and the implications that may have. I know that that will certainly come out in committee.

I spoke a little about deactivated firearms. Obviously at the moment no registration is needed and I know that the police have argued that it is a public safety problem as a result, particularly of a case in Queensland where 4,000 deactivated firearms were reactivated and circulated among criminal organisations. I acknowledge that that maybe a risk; however, I think we can be doing much

better here and we need to flesh out the issues involved here, because the bill, as I understand it, requires that deactivated firearms need to be registered.

I understand that the government has said that there is no cost to apply for the registration if done within the first 12 months. How is that going to be communicated? I suggest that people who are in possession of these sorts of firearms would need to be contacted quite rapidly.

I have had some dealings with paperwork in this area. The paperwork can move slowly, especially around this time of year. Not only that but the course involved to get a licence takes quite a while. I have had I do not know whether it is pleasure or pain of helping someone fill out their paperwork in the past, and it does take time, because it is a rigid process and the right checks, balances and measures need to be undertaken. At the moment it would seem that a deactivated firearm owner would have to have the firearms licence. This is something that I think we should further explore at the committee stage. We might be looking at, for example, specifically prohibiting charging a fee for that registration or licence if the only purpose is to register a deactivated firearm.

Obviously regulated imitation firearms are dealt with as well. That is a very valid addition to the bill. There will be a code of practice in relation to the transportation of firearms, and the focus will be on reasonable precautions. As the member for Finniss alluded to, common sense should certainly come into this, and it has come out in the context of the debate.

Whilst we can never be too careful in relation to firearms, I think a degree of common sense must always shine through. I would ask the house to consider that when considering any sensible amendments that the opposition moves. It is fair to say that there is a substantial amount of goodwill here, and I would like to think that in a bipartisan manner we may be able to get through whatever small issues we can for the greater good of this legislation and the safety of the people of South Australia.

In excluding prescribed firearms from the handgun definition, I notice that that sawn down long arms will be specifically defined as prescribed firearms and not as handguns. I think that is also important. In the bill we and the minister, in his earlier comments, have also spoken about the national approach to firearm control; it is very important. If we can make these sorts of things universal across Australia that is a good thing. It is good that we finally understand that there should always be a general reason to acquire a firearms licence. I know that South Australia Police have characterised this as a matter that they certainly agree to after the awful incident at Port Arthur, the massacre in 1996. I notice that this particular angle has not been covered and implemented in South Australia, so it is about time that this happens, and I would certainly welcome it. There should always be a genuine reason and need to acquire a firearm.

In terms of increasing useability, I notice that there are a number of disqualifying offences as well as the ongoing general amnesty. I echo the sentiments of some of my colleagues. From 1 July 2016 there will be an ongoing general amnesty for someone who has unauthorised access to a firearm to be able hand it in at a police station. Why not? It is much better that they hand it in to the police rather than keeping it on the street. The government has already announced an amnesty that will operate until 1 July 2016; so, in effect this provision would be in place from now, and publicity has started. I notice that there are—

*The Hon. A. Piccolo interjecting:*

**Mr TARZIA:** 1 December, thank you, minister. The act is also being modernised by amending certain licence categories as well as terminology to make sure that it is up to date. There are a number of other issues that we will flesh out at the committee stage as well.

Overall, I think the minister has given this bill a very solid crack. There has been consultation with a range of stakeholders. It is an extremely difficult bill to get right first time around. We will on this side of the chamber be putting forward what I know are sensible amendments. I would encourage the minister and the government to consider them.

I think overall, however, we will end up in a much better spot at the end of this than we are at the moment, and at the end of the day, whatever we can be doing to ensure that the people of South Australia are safe and that this level of regulation strikes a good balance between that regulation and safety I think is a fantastic thing. I commend the bill to the house. I look forward to



seeing these sensible amendments implemented from our side and look forward to debating the bill hopefully when it comes back from the other place.

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:35):** I will make every attempt to finish by 6 o'clock with my closing remarks. I will not necessarily prolong this, because I think some of the discussion will take place at the committee stage irrespective. First of all, I thank all the speakers who have spoken on this. I have noted that all speakers have spoken in favour of the bill subject to some agreement on some amendments to the bill. I would at the outset say that I am open to any suggestions which do not undermine the integrity of the bill and what we are trying to achieve.

I also, at this point in time, thank the enormous amount of work that the officers in the SAPOL Firearms Branch have undertaken. I think their work has actually surprised some groups in the speed with which they have been able to do this work and that we have this bill in parliament at the moment. I also thank all those organisations and groups who came to the various round tables and consulted and all those people who have actually made a genuine effort to provide feedback. I would remind members that the draft bill we put out for comment received quite a bit of feedback and, as a result of that, we actually amended the draft with 33 amendments, so that was a genuine process to consult. Even since then, we have had a number of discussions and refined the bill further, because we are trying to achieve a bill with the right balance.

I also thank my staff, who have worked long hours and on weekends, because most of the consultation process was held after hours on either nights or weekends to fit in with the requirements to get as many people involved as possible. Firstly, I would just—

**Mr Pederick:** I hope you gave them a bit of OT.

**The Hon. A. PICCOLO:** I think they do it for the love of the cause. If they work for me, they have to do both.

**Mr Gardner:** They just want their boss to be happy.

**The Hon. A. PICCOLO:** Yes. I would like to address some of the comments, firstly, made by the opposition spokesperson for police—the shadow minister, the member for Morialta—and I will deal with some of the issues he has raised which he has asked me to comment on, but obviously we will be going into a bit more detail at the committee stage.

First of all, he raised in his speech the issue regarding the differentiation between a toy and a regulated imitation firearm. The current regulated imitation firearm legislation is regulation 5 of the firearms regulations. One thing I would like to say as an aside is that a lot of what actually regulates the sector at the moment is in regulation already, so this notion put out by some people that regulations are something new is not true. There will be regulations in the new act, but there are regulations under the current act, so that is something I mention.

It is complex and ambiguous, and that is why, through the process of the next stage of forming the regulations—and you will be aware that Rob Kerin (the former Liberal premier and former member for Frome) has agreed to chair a group to look at the appropriate regulations, and I look forward to receiving his recommendations. It is very hard to give an answer as to what that may look like in the end, because that is subject to the consultation process. What I envisage is that, all going well, this bill will be passed this week or next sitting week and the work will then start. We will call for submissions, we will then prepare some drafts and then engage further with the sector, and I look forward to receiving these recommendations.

Given that regulated imitation firearms must be registered and the owner licensed, an important element is the ability of the firearm to be readily convertible. That is one of the principles behind that. I will leave the double-barrelled firearms issue for the committee stage, because that is going to be one of the amendments proposed by the opposition, and we will discuss that perhaps in detail then.

Clarity about clause 9(7) regarding 'in the immediate vicinity'—there is no easy or definitive way of precisely defining the concept connoted by the words 'immediate vicinity'. That is just a legal

term and the courts will take the context into account. That is terminology used in a number of acts right across the sectors so it is nothing new. I think it would be addressed there.

Permits to possess ammunition—some concern was indicated about this new power under section 32(8)(b). Is the new provision designed to empower the registrar to impose limitations and conditions upon ammunition permits? This provision is necessary to provide the foundation for the registrar to be able to act under clause 32(4); in other words, to restrict by condition or limit a permit for the type of ammunition which can be possessed.

Clause 32(4) is actually a carryover of section 21B(4) of the current act. However, in developing the bill, it has been identified that the related foundation power sought to be enacted by proposed clause 32(8)(b) was omitted from the current act for some reason. The ammunition permit proposed by the bill is intended to formalise the process by which the registrar may approve a collector of firearms, who ordinarily cannot possess ammunition for a collection of firearms, acquiring and possessing ammunition for use in shoots of collection firearms as approved by the registrar.

I would like to mention one of the things that has been discussed: the wide powers of the registrar. It is certainly true that the bill does provide a greater discretion to the registrar, but that is actually quite a positive thing, and I will explain why. Some things at the moment are quite black-and-white. The new bill actually gives the registrar some discretionary power. An example would be sound moderators. They are prohibited at the moment. Under the new bill, the registrar will have a discretion to approve some of those subject to some policy frameworks to make sure that they are consistent.

I also need to mention the balance, which I have mentioned time and time again amongst the round tables. Yes, there certainly are more discretionary powers for the registrar but they are subject to review by the South Australian Civil and Administrative Tribunal. So, there is a check and balance, which is very important. Decisions are reviewable and the SACAT provides a cheap, quick and effective way to have the decision reviewable. It is not as if the powers are not checked or are able to be misused. There are checks and balances in this bill, and that is quite deliberate.

In terms of what is reviewable, some concern has been expressed regarding the power of the SACAT. I will read from the SACAT Act itself. Section 34(3) provides:

...the Tribunal will, in exercising its review jurisdiction, examine the decision of the decision-maker—

which will in this case be the registrar—

by way of rehearing.

- (4) On a rehearing, the Tribunal must reach the correct or preferable decision but in doing so must have regard to, and give appropriate weight to, the decision of the original decision-maker.

But also:

the Tribunal must act according to equity, good conscience and the substantial merits of the case and without regard to legal technicalities and forms.

So the tribunal has quite a broad power to disagree with a registrar's position. By 'rehearing' what it means is that it takes into account what led to that decision, but it also can have new evidence put forward. It is not a restrictive form of what you might call a legal appeal on a legal basis. It is actually a merit-based review. I think there is sufficient breadth in the current SACAT Act to provide quite a wide review of decisions made by the registrar. I would be a bit reluctant to amend that because it would actually change the whole SACAT Act.

One thing that I also need to mention is that this act is quite clearly about ensuring that the number of firearms that go to people who should not have them is minimised in the sense that we are maximising the security of firearms, which is very important.

What I should also mention is that, unfortunately, while we are actually redefining some of the restrictions for farmers to make sure that we get a practical, common-sense approach, we do have to keep in mind that two-thirds of firearms which are stolen do come from rural areas. So, again, we need to maintain that balance. We are prepared to look at that because we are conscious of the fact that we want to make it as easy as possible to comply with the law.

On the issue of a right versus a privilege, one of the groups has sent out a newsletter saying that the insertion in the principles of the word 'privilege' will 'completely change the concept of lawful firearm ownership and use'. That is completely incorrect, and I will explain why. First of all, the privilege principle is already part of the existing statute law in two other jurisdictions, which has not amended the balance. Secondly, it is also part of our existing common law.

The courts have, on a number of occasions, referred to that issue, and I draw members' attention to the case of *R v Cullen* if they wish to follow this up in detail. Justice Gray goes into the history of rights versus privilege, and in his decision he says: 'The underlying thrust of those resolutions,' and this is about the whole national gun framework, 'is that gun ownership is not a right, it is a conditional privilege'. There are a number of cases where the courts have decided that way.

What is important, though—and I notice that a number of opposition members mentioned this—is that it is very much about the culture around gun ownership. Gun ownership should be about a purpose. It is not about a right, and what we do not want in this country—and I think a number of members from the opposition also agree with this—is the American culture of gun ownership. The word 'privilege' is inserted, quite clearly, to distinguish us from America, and that is what it is about.

So, it does not change the legal balance in terms of that, but it makes it very clear that this is about the culture. We want to make sure those purchasing guns are using the guns for legitimate purposes. My view is that if you need to purchase a gun for self-protection, that is an admission that we have actually had a complete breakdown of civil society, and I would hate to get to the point where we would have to do that.

I note that the opposition supports the expiation notice. That is a reduction of red tape, and that is also a common-sense approach. People will make some minor mistakes. They need to be reminded they have made a minor mistake, but an expiation notice does not mean they have to go to court and get a conviction. It is an administrative penalty so that people are not treated unfairly, so it is a reasonable balance.

In terms of restriction around the number of guns, there was a discussion around capping the number of guns people can have. Members should be aware that there are a number of people in the community who have multiple guns. Just to give you an example, there are 508 licensed gun owners who have 20 firearms or more—and these are not collector guns; these are people who actually own class A, B or C guns. There are 22 registered gun owners who have 50 firearms or more. In some cases, there might be some legitimate uses, such as sportspeople who have different guns for different sporting purposes.

**Mr Gardner:** Like Olympic shooters.

**The Hon. A. PICCOLO:** That is correct, but I would be keen, obviously, to have as few guns in society as possible. My view was the sector supported that. There is a risk—the more guns in society, the greater the risk of misuse—and so the trade-off was there is actually greater security. The level of security required for having one double-barrelled shotgun would be less than if you had 20 or 30 guns. We thrashed out those specific details through the codes of practice which we will negotiate once the act is passed through the regulations, but people will have an opportunity to talk about that. In the end, there will be some technical response.

A couple of people raised the issue of deactivated guns. The reason we are actually asking for them to be registered is that, at the moment if they are not registered and they go missing, we do not know where they are. If they are not registered, there is no requirement to report them. As mentioned by SAPOL, a number of guns have been reactivated. We also acknowledge that we do not want to put on any additional burden, and that is why we are quite prepared to accept that there will be no fees charged.

We already do not charge fees for RSLs and other community organisations that register certain guns. That is something we can discuss at the committee stage, but we are quite happy to ensure that there is no additional financial impost, if that is all you have. If you have an existing licence for another purpose of gun, that is a different matter.

The reason we want people to do it within 12 months is to encourage them to do it and also to provide an incentive to do it as soon as possible so we can get the scheme going. I also take on

board the member for Hartley's comment, which I have made a note of, that we need to make sure that the material we produce after the bill is passed is in multiple languages and is circulated in a whole range of communities to make sure everybody understands their responsibilities under the new act. We will do that.

The Law Society has raised a number of issues that we think we can address. The issue of interstate licences was raised and it is not a question of whether or not you can shoot a gun. If people from interstate come here, part of the purpose of getting them to obtain a South Australian licence is to make sure they are up to date with our laws. One way of achieving that outcome is to make sure people get a licence in South Australia and are required to do the training course. It is not just a question of the actual ability to use a gun: it is also very important that they actually understand what our current laws are.

The member for MacKillop raised the issue that, unfortunately, while we have a national framework, we do not have national gun laws as such. That would be great to achieve, but it will probably not be in my political lifetime. Given that we cannot even agree nationally on what category one gun should be in, imagine trying to get a whole act the same right across the country. However, I have been very consistent in the whole process, that we will not accept anything that is outside the national framework. We will work within the national framework to make sure we get as much commonality as possible. That is for the benefit of gun owners as much as it is for community safety.

There were a couple of other things I wanted to mention. Regarding sound moderators for pest management, the registrar will have discretionary powers. I have to be up-front: I am not convinced that if you are shooting at a herd of wild pigs some hundreds of metres away you need a sound moderator. The scientific evidence does not actually support that.

Sound moderators are used in an urban setting. For example, if you are shooting pigeons off the top of the building, you do not wish to alarm people in the community. That is appropriate pest management, and I am yet to be convinced that you need to use it when you are dealing with other pests like wild pigs, etc.

I have seen some footage where bang, one falls over and the others still run away because that does scare them. Having said that, we do acknowledge that it is appropriate in some cases and that is why we are removing the current prohibition and giving the discretion to the registrar.

Government employees who have guns only for the purposes of work, I am advised, cannot take them home. If that is the only purpose they have, they cannot take that gun home; they are required to remain at work, I am advised. For example, there are some DEWNR employees who have guns and they are licensed for that purpose. If they do not hold a separate licence, they cannot keep a gun at home. They can only keep it at work.

It is also important that we are very careful about what we say: it is certainly true that we will never stop 100 per cent of people using guns for unlawful purposes or people holding guns unlawfully. That does not stop us taking action to ensure that we minimise opportunities for people to have those guns, and that is why we are increasing the level of safety, particularly around storage. I have heard some stories about the current storage requirements and they are, unfortunately, not as strong as we expect, which exposes us to guns going into illegal hands.

As I said, there are, I think, about 240 to 250 guns stolen every year from premises. We need to make sure that we reduce that because they are, unfortunately, used. The other thing is that I am very keen to get people to register their guns if they do not hand them in at an amnesty. We will make it easier for people, particularly farmers, to register guns.

I am aware that often farmers inherit guns from three or four generations ago. They often sit in back sheds and the current generation finds them after some years. We are very keen to make sure those guns are either registered or handed in. We will make it as easy as possible for people to register, because I would rather know where they are so they can not only be lawfully held but also so we can ensure that, if something does go wrong, we know what to do in terms of following that up.

There are a couple of things I would like to mention very quickly. One group mentioned that there has not been enough consultation in the process of deriving this bill. They put that out in one

of their newsletters. To give you an idea, the Firearms Liaison Advisory Group (FLAG) process started in 2008 and went up to 2012. That was one process that started way before I was minister. I became minister last year and we had a series of round tables. At the very first round table I made it clear I wanted to fully understand what the issues were in the sector. That is when farmers raised their issues and a whole range of things, which led us to rethink a whole range of matters and to have a more practical bill.

Given there have been the round tables and that a draft bill came out, which is not commonly done, people in the sector got a copy of the draft bill before cabinet did. The final version was put out after consultation, so I completely reject that accusation that we have not consulted. If people do not like the bill that is fine, they can say they do not like it, but to suggest that we have not consulted is just nonsense. Not only myself but the police have done a wonderful job in engaging in that.

The regulations do not accompany the bill. That is certainly true and that is the normal practice. What the regulations will actually do will depend on the final version of the bill. Some things we will deal with though. In the regulation will be the code of practice for storage and transport, categories of licences, exemptions and permits, and firearm clubs. As I said, preparation of these regulations will be done for the consultative process under the leadership of the Hon. Rob Kerin.

I think that covers most of the issues. I thank members again for their contributions. With good will on both sides, I think we can achieve a really good outcome to make the community safer.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1 passed.

Clause 2.

**Mr GARDNER:** Can I clarify the date of commencement?

**The Hon. A. PICCOLO:** Our aim is to have the act proclaimed to start on 1 July, subject to it obviously passing before Christmas and the regulations being prepared. Our aim is 1 July, which will also give us sufficient time to prepare member materials and educate the community about the changes.

**Mr GARDNER:** Following on from that, I have a question that relates to the minister's desire to get the bill passed before Christmas. I assume that is so there is time over summer to deal with those regulations. As we have sitting weeks in February, what is the anticipated timetable for the development of those regulations and how long do you expect that will take?

**The Hon. A. PICCOLO:** The aim is that, once the bill is passed, we would commence work on those regulations fairly quickly. Obviously we will need some time because we need to engage the sector. We envisage that we would probably require three to four months to do a fair job, to engage the community, then we will need quite a few months to promote the regulations and the act before it comes into effect.

Clause passed.

*Sitting suspended from 18:00 to 19:30.*

Clause 3.

**The CHAIR:** You have withdrawn amendments Nos 1, 2 and 3 in amendment schedule 1; is that correct?

**Mr GARDNER:** Yes, the first set of amendments has been withdrawn.

**The CHAIR:** We are now dealing with amendments in amendment schedule 2, and they are amendments Nos 1, 2 and 3 in your name.

**Mr GARDNER:** I move:

Amendment No 1 [Gardner-1]—

Page 6, lines 3 and 4 [clause 3(1)(a)]—Delete paragraph (a) and substitute:

- (a) to confirm that firearm possession and use is subject to the overriding need to ensure public safety; and

In doing so, I will identify what its purpose is. Amendment No. 1, from memory, deals with the use of the word 'privilege' in the objects of the bill. It proposes that in its place we instead say that the bill is to confirm that firearm possession and use is subject to the overriding need to ensure public safety. It performs exactly the same function as using the word 'privilege'.

The second reading speech identified specifically some of the reasons that a number of stakeholders have had concerns with this. I particularly draw the house's attention to the Law Society's concerns with the word 'privilege' in this way. The Law Society identifies:

The prime difficulty is that the word 'privilege' has quite a number of meanings, and so including it in the Bill is likely to lead to confusion, rather than clarity. Ownership of a firearm often meets a sentimental reason, such as the desire to keep a gun once used by a forebear. Further, some people require use of a firearm as a work tool...

It is difficult to see this falling within the definition of privilege. I note that the Arms and Militaria Federation of Australia have provided input to members and, in particular, in relation to the use of privilege. They identify their concerns regarding the use of the word 'privilege', as do the Sporting Shooters' Association of Australia, the Combined Firearms Council and others.

I suggest that the use of the word 'privilege' in this manner—in my view and that of parliamentary counsel, inasmuch as I asked them questions and they provided me with information—as far as we can tell, does not actually alter the impact that is going to happen to somebody's regular use. In fact, as the minister has said, the legally established position is that firearm possession is a privilege in the same manner, I would suggest, that having a driver's licence is a privilege. One goes through certain processes to acquire it because society has determined that these are things to be regulated, so in that sense it is indeed a privilege.

But including it in the act in this way is something that is not the case for the driver's licence, for example. Legally, it may be the same case, but it is only firearms that we determine need to have this in the title, and clearly there are people who are law-abiding firearms owners who find this an exclusionary term and a divisive term and are upset by its use, given that none of the other categories of people who have the same legal basis for expecting a privilege has that imposed upon them.

I do not think that this will change the impact of how the act is applied, but the amendment as suggested by the opposition reduces the exclusionary impact on the way that a number of people will feel that the act applies to them. I think that it is useful for the parliament to pass legislation that encourages the 65,000 South Australians who are most impacted by that legislation to approach it in a positive way. Having the first line of the affected part of the bill, something that so many of them find troubling, I do not think is very helpful and so I ask the house to support the amendment.

**The Hon. A. PICCOLO:** I thank the member for his comments. The government will not be supporting this amendment, and I will outline why. As he mentioned, and I think the member for Stuart also mentioned in his contribution, whether it is a privilege or a right really does not change, if you like, the legal position. As I said in my closing remarks to the second reading, the common law position is quite clear, and there is a number of existing court decisions which talk about being a privilege.

That is the law, so that is what happens now. People are not losing their guns unless they obviously break the law. There are no restrictions because of that wording. It is the existing wording in both the ACT and also New South Wales, and my understanding is that it has not changed the right to own or the privilege of ownership there. As I mentioned earlier, the main reason is that it is a symbolic gesture, and I acknowledge that.

It is symbolic to the extent that this is not a message for the gun-owning community: this is message to the whole community. This is about saying that the ownership of a gun is a privilege which comes with responsibilities, so the rest of the community who are not gun owners—and the majority of the community are not gun owners—know that a person who owns a gun does so not as a matter of right but because the community gives them that privilege to own a gun and it comes with responsibility.

What I understand from some of the feedback the member for Morialta has received is that I do not believe it is one which actually changes people's position or their ability to own a gun. But it is a very important symbolic thing, and I would say, as a number of other members have already said on both sides of the house, that we are not looking for an American gun culture in this country. That is what this message is about: it is saying that we have a very specific Australian view about guns and that is not the American gun culture. For those reasons, we will be opposing the amendment by the Liberal Party.

Amendment negatived.

**Mr GARDNER:** I move:

Amendment No 2 [Gardner-2]—

Page 6, lines 12 and 13 [clause 3(2)(a)]—Delete paragraph (a) and substitute:

- (a) to ensure that the possession and use of automatic and self-loading firearms is permitted only in strictly limited circumstances;

In a similar manner, the first object of the act is to prohibit the possession and use of all automatic and self-loading firearms except in strictly limited circumstances. It is a similar principle to the first amendment, so I will not repeat myself, other than to say that the suggested amendment we are proposing is that, rather than to use the word 'prohibit', to instead identify that the object should be:

to ensure that the possession and use of automatic and self-loading firearms is permitted only in strictly limited circumstances

This restricts in a very specific way, but by the use of the word 'prohibit' being in the act with exceptions means that those people to whom the exceptions are applied, being farmers, for example, or people for whom the use of these firearms is part of their business and businesses that we all rely on—whether they be farms or whether they be people who are culling feral pests or anything else—to say that they are somehow an exception to something that is prohibited, is again something that excludes them from the act. The amendment proposed by the Liberal Party I think gets the same message across without being exclusionary in that way.

**The Hon. A. PICCOLO:** I agree with the member for Morialta. The government will be supporting this amendment. We believe that it does not detract from the intention of the object that we are seeking and, therefore, we are happy to support it.

Amendment carried.

**Mr GARDNER:** I move:

Amendment No 3 [Gardner-2]—

Page 6, line 23 [clause 3(2)(f)]—Delete 'criminal'

This is in relation to clause 3(2)(f), which currently provides:

...to prevent or restrict criminal persons and organisations from accessing, possessing or using firearms for criminal purposes;

The Law Society in their submission identify that, when the object of the act specifically talks about preventing or restricting criminal persons and organisations from access, the act should in fact apply to all people who should be prevented or restricted from accessing, possessing or using firearms for criminal purposes. The first use of the word criminal is superfluous and sends a poor message. We therefore urge the amendment to be supported.

**The Hon. A. PICCOLO:** The government supports this amendment. We accept the view put by the Law Society. The amended wording proposed by the member for Morialta still supports what we intend it to do, so I indicate the government will support the amendment.

Amendment carried; clause as amended passed.

Clause 4.

**Mr GARDNER:** I move:

Amendment No 4 [Gardner-2]—

Page 7, line 3 [clause 4(1), definition of *ammunition*, (c)]—Delete 'live primers, propellants and'

I discussed this in the second reading, but in particular the interpretation of the word ammunition currently at (b) on page 7 of the bill states that ammunition is:

- (b) an article consisting of a cartridge case fitted with a live primer and...projectile; and
- (c) live primers, propellants and blank cartridges;

The fact is that live primers in and of themselves are propellants in and of themselves and are not ammunition and should not be defined as such.

**The Hon. A. PICCOLO:** Unfortunately, the good run stops here for a moment. I indicate that the government will not be supporting this amendment. The current definition of ammunition in the Firearms Act 1977 is already component-based by including primers and propellants. The proposed definition aligns with the UN protocol definition recognising the complete round and its components. Australia is a signatory to the UN protocol.

Additionally—and this is taking on board what the member for MacKillop said—this is a nationally consistent approach. The ACT, New South Wales, the Northern Territory and Tasmania have extensive definitions not dissimilar to ours. In the regulations code of practice, for security it is proposed that the components as opposed to the complete round the owner must take all reasonable precautions to ensure it is not lost or stolen or does not come into the possession of an unauthorised person.

Amendment negated.

*The Hon. P. Caica interjecting:*

**The CHAIR:** Luckily you didn't throw us.

*Members interjecting:*

**The CHAIR:** Order! I can't hear with you all laughing, sorry.

**Mr GARDNER:** I move:

Amendment No 5 [Gardner–2]—

Page 7, line 8 [clause 4(1), definition of *ammunition*, (g)]—After 'breach' insert 'or chamber'

Can I suggest that it would be appropriate to add the words 'or chamber' after the word 'breach', again in the definition of ammunition. I think I touched on this in the second reading.

**The Hon. A. PICCOLO:** We agree that this amendment is supportive. It adds clarity as some ammunition fits to the chamber, so we will be supporting this amendment.

Amendment carried.

**Mr GARDNER:** I am hoping for a little bit of indulgence from the Chair in this clause because there is a fairly substantial amount of the busywork in the bill that is contained within clause 4. Let us start with the definition of the word 'firearm'. In the bill, there is some change from the existing act, particularly in relation to what has up until now been identified as being 'carried by hand', and there has been fairly substantial feedback from stakeholders in relation to this change.

The minister can clarify, perhaps, but I understand there are national consistency issues here from the one point of view and, secondly, there are a number of firearms that the government is concerned about and police may be concerned about being unregulated. There are a range of stakeholders for whom this is very troubling, and if the definition of firearm continues as is written here, there will be a number of people in the community—a significant number of people in the community—who will have an increased imposition, an increased burden on them in terms of compliance and potentially cost, depending on how it is managed. Can I perhaps start with a general question and ask the minister to explain why he seeks for the term 'carried by hand' to be removed from the definition of firearm in this bill?

**The Hon. A. PICCOLO:** I can advise the committee that we would be the only jurisdiction which does not regulate non-handheld guns. Just to give you an example of what we have in mind:



a 50 calibre machine gun, for example, which is designed to be either vehicle mounted or tripod mounted, would be an unregulated gun.

**Mr Pengilly:** I am not surprised.

**The Hon. A. PICCOLO:** No, it actually does not fall into the definition of a gun, therefore it is unregulated, so it just makes it a nonsense really—that is not common sense. What we are saying is that just because a firearm cannot be handheld does not mean it is not a gun or firearm. What we are saying is those things which can be used in other ways besides being handheld which have the characteristic of a gun—they fire, they have bullets, etc.—should be defined as a firearm. The fact that it is non-handheld should not exclude it.

**Mr GARDNER:** I was going to comment in the build-up to that question that I was particularly looking at the correspondence from the Arms and Militaria Federation of Australia who are concerned about that. Can I ask what the intention is in relation to non-handheld firearms. I imagine there are a significant number of people who hold these items at the moment who have come to their members of parliament or me, indeed, as the shadow minister to express concerns, but is it the intention to deactivate them or just that they be registered? In what manner will they be classified?

**The Hon. A. PICCOLO:** I can advise that, for individuals, they will just be treated like any other gun (in other words, any other regulated gun) to get a registration and licence. If it is an organisation like an RSL or a museum, etc., what we would say is there will be a fee-free licensing arrangement, so they will be registered and licensed for free. The idea is to know that they actually do exist and they are registered, but there will be no financial imposition on your museums, your RSLs, etc., but if you are just an individual, it will be treated like any other gun and meet the normal gun tests.

**The Hon. T.R. KENYON:** Just to confirm, for an RSL, the process would be that the Firearms Branch would visit the RSL, maybe note if they had say a canon out the front with a serial number, there would be a registration process for that, someone would sign for it and that would be the end of it. That is the process you are suggesting would roughly be?

**The Hon. A. PICCOLO:** Correct.

**Mr PENGILLY:** Following on from that, there will be no charge for—

**The Hon. A. PICCOLO:** It will be free.

**The CHAIR:** Free means no charge where I come from.

**Mr PEDERICK:** This change will have to be fairly well publicised, because there may be in effect people inadvertently breaking the law. What will be the process over time if the government finds there are a range of whether they be World War II field guns or World War I field guns that are war memorials around the state in making sure that RSLs are complaint? Will there be a warning process first or an education program? How will that work?

**The Hon. A. PICCOLO:** Just to clarify one thing, it will be free for museums and also for RSLs. For other people, if they are going to licence and register, it will be just like normal licensing and registration fees for individuals. Because these are guns which actually are active, as distinct from deactivated guns, which we will come to, I am sure, in a few moments.

We will have an extensive campaign. Obviously, the philosophy behind the act is to get people to comply. If at the time—I would view that we are going to have an extensive campaign—somebody has unknowingly done it, obviously the police would use a light touch to compliance, but if there is evidence to suggest a person just wants to disregard the law for whatever reason, and there are people who do that, that is a different matter.

We will do our best to make sure that we extensively mount a campaign so people do know what the requirements are: we will write to museums, RSLs, etc. We have had discussions with RSLs, so they will communicate through their own arrangements, but we will also make it very clear through media and other ways to make sure people understand the requirements to be met. It also depends when it is found out. In early days, obviously police will be much more tolerant because it is new. If, after some time—

**Mr Treloar:** Do you know that for sure?

**The Hon. A. PICCOLO:** I do, because I do get letters from people saying that police have visited them and they appreciate the approach taken. That is why we are introducing also, as a related matter, expiation notices. So, if it is in doubt, you will not become a criminal person. It is an expiation notice if it is a minor offence.

**Mr TRELOAR:** Just some further clarification on this, if I may: what about those who have a private collection or are a private collector? How would they be involved in this? Will they have a free registration option as well, because those people do exist.

**The Hon. A. PICCOLO:** There is free registration for the first 12 months, because there is an incentive built in to get people to comply, and they can add that to their existing licence. The registration process will be free of charge for 12 months from 1 July when we are proposing to enact.

**Mr PENGILLY:** I have a couple of people who I know of in my electorate with very large collections of guns—antiques, etc. I just want to know that they are not going to get hit up for large amounts of money on a regular basis and are not going to have to be subjected to overly bureaucratic controls. They are responsible.

**The Hon. A. PICCOLO:** Registration is a one-off and there is no fee for it, so it is for the life of that person owning it. Any licensing will be subject to any other licence they have for their collection anyway.

**Mr GARDNER:** Let us touch on the deactivated firearms, then, while we are still on firearms—I will not stretch the friendship and call this a further supplementary. The definition in the bill of 'firearm' includes 'whether or not rendered temporarily or permanently unusable', which I think is the new bit which means that it includes deactivated firearms.

Can the minister explain the process whereby a firearm is to be deemed deactivated for the purposes of licensing conditions or anything else? Is somebody going to take in their firearm and get a certificate from SAPOL? Are there any other matters in the process that the minister thinks are worth drawing to our attention?

**The Hon. A. PICCOLO:** The process of deactivation already exists; people can actually deactivate a gun at the moment. Essentially, the person who owns the gun will get a certificate from the registrar saying that it is a deactivated gun. The process of deactivation can actually be undertaken by SAPOL or a licensed dealer. As I said, it is a one-off process. Basically, once you have a certificate saying it is deactivated, that is all you need to do.

**Mr GARDNER:** I think there is an amendment later, and there are some other opportunities for us to engage further on deactivation, so I might just ask a question in relation to sound moderators.

**Mr Pederick:** Could I just ask one more on this?

**Mr GARDNER:** I will let the member for Hammond have a crack.

**Mr PEDERICK:** I do not want this to sound frivolous, and it was probably already in the old act, but I have been aware of, in my lifetime, people with what are called either spud guns or potato guns. Are they encompassed as a firearm under this proposal? I do not know what the PVC guns use—I think it is some sort of propellant.

**The Hon. A. PICCOLO:** I can advise the committee that this act does not change the existing provisions—it is exactly the same for that thing. What I can say is that the definition of 'firearm', just to clarify, is:

- (a) a device designed to fire bullets, shot or other projectiles by means of burning propellant or by means of compressed air or other compressed gas...

If you have an issue about whether or not it is an imitation gun, that would be covered by the regulations, which are subject to a separate process of engagement under Mr Rob Kerin. But, we are not changing the meaning, and it is exactly the same meaning in the act itself.

**Mr GARDNER:** I will ask a question about sound moderators. Are the sound moderators going to include fittings known as 'muzzle blast deflectors', 'flash suppressors' or 'muzzle breaks'?

**The Hon. A. PICCOLO:** The only explanation I can provide is that a sound moderator is defined in this bill as 'a device designed or adapted to be attached to, or comprising part of, a firearm to muffle the report when the firearm is fired'. Anything that is, in effect, designed to muffle the sound is a sound moderator, and currently they are prohibited items. What we are seeking to do in this bill, though, is to give the registrar the discretion to allow some people to use them in appropriate circumstances.

**Mr GARDNER:** Supplementary to that, I am not 100 per cent familiar myself with the nature of those items. Is there the opportunity to clarify some of these things in regulation through what is provided, or will the nature of the moderator that is potentially to be allowed be entirely a result of the registrar's discretion?

**The Hon. A. PICCOLO:** The definition of a moderator is in the act, so it will not be open to discretion. The only thing that will be open to discretion is whether or not some person can exercise discretion for somebody to get a permit to use them, and that will be worked out through some policy arrangement.

**Mr GARDNER:** As I understand it, there is some level of confusion. This is an act, of course, where there are many delegations and things are going to be open to the subjective scrutiny of the relevant decision-maker, although clearly SAPOL has firm processes in place that they work through. As I understand it, some of these items moderate the colour or the flash as opposed to the sound.

For clarity, if it is to be established that they are not sound moderators, would that be potentially by way of a SAPOL internal document to identify what is and is not a moderator? I assume SAPOL would have a list of things that they clearly see as moderators as a result of this definition, or is it just going to be left to the determination of the decision-maker—the registrar's delegate, in this case?

**The Hon. A. PICCOLO:** In the end, if somebody has a dispute, they can take it to the SACAT, but for SAPOL the guidelines will be: was the attachment designed to muffle the report? That is it. It is quite clear and quite simple. In my view, it is quite unambiguous.

**The Hon. T.R. KENYON:** On the matter of definitions, there are definitions of 'foreign theatrical armoured' and 'foreign theatrical armoured permit'. There is no current permit to be a theatrical armoured if you are a resident of Australia, for instance. I am wondering whether the new act makes provision for there to be theatrical armoured and to facilitate that sort of thing in the state.

**The Hon. A. PICCOLO:** Sorry, could you ask the question again?

**The Hon. T.R. KENYON:** The bill contains definitions of 'foreign theatrical armoured' and 'foreign theatrical armoured permit'. Currently, we are trying to encourage the arts to grow; we are encouraging movies to come here. There are often requirements for armoured. In *Wolf Creek*, I think, Mick has a .308 that he brandishes, for example. The current act does not actually contemplate that, and I am wondering whether the new act contemplates creating permits for armoured and theatrical armoured to allow them to undertake that activity?

**The Hon. A. PICCOLO:** Yes, it does.

Clause as amended passed.

Clause 5.

**Mr GARDNER:** I move:

Amendment No 6 [Gardner-2]—

Page 12, line 19 [clause 5(1)(b)(iv)]—Delete 'double' and substitute 'multiple'

This is very simple. In relation to double-barrel centrefire rifles, there are in fact some devices that have three barrels, as I understand it, or four, and many of them are of a somewhat historical nature. It would seem appropriate that they should be captured as category B firearms and therefore we move this amendment.

**The Hon. A. PICCOLO:** I indicate that we will support this amendment, but I will be moving a further amendment, which I believe you are aware of.

Amendment carried.

**The Hon. A. PICCOLO:** I move:

Amendment No 1 [Police-1]—

Page 14, line 4 [clause 5(2), definition of *self-loading firearm*]—

Delete 'double barrel shotgun' and substitute 'shotgun that is a category A or B firearm'

I think that clarifies it and achieves the same aim.

**Mr GARDNER:** This arose out of discussions between the government and opposition in relation to this very matter that was dealt with in the previous amendment. We had a proposed amendment that was inferior in its application to the government's amendment that has just been moved. Therefore, the opposition supports the government's amendment, which completes the virtuous cycle of what was moved in the last amendment.

Amendment carried; clause as amended passed.

Clause 6.

**Mr GARDNER:** Clause 6 deals with the possession of firearms. This is not the only place where the general defence issue comes up, but I think it is the first one, so we will deal with it here a little bit. I note that the Law Society identifies that clause 6 is concerned with possession of firearms. The Law Society states:

The Society suggests that the clause 6(3) defence should apply to clause 6(4). The intention may be that it does apply. If so, this should be made clear on the terms of this section. If not, the Society submits that it would be inconsistent and unfair if clause 6(3) did not apply to clause 6(4) in light of the availability of the defence to clause 6(2)(d).

The point is that clause 6(3) provides a defence in the case where somebody did not know, and could not reasonably be expected to have known, that the item was on the premises or the item was in the lawful possession of another. The point of the general defence is to prevent inadvertent mistakes from being unduly harshly dealt with. I wonder if the minister would like to respond either to the Law Society's comments or to the general principle of whether the general defence should be applicable across the act.

**The Hon. A. PICCOLO:** I advise the committee that a later amendment I will move regarding the general defence will mean that strict liability will not apply to this section, which I think is the concern the Law Society has expressed.

Clause passed.

Clause 7.

**Mr GARDNER:** Clause 7(2) has to do with a fit and proper person. Somebody who is not a fit and proper person is prohibited from possessing or using a firearm. Clause 7(2) provides:

A person who has a physical or mental illness, condition or disorder, or in relation to whom other circumstances exist, that would make it unsafe for him or her to possess a firearm or ammunition is not a fit and proper person for a purpose under this Act.

In particular, the Law Society identifies:

...the words 'or in relation to whom other circumstances exist' require some clarification. It is not clear what 'other circumstances' is meant to include. A physical or mental illness can be properly diagnosed, but 'other circumstances' is broad and ambiguous. Because these words are found within a section that deals with the mental or physical attributes of a person, it is presumed that 'other circumstances' is meant to encompass something in addition to physical or mental.

The minister may be able to identify whether that was the wording that was in the previous act, but if it was not in the previous act then what is meant by 'other circumstances'?

**The Hon. A. PICCOLO:** This additional provision came about in our discussions with the medical profession. There are some illnesses, etc., which are quite clearly defined but there will be

instances where a person who does not have a clearly defined illness may not be fit to handle a gun. The advice from the medical profession is that we should allow some scope to deal with those things that are not specific—a person who does not have the functionality to hold a gun or manage a gun properly. Again, I just remind members that, in giving this wider scope, it is still one of those things that is subject to review.

**Mr PEDERICK:** A fit and proper person—does that mean that a person who may have been found guilty of a drink-driving offence would be found not to be a fit and proper person?

**The Hon. A. PICCOLO:** A person who just has a drinking offence in itself is not a person who would not be fit and proper. But if a person, for example, has a history of alcohol-related issues—

**Mr Pengilly:** Crime?

**The Hon. A. PICCOLO:** Well, no. A person who may have an alcohol problem, which may include drink-driving or other things, may be a person who may not be fit to hold a gun licence because obviously there are going to be times when they are not going to be able to control the firearm. In itself, the answer is no, but you have to look at the whole context. Does this person drink on a regular basis? Is that a person we want to have a firearm licence?

**Mr TRELOAR:** Minister, that seems a bit vague to me still. Who makes that judgement about whether a person is fit and proper?

**The Hon. A. PICCOLO:** We would actually seek medical advice on that. I also just remind members that this is actually part of a coroner's recommendation, in one of their reports regarding people having ownership of firearms.

**Mr PENGILLY:** I am not quite sure that I have got my head right around that. It seems to be a bit of a narrow answer and I would like it broadened out a bit, if possible. If the minister wants to bring that back, that is fine, but I think it is too holistic and it really does not stipulate just who will not be considered as an appropriate person.

**The Hon. A. PICCOLO:** You are not going to have a black-and-white answer to this question, unfortunately, because the registrar has to balance and weigh up a whole range of factors. A drink-driving offence would be one of the factors they would take into account. The advice that I have received is that if one drink-driving offence was the only mark, if you like, against this person, it would not prevent them from being a licence holder. However, if drink-driving was then combined with other matters—for example, medication or drugs or something—then those things will all have to be taken into account.

I remind people that in the end we would actually seek medical reports to do that. We have already sought medical reports, to get a doctor to say whether a person's ability to actually hold a licence is appropriate or not. In the end, if we were to reject it, it would be subject to appeal or a review through SACAT.

**Mr PENGILLY:** I do not want anyone who has a bad history of alcoholism or drugs or whatever running around with a firearm. I do not have an issue with that. But if I, for example, committed that sort of drama eight, nine, 10 years ago and had been perfectly clear ever since, that should not exclude me from being in the position where I can have a licence.

**The Hon. A. PICCOLO:** I agree with you. Clearly, the intent of the legislation is to say: is this person, at the time they apply, a fit and proper person? If that person did have, as with your example, an alcohol-related problem, but gets a certificate from a doctor saying he has been alcohol-free or has not had a problem for eight years, there is no reason why the registrar would not allow it, all other things being equal.

But I agree with you that you do not want a person who has a serious alcohol problem now or a problem with drugs, and it will not be black and white. You cannot say it is one week or one month. It is a case that the doctors make a judgement or provide some advice and that is why we ask for medical reports to say that this person is not fit to hold a licence. There are a whole range of other issues which flow from giving firearms to people who may not be of—

**Mr Gardner:** They may not be fit and proper.

**The Hon. A. PICCOLO:** That is right, yes.

**Mr TRELOAR:** Sorry to dwell on this point, but it is the registrar who makes that decision.

**The Hon. A. PICCOLO:** Yes.

**Mr PEDERICK:** I am just a bit concerned because this is one of those grey areas if someone had a bent against someone in the community. For example, they might observe someone in a hotel and this other person might not just be a gun owner, they might be a small-time dealer or something like that, or a licensed regulated dealer and they might take offence. They might see this person in the pub perhaps two or three times a week and they might have a vexatious issue with this person and report that. We do not want people who should not have guns holding guns or dealing in guns, let me say that, but it seems that some of these decisions have been made on the spot by perhaps a local police officer visiting the home or somewhere else.

**The Hon. A. PICCOLO:** The police would be aware of vexatious complaints. They get them now from a whole range of people. That happens now, unfortunately, but what I can say is, if you like, for the person who was seeking the licence, we would seek independent medical verification of some sort. That could be a family doctor or an appropriate specialist depending on the case. It is grey, but you cannot make it black and white. In a bill you cannot determine ahead of time all the exact examples which you may or may not have because each example is quite different, and the fact that you make an assessment is actually fairer. You could be unfair by having some really black and white rules.

**Mr VAN HOLST PELLEKAAN:** Clause 7(2) refers to a person who has a physical or mental illness. I want to ask you about the physical side of it. Can you give some examples of why a person might be excluded from being a fit and proper person because of physical illness?

**The Hon. A. PICCOLO:** We have a number of people who have a physical illness who are world champions and that is not an issue. It would be a case where a person's physical disability would not enable them to control a weapon or a firearm properly. As an example, it might be some sort of spasm which means that you shoot somewhere you should not shoot. That is the sort of case.

In itself, again, it has to be based on whether the physical disability is one which actually impacts on a person's ability to control a firearm properly. If you are in a wheelchair, in itself, that would not preclude you because you can still hold a rifle and shoot a firearm, etc., but if you had an illness, for example, which impacted on your ability to hold a gun or control a firearm, then that would be an issue which both the doctor and registrar should take into account.

**Mr VAN HOLST PELLEKAAN:** I know that you, like myself and all of us here, would want to support people to excel as much as possible with disabled sports, and we know that the various firearm disciplines are areas that allow people to do that. I know the registrar, at the end of the day, would be the person with the final decision, but it would be a very difficult area for a firearms registrar, who would not necessarily be an expert with regard to physical disabilities, to decide who should or should not of those people with a physical disability have the opportunity to try to pursue firearms as a sport. How would you see that being dealt with?

**The Hon. A. PICCOLO:** In the end, one has to balance, if you like, the right of the individual and the right of the people around that individual to safety, and the registrar would have to make some sort of judgement, and that judgement would be made based on appropriate medical advice. The registrar would not just make his or her own judgement; they would act on reports from appropriate doctors, but it may also include the circumstances that that person is in.

Also, as I said before, the registrar makes the decision but the final arbitrator would be SACAT, if the person believes that they have been denied properly a licence when they should have received a licence. That could be independently reviewed, and one of the powers that the registrar would have is the power to seek medical advice, so a person who has a disability or who may fit into this category would be required to provide medical evidence to suggest or support their claims that they can control a firearm properly, as they have to do now.

**Mr VAN HOLST PELLEKAAN:** Would it be fair to say that, if a person with some sort of physical disability that could impair the way that they can handle a firearm said that they wanted it for hunting, that would be viewed differently to if the person said they wanted it for sporting purposes

within a clearly structured disabled sporting context? It would not necessarily be the disability that would make the difference, it would be the purpose and the available structures within which they could pursue that purpose that would be considered.

**The Hon. A. PICCOLO:** That is correct, I am advised, and that is why we ask why or for what purpose the person seeks a firearm, so that would be taken into account, yes.

**Mr PENGILLY:** On that same matter, minister, I can see, and I know a number of people, as probably others in here do—

**The Hon. A. Piccolo:** Can you speak up?

**Mr PENGILLY:** You are not as deaf as I am. I know people who are acutely mentally on top of everything but are physically in that position when they are in a wheelchair or for some reason by way of accident. I do not know where this is going to end up down here, but I know when it gets to someone in another place, they may have a different view of the world. I say to you, is it indeed not discriminating against somebody who through no fault of their own has a physical disability but is mentally highly cognisant to say that, 'No, they will not be able to get a licence without going through a lot of drama and a lot of medical reasons to be able to, if they want, to be able to use a firearm.' I think you are open to it.

**The Hon. A. PICCOLO:** My answer would be no. The reason the registrar would seek medical advice would be to say, 'Is that person able to demonstrate they can actually do that?' It is not only about a person with disability; there is a whole range of things. You may need to get independent advice to satisfy a registrar that you actually are a fit and proper person. It is not just about physical or mental ability, it is a whole range of things.

In the end it is the registrar who has to make a judgement about the safety of the community about whether a person should have a firearms licence or not. Again, that is balanced against that person's right to review. In effect, if you are seeking any independent advice, on the face of it you would discriminate against that person for whatever reason, but the reality is that the registrar has a responsibility to make sure that only fit and proper people have a firearms licence.

**Mr GARDNER:** In relation to the 'fit and proper person', and I think this is my last question on this clause, 7(3) identifies a series of things that may mean that somebody is taken not to be a fit and proper person which all rely on a finding of fact, usually by a court, or indeed a determination by a police officer that somebody needs an intervention order. But then at 7(5):

A person may be taken not to be a fit and proper person...if the person has made a threat of violence, or stated the intention, or sought, to acquire or use a prescribed firearm or any firearm for an unauthorised purpose.

This is particularly an issue that the Law Society has raised, so I imagine the minister probably has had some time to think about this.

As far as the Law Society is concerned, they do not identify that a finding of fact is clearly established there. Can the minister identify whether that is to be determined by a court, or if it is to be determined by a registrar, that somebody has made a threat of violence or stated the intention, etc., how is the registrar to make that determination? What is the threshold for them to be convinced?

**The Hon. A. PICCOLO:** In terms of the member for Finniss' earlier question, can I just finish that off? The Registrar of Motor Vehicles at the moment has the power to ask a person to provide medical evidence if they are to retain their licence if they are fit and proper person to drive the vehicle. That may be because of an illness, a whole range of things. That is no different to a similar test where you are required to give medical evidence to support it. You use it for driving a vehicle; you have to be a fit and proper person, in effect, until we get medical advice. Again, the registrar has to be satisfied that that person is fit to drive.

I will explain why this provision has been included. It is for people who are threatening self-harm. It is not a criminal offence to threaten self-harm, but it might be desirable for the registrar to have the power to organise that such a person does not have a licence. A little earlier today we heard about such an example from one of the members.

**Mr PEDERICK:** It is a bit of an observation, and this is in regard to the physical fitness of a person. I like to think sometimes about the ability of a person and not the disability, and I believe that

this was part of a vexatious case. This lad is an ammunition dealer. He is a clay target shooter and he has the proper gear: the Berettas, unders and overs, and all that, and—

**The Hon. A. Piccolo:** Nice firearm.

**Mr PEDERICK:** Absolutely; you have to have real money to buy them. Mine was under \$1,000; they are a bit more than that. There is a little bit of hearsay in this, so just bear with me. He had to put up with what I say was someone who was vexatious in the community who sent people out there because of his slight physical disability—he has to use a crutch. From what I understand, he was fully audited and found to be fine. I guess it can be in the eye of the beholder. In light of that, my question is about people who may have been on an intervention order. Is that for time eternal? That will envelop a whole lot of people over time.

**The Hon. A. PICCOLO:** The answer is not black and white. The clause provides—and this is a very important point—that a person may be taken not to be a fit and proper person. That gives the registrar a discretion. The registrar would take into consideration a whole range of factors. The registrar would have to satisfy themselves that the time for lifting the order has elapsed and consider the issues which gave rise to a whole range of factors. Yes, if the registrar is not satisfied that those things which gave rise to the order have not been passed, that power still exists to preclude a person. All this does is give a person the power to say no, but it does not mean they have to say no. Does that make sense?

**Mr PEDERICK:** I will have another go, if that is all right.

**The CHAIR:** This is a supplementary to your final question.

**Mr PEDERICK:** Supplementary, thank you, ma'am. I am not trying to defend everyone with intervention orders, but it is an interesting way this is written. Paragraph (f) provides:

...is the subject, or has in the past been the subject, of—

There is no end date, there is no sunset clause on that line. Essentially, every time the law can say that no matter whether this happened 40 years ago in a person's life, and they have been a fit and proper person, this can still come up and rule them out.

**The Hon. A. PICCOLO:** That is correct, and I think it is important. The alternative is to say three years, five years, seven years, 10 years, and that sort of arbitrary figure you can get wrong. You just cannot have an arbitrary figure. This section gives the power to the registrar to look at all the factors. It empowers him to say no, but it is not a mandatory power to say no, though—he does not have to say no. He, the registrar—and I say 'he' because it is a 'he' at the moment—would actually say, 'Taking all other factors into consideration this person, at this point in time, is not a fit and proper person.'

I understand what your concern is, but again because it is a 'may', it is a discretionary power which is subject to review. It is not an absolute. For example, in other provisions in the act if you are convicted of a drug-related offence it is no full stop—no discretion. This actually gives, if you like, the registrar discretion, and it gives the discretion because it is acknowledgement that it is not a clear-cut situation; it will have to be on the merits of each case. What you said earlier is correct. I am just trying to put into context how it could actually operate or be implemented.

**Mr PEDERICK:** But it is still to the letter of the law. I find paragraph (f) interesting where it could be a lifetime ban—it could be in the way that is read. I have not found the exact clause just looking at it quickly, but you said that if someone commits a drug offence: does that mean for the rest of their life, if they have been found guilty of one drug offence, they will never be able to be a fit and proper person to hold a gun licence?

**The Hon. A. PICCOLO:** No, there is a statutory requirement to that one; there is a period—

**Mr PEDERICK:** A specific time?

**The Hon. A. PICCOLO:** Yes. There are two things. The provision you are referring to is in the existing act, so it carries over from the existing act, the ones we are discussing. Secondly, for example, with an intervention order, where perhaps the victim of the intervention order moves interstate, that would be a factor to take into account. The registrar may, if you like, decide it is



appropriate to perhaps grant the licence because the person, who was the subject of the intervention order, is now interstate. They are the sort of things it takes into account. It creates a discretion.

The alternative is then to set very hard and fast rules, and you then have a really robust test, because if somebody was going to use a gun and an intervention order had been granted, I can assure you there would be hell to pay. By allowing the registrar discretion enables him to take all factors into account.

Clause passed.

Clause 8.

**Mr GARDNER:** I move:

Amendment No 7 [Gardner-2]—

Page 17, line 21 [clause 8(2)(g)]—Delete '12' and substitute '10'

This amendment clarifies the age limit in the act and ensures that the minimum age is consistent throughout all the various clauses in the act, and encourage members to support the amendment.

**The Hon. A. PICCOLO:** I can advise the committee that the government will support this amendment that changes the age that a child can start shooting under the continuous supervision of a recognised coach to 10 not 12. The Sporting Shooters Association have suggested the amendment as they want younger people to get involved in the sport, and we are happy to support that amendment.

**Mr GARDNER:** I also clarify that I think it continues the existing age.

Amendment carried.

**Mr GARDNER:** I have a question in relation to issues relating to executors and administrators. Clause 8(2)(k) specifically talks about this group of people, and in clause 8(2)(k)(i) requires that executors or administrators provide the registrar with written notice and so forth not more than 21 days after coming into possession of the firearm and then requires the disposal of the firearm as soon as practicable, but in any event, within 28 days of the person coming into its possession.

I note that a number of stakeholders—and I am particularly looking at correspondence from the Antique and Historical Arms Association of South Australia right now, but others have also—have raised the question of whether this is enough time for an executor to deal with estates involving firearms. As with pretty much every question I raise tonight, if it is a matter that is carrying over from the existing act, then that is useful to know. In this one, because some people have identified that it is not enough time, does the government have any particular basis for those time frames in mind?

#### *Parliamentary Procedure*

#### **VISITORS**

**The CHAIR:** While the minister is considering his answer, I would like to acknowledge the presence in the gallery this evening of members from the Professional Firefighters Foundation and from the CFS Foundation, who are guests of the Minister for Emergency Services. I hope they enjoy their time with us here in parliament and we thank them for their dedication and commitment to the community.

#### *Bills*

#### **FIREARMS BILL**

#### *Committee Stage*

Debate resumed.

**The Hon. A. PICCOLO:** The only answer I can provide on this question is that this was one of the things that was discussed quite extensively during the round tables. There was a consensus that these sorts of time frames were appropriate. I am not saying that everybody agreed, but certainly there was a consensus.

*The Hon. T.R. Kenyon interjecting:*

**The Hon. A. PICCOLO:** Nearly a consensus. It is a case of: you are an executor, you are appointed an executor, and we think this is 21 days. You have to remember that you have a period of time when you want to make sure that the gun is in lawful hands.

**Mr VAN HOLST PELLEKAAN:** On clause 8(2)(j)—transport and storage businesses—which also has a connection to clause 9, but I am asking specifically about this clause, this is essentially saying that it is okay to be in possession of a firearm if it is part of your usual business for transport and storage.

Are there any obligations that go with that for the transporter or the storer? Understanding that the primary responsibility goes with the owner of the firearm, for somebody who might be transporting or storing a firearm in the course of their usual business, are there any obligations upon that person over and above what they would normally do to transport or store any other item?

**The Hon. A. PICCOLO:** That provision states that a transport operator does not require a licence to transport and store it in the truck, but the issue of the requirements will be met under the code of practice, and that will be negotiated. Once this bill has passed, that will be part of the code of practice in terms of storage and security issues, and that will be one of those things Mr Rob Kerin will look at through the process of talking to industry and stakeholders to work out the best way of doing that. The answer is that I do not know at this point in time whether the requirement will be higher, lower or the same. That will be something which will be negotiated through that second process.

**Mr VAN HOLST PELLEKAAN:** So, the obligations for the transporter and storer who is not the legal owner are subject to those further discussions?

**The Hon. A. PICCOLO:** Correct.

**Mr VAN HOLST PELLEKAAN:** Clause 8(3)(d) provides:

- (d) 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 that going to be a .05 measure like driving or a boat, or is it going to be as open ended as it is that somebody must judge whether that person was capable regardless of the amount of alcohol they might have consumed, or is it something that is to be resolved later, just like the transport and storage?

**The Hon. A. PICCOLO:** This provision also relates to one of the other clauses, but in essence it basically says that one of the factors is being impaired by intoxication or drugs, and that will vary from person to person. For example, I am a very light drinker—

**The CHAIR:** From the seat of Light.

**The Hon. A. PICCOLO:** —from the seat of Light, of course—and if I had what some of my friends drink I would be on the ground paralytic, but they can walk in a straight line. So, the test has to be not so much the alcohol but the person's—

**The Hon. T.R. Kenyon:** Two beers.

**The Hon. A. PICCOLO:** Unfortunately, yes. If you go to clause 42(3), that provision can be read in conjunction. This is how they define it:

- (3) Without limiting subsection (1) or (2), a person is incapable of exercising effective control of a firearm if, owing to the influence of intoxicating liquor or a drug, the use of any mental or physical faculty...

In short, an officer would have to make a judgement. That is the existing provision of the act, and we are just carrying that forward.

**The CHAIR:** Is this a supplementary for your final question?

**Mr VAN HOLST PELLEKAAN:** Yes, thanks, Chair. Minister, I am not saying it is right or wrong, but I guess I am just looking for a bit of clarification. When it comes to driving, it is pretty straightforward: we all know it is .05. When it comes to boats, it is .05. It would be presumably very

difficult to determine whether a person were capable or incapable because of alcohol, particularly given that, in many situations where that judgement would have to be made, it would be made post fact. Do you know what I mean?

If somebody was at a shooting range, or out hunting, or doing whatever they might be, it is unlikely that that the person making the judgement is going to be right there with some sort of professional capacity. To clarify, it is not a strict .05; it is going to be a judgement that would be made by somebody after the fact.

**The Hon. A. PICCOLO:** I do not wish to correct the member, but that provision is actually in the traffic act now. There is 'driving under the influence' and there is also the prescribed amounts. You can still be caught driving under the influence outside the prescribed amounts, so that is a judgement which officers already make in relation to traffic matters as well.

**Mr VAN HOLST PELLEKAAN:** So it will generally be wide open for an officer to make that assessment?

**The Hon. A. PICCOLO:** Well, they will have to make an assessment of judgement, that is correct.

**Mr GARDNER:** In relation to 8(2)(g), which is to do to with junior shooters on the grounds of a shooting club. The exemption here identifies that junior shooters are indeed able to participate in shooting clubs and so forth, and there are a range of areas in the act where this is relevant. Clause 8(2)(g)(i) requires that the person is a member of a shooting club.

My understanding is that a number of shooting clubs would not classify a junior shooter as a member of their club. They might be somehow affiliated, but they would identify that members of their clubs, potentially, with voting rights, for example, are somebody who is over 18. Perhaps the minister's answer will provide all the clarity that is needed, especially if it is in the existing act, but I want to be certain that this does not preclude somebody who is understood to be a participant in a shooting club as a junior shooter, but who is not formally a full member of that club and is going to be assisted by this exemption clause.

**The Hon. A. PICCOLO:** The answer is yes, they will be required to. That is actually carried forward from existing regulation 24; that is an existing law.

**Mr GARDNER:** So the exemption does not apply to visitors of a club who are under the age of 18?

**The Hon. A. PICCOLO:** No, they need to be a member of a club with a coach. That is not a new provision.

Clause as amended passed.

Clause 9.

**Mr GARDNER:** Clause 9(7)(a)(ii) introduces a term—actually, this may be in the current act, but perhaps the minister can provide some clarity because a number of people have raised concerns about the definition of 'immediate vicinity'. The bill provides:

- (7) An offence under this section is an aggravated offence if it has been proved that—
- (a) the firearm to which the offence relates was...
  - (ii) in the immediate vicinity of ammunition suitable for use in the firearm...

What do we mean by 'immediate vicinity'?

**The Hon. A. PICCOLO:** The member for Morialta was correct: it is a current provision and I will provide the following explanation, as much as I can, to clarify it even further. There is no easy or definitive way to precisely define the concept conveyed by the phrase 'immediate vicinity'.

The word 'vicinity' inherently lacks clarity and specificity as has been emphasised in case law. What I can say is that it is contextual. A thread runs through most legislation where 'vicinity' applies: simply, it must be considered in the circumstances presented. The concept of 'immediate

vicinity' was introduced into the Firearms Act 1977 on 7 February 2014 to amend section 11(7b)(a) which now reads:

An offence against this section is an aggravated offence if it has been proved that—

- (a) the firearm to which the offence relates was loaded or in the immediate vicinity of a loaded magazine that could be attached to and used in conjunction with the firearm;

Unfortunately, the short answer is that it is one of those things that is a question of degree and, if it were an issue, a tribunal or court would make some sort of finding of fact based on the circumstances. As I mentioned, it is an existing provision.

**Mr PEDERICK:** In regard to possession and use of firearms—and this may have been in the old act—subsection (2) provides:

A person who has possession of or uses a firearm for a purpose that is not authorised by a firearms licence held by the person is guilty of an offence.

If I let someone have a shot with my C class shotgun under my supervision, would they be guilty of an offence?

**The Hon. A. PICCOLO:** This is an existing provision in the act, but it actually applies to the licensee and not to the third person. If you use a firearm for a purpose for which you are not licensed, you are committing an offence, but if you hand it to a different person, they are not committing the offence, you are, because you are the licensee of that gun.

**Mr PEDERICK:** So if you give someone who does not even have a gun licence just one shot—and it does not matter what category it is: it might be an A, B or C class rifle or shotgun—you are essentially committing an offence?

**The Hon. A. PICCOLO:** Are you referring to just one class of firearm or any class of firearm?

**Mr PEDERICK:** Perhaps you could explain. It could be an A, B or C and obviously the categories get heavier as you go up.

**The Hon. A. PICCOLO:** It is actually quite clear. If you supervise a person who is not licensed but you use the firearm for a purpose for which you are licensed, it is not an offence. You only create the offence when the firearm is used not for the right purpose. The person is exempt and they are covered by your supervision, so they are not committing an offence.

As an example, if you are licensed for hunting or target shooting and you use it for some other purpose for which you are not licensed, that is what this is about. You are using it for a purpose for which you are not licensed. The fact that you have given it to somebody else is not the issue. It is the fact that you are using it, or allowing it to be used, for a non-licensed use.

There is an exemption for the person you are allowing to use the gun, as long as it is used for the purpose which you are licensed to use it for. In other words, if you are a clay shooter and the person wants to use it for clay shooting, and you are supervising that person, there is no issue. However, if you are the licensed person and you are licensed for another purpose, and they are using it for a purpose which you are not licensed for, you are committing an offence.

**Mr PEDERICK:** Thank you for clearing that up. I understand that would include those three categories A, B and C, and possibly even D.

**The Hon. A. PICCOLO:** It is A, B and H.

**Mr PEDERICK:** That makes it even more interesting. If I let an unlicensed person have a shot with my C-class shotgun, which I have admitted I have owned to the public, that is committing an offence, is it?

**The Hon. A. PICCOLO:** Yes, it will be under the new bill.

**Mr PEDERICK:** That is interesting.

**The Hon. A. Piccolo:** Perhaps you don't want to say too much more.

**Mr PEDERICK:** No, I am not admitting to anything. I am saying 'if I did'. I am not admitting to a thing, minister.

**The CHAIR:** This is all hypothetical.

**Mr PEDERICK:** This is all very hypothetical. Thank you, Chair.

**The Hon. T.R. Kenyon:** And also privileged.

**Mr PEDERICK:** Yes. It is good to have this debate. So A and B firearms are fine.

**The Hon. A. Piccolo:** And H.

**Mr PEDERICK:** And H, but C and D are not. Thank you.

**The Hon. A. PICCOLO:** I assume it is not an issue because it has not become an issue under current law.

**Mr PEDERICK:** It is just good to get clarity.

Clause passed.

Clause 10.

**Mr GARDNER:** I refer to clause 10(2), which provides:

For the purposes of this section, a person who purchases or sells more than 20 firearms or more than 20 firearm parts in any 12 month period will be taken to be carrying on the business of a dealer...unless it is proved that the person was not carrying on such a business.

I have a couple of questions in relation to this. Would SAPOL have figures on how many individuals in South Australia have purchased or sold more than 20 firearms or more than 20 firearm parts in the last 12 months?

**The Hon. A. PICCOLO:** We do not have that to hand, but they can get that information. That information is manually collected. We are not quite into the IT world yet.

**Mr GARDNER:** That raises a whole other slew of questions that the minister can potentially put to the Treasurer in the budget cycle when we are dealing with the rollout of project Shield to Firearms Branch, which we all encourage to happen as quickly as possible for everyone's benefit. I think the minister has just identified that it is an existing provision. While I might have other questions, I will have a think about them and maybe suggest them to an upper house colleague.

Clause passed.

Clause 11 passed.

Clause 12.

**Mr GARDNER:** I move:

Amendment No 8 [Gardner-2]—

Page 24, line 16 [clause 12(5)]—Delete ', if the Registrar so determines'

One of the things that has come out of a number of the issues of feedback has been the opportunity for the registrar to make decisions of their own judgement when the act, and potentially even (depending on how they come out) the regulations, may be silent on certain matters. This has been presented to open up the interpretation of the act to subjectivity in a manner that is more than is desirable.

The fact of the matter is that a large number of the suggestions that have been put forward as to removing the registrar subject to decision-making powers in the act over the course of consultation have shown that these are mostly almost entirely areas where the registrar currently has that discretionary power.

As I have previously identified, the opposition—except in some fairly specific circumstances which are opened up by nature of the way the act has opened up certain new areas—is not looking to remove any public safety opportunities that currently exist. However, where the registrar's powers are to be expanded, the opposition is eager, as I said in my second reading speech, for things to be in the act rather than in the regulations, and prefers things to be in the regulations rather than in the subjective decision-making power of the registrar or the delegate.

Reducing subjectivity, by and large, is a positive. This identification is not going to create a huge amount of difference in the application of the act, the amendment that is proposed, but in the deletion of the words 'if the registrar so determines'. I think it does identify a symbolic identification, and this is in relation to clause 12(5), which provides:

A firearms licence may, if the Registrar so determines—

(a) indicate the purpose for which a firearm may be possessed under the licence by specifying—

and various things. The fact is that the act should just clearly say that a firearms licence may do those things. The inclusion of the words 'if the Registrar so determines' is not helpful and we suggest that they should be deleted.

**The Hon. A. PICCOLO:** We believe that the amendment proposed by the opposition will have no adverse consequences and we are happy to support it.

Amendment carried.

**The CHAIR:** Are there any questions on general clause 12?

**Mr TRELOAR:** If I may, I ask that we go back to clause 10 for a question.

**The CHAIR:** No, that is too long ago, unfortunately. What is your question?

**Mr TRELOAR:** It relates to dealers and the definition of a dealership.

**The CHAIR:** It is a long time ago.

**Mr TRELOAR:** Well, it's not really.

**The CHAIR:** It is as far as the clauses go.

**Mr TRELOAR:** It is two clauses.

**The CHAIR:** It does not matter, we have already passed it. What is your question and we will see if we can help you.

**Mr TRELOAR:** My question is in relation to the definition of a dealer. The minister has defined quite clearly here that a dealer is somebody who purchases or sells more than 20 firearms in a year or more than 20 firearm parts in a year. I put it to the minister that there are collectors who may buy, swap or sell well in excess of 20 parts, as collectors do in any hobby. Would they be caught up and be defined as a dealer under this definition?

**The Hon. A. PICCOLO:** I thank the member for his question. I have just two points. One is that that is an existing provision of the current act. The second one is that there is, if you like, a 'defence'; the person can actually then prove that they were not carrying on a business or dealing. They have to somehow demonstrate to the registrar that they actually are a collector. The registrar will look at that person's collection, etc., and be satisfied.

**Mr Gardner:** Presumably in the manner they do now.

**The Hon. A. PICCOLO:** Exactly, yes.

Clause as amended passed.

Clause 13 passed.

Clause 14.

**Mr GARDNER:** Clause 14(1)(c) provides:

An application for a firearms licence...must be accompanied by the application fee prescribed by the regulations.

It appears here, and there is a similar clause further on which we will just touch on for clarity.

The member for Unley currently has a bill before the parliament which deals with a circumstance that has arisen through legislative language not entirely dissimilar to this, which says that because the Unley council wants to set a parking fee of zero on some of their regulated roads, the legislation does not allow them to do that because it says that there must be some level of fee,

so the parliament is acting—and I believe the government is supporting us—to enable the fee to be set at zero. I was going to propose an amendment that added the word 'if' before this, so it must be accompanied by the application fee if prescribed by regulations.

The minister may take this opportunity to confirm, if he likes, that if the government decision is that the application fee for, in this case, a firearms licence, should be zero for a certain category of people, that this clause does not prevent that from happening. The question is: if a minister wants the fee for a certain class of licence to be zero in the regulations, will that be able to happen?

**The Hon. A. PICCOLO:** I am advised that yes, we can prescribe that. You may be aware that we indicated that the fee to register a deactivated gun would be zero. That is the intention of the scheme and the advice from parliamentary counsel is that you can actually prescribe a fee for a particular item as zero.

Clause passed.

Clause 15.

**Mr GARDNER:** I move:

Amendment No 9 [Gardner–2]—

Page 26, line 25 [clause 15(6)]—After 'refusal' insert 'within 28 days of the decision to refuse the application'

This amendment is to give a time frame of 28 days after the refusal of an application so the registrar must 'by written notice served personally or by registered post on the licensee, notify the licensee of the refusal'. I think it is unreasonable for a licence seeker, having applied and a decision made that there is going to be a refusal, then not to have some finality on the matter. If the registrar has made the decision, we want there to be written notice served within 28 days.

I identify and thank again, as I had previously in the second reading speech but it was late in the hour when we were dealing with this, the SAPOL officers who provided briefings, did an excellent job and were available on a range of occasions for us. They suggested at the time that 28 days was not unreasonable, so I support the amendment.

**The Hon. A. PICCOLO:** I can indicate that we support the amendment. We believe that 28 days is a reasonable period as well.

Amendment carried.

**Mr GARDNER:** In relation to clause 15(5):

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

Prescribed offences are to be identified in the regulations. Can the minister clarify what sort of offences are set to be prescribed and, in particular, I would not mind an indication that we are not talking about expiable offences or offences that might attract some sort of diversion and that we are talking about serious offences?

**The Hon. A. PICCOLO:** I will answer the first part. Yes, if it is an expiation notice that is not an offence that would cover that area, but there will be a range of other offences. If you really wish to get an indication of what the parameters would be, it is covered by the current regulation 5A under fit and proper person. That lists all the various offences which basically say when you are not a fit and proper person and that is for the five-year period. Having said that, that is a regulation which, again, there will be a whole range of consultation on before it is finalised.

**Mr VAN HOLST PELLEKAAN:** Minister, clause 15(7) talks about the fact that if the registrar essentially wants to refuse an application, the registrar is not required to provide a reason for the decision. Would it be fair to say that the registrar will provide information unless there is a reason to withhold the explanation?

**The Hon. A. PICCOLO:** The provision actually works in a way that the registrar has to, unless there is a specific purpose listed, and it would be stuff like police intelligence in this case. So basically the provision works that, yes, the registrar has to provide a reason unless those provisions are there.

Clause as amended passed.

Clause 16 passed.

Clause 17.

**Mr GARDNER:** Clause 17 deals with terms and renewal of licences, and in particular identifies that, subject to this act, a firearms licence remains in force for terms not exceeding five years but with the opportunity for regulations to prescribe different times. I have particularly identified the correspondence from the Sporting Shooters Association which identifies a question of why, I believe, the regulations allow for up to five years but presumably there are a range of licences that are thought to be less than that, and I think in the briefings provided, we identified that some were three years. Can the minister identify why there would be a different range of licence expiry times and whether or not there might be some saving of time and money in having a standard maximum term?

**The Hon. A. PICCOLO:** Class D and H firearms at the moment are one year. We are proposing to make them three years, but once we have the systems in place, we are seeking to make them five years, and this just helps us get to that point.

**Mr GARDNER:** I will ask a supplementary question, then. When does the minister envisage the necessary IT systems to be in place?

*The Hon. A. Piccolo interjecting:*

**Mr GARDNER:** A supplementary question, sir.

**The CHAIR:** He might think it is a supplementary; I have not decided if I am going to call it that.

**The Hon. A. PICCOLO:** We are seeking to do it in the next 12 to 18 months but I cannot be more definitive than that. I would get in trouble with my cabinet colleagues.

Clause passed.

Clause 18.

**Mr GARDNER:** I refer to clause 18(3):

A firearms licence is subject to (in addition to the limitations and conditions prescribed by other provisions of this Act)—

- (a) any limitations or conditions prescribed by the regulations; and
- (b) any limitations or conditions imposed by the Registrar.

I think this is a carryover from the current act from memory, but I wonder if the minister, as a point of principle, can identify why there might be advantages in having the registrar able to set limitations or conditions in addition to those in the regulations because, as I have identified before, when subjectivity comes into it, sometimes people feel the decision has been governed by a subjective approach rather than one that is more clear that might be governed just by the regulations.

**The Hon. A. PICCOLO:** In this case it is actually to provide more flexibility. The regulations will prescribe certain situations in which a person may not meet the test. The idea of the registrar having some flexibility may be where the person may not meet one criterion but, by having other conditions, may meet that criterion in another way. It is designed to be more flexible and reduce red tape.

**Mr VAN HOLST PELLEKAAN:** Minister, my question is about exactly the same area. Having heard your answer, I appreciate the extra flexibility. Would it be fair to say that if the same reason for flexibility or the same situation or circumstances arose, those circumstances would very quickly become part of the regulations, that if the registrar had a reason to be making the same types of decisions in a fairly regular way the government would put those circumstances into the regulation so that essentially any limitations or conditions imposed by the registrar would become the unusual one-offs for greater flexibility?



**The Hon. A. PICCOLO:** It is designed to perhaps deal with those cases that do not fit the normal criteria. What I can say, though, is that the discretion has to be exercised in a fair and reasonable manner and, again, that would be subject to review. In answer to your question, no, it would not become the norm because it is unlikely that you would have a repeat of these cases.

These cases are designed to deal with exceptional cases, and I will give you an example. If we have a particular issue with a particular dealer, to allow that dealer to still continue, which under normal circumstances they may not be able to, they might say that at any one time they can only hold so many guns in stock. That may be a specific condition which the registrar could impose to enable that person to continue to trade.

Clause passed.

Clause 19 passed.

Clause 20.

**Mr GARDNER:** Under clause 20(8), the registrar may 'suspend the licence pending an investigation as to whether grounds exist for action against the licensee'. There does not seem to be any time limit on how long the suspension may be in place. I assume that is because if the reason for the suspension, for example, is that there might be some court case, the practice in South Australia under the present Attorney-General's reign has been that court cases are often taking much longer than six months, so there might be a disadvantage in having a time limit for the licence holder. Can the minister confirm what capacity the licence holder has, if any, to appeal against the suspension of their licence in 20(8)?

**The Hon. A. PICCOLO:** It is reviewable under clause 47(1)(d).

**Mr VAN HOLST PELLEKAAN:** For clarification, what does that mean, 'It is reviewable'? I think—

**The Hon. A. PICCOLO:** A person can lodge an appeal to SACAT and say that it is unreasonable or that they want a decision made.

**Mr Gardner:** So SACAT could overrule it?

**The Hon. A. PICCOLO:** Yes.

**Mr VAN HOLST PELLEKAAN:** But, without an appeal to SACAT, the registrar could potentially suspend the licence, pending an investigation, for an indefinite amount of time?

**The Hon. A. PICCOLO:** The reason we have done that is that, if you cannot deal with the matter within the period of the suspension, the only alternative SAPOL would have would be to cancel the licence altogether. It is a case of allowing the suspension to continue, which means it can then be reinstated or, if we cannot finish the investigation in time, the only alternative for the registrar would be to cancel that licence, which means the person has to go through the whole process again to get their licence renewed.

It is designed to provide some flexibility but, that said, it is still subject to review. If the person is aggrieved and thinks it has taken an unreasonable amount of time, they can then seek an order from the tribunal without the need to cancel.

Clause passed.

Clauses 21 and 22 passed.

Clause 23.

**Mr GARDNER:** In relation to clause 23(1)(c), I want to get on the record the minister's confirmation that the application fee to be prescribed by regulations may, indeed, be zero if that is the decision that is taken, and that the way in which this is drafted does not preclude that fee from being zero, if the decision is chosen.

**The Hon. A. PICCOLO:** The zero fee could be prescribed in the regulations if that is considered appropriate, yes.

**The Hon. T.R. KENYON:** Clause 23(3)(d)(ii) provides:

- (ii) a genuine need to acquire the firearm that cannot be met by a firearm already in the possession of the applicant;

If, for instance, I went into purchase a .22 or something similar for my children, to hand it over to them when they turn 18 or when they are old enough to own a firearm in their own right or are licensed to own a firearm, if I had three kids and wanted to buy three .22s, for instance, for them, would that be seen to be a genuine reason or a genuine need to acquire a firearm whilst having my own .22, for instance, in my possession?

**The Hon. A. PICCOLO:** If it is a class A firearm, you do not need a genuine need. If it is another class, you need to demonstrate a genuine need, and that would be a question of fact or other circumstances.

**The Hon. T.R. KENYON:** So, the circumstances I mentioned?

**The Hon. A. PICCOLO:** The circumstances would be that if you were seeking to supervise a younger person to shoot, to use a firearm, you would have to satisfy the registrar that you would be able to shoot your rifle or your firearm at the same time that the other person was as well, for example.

**Mr van Holst Pellekaan:** That is a 'no' then?

**The Hon. A. PICCOLO:** No, I am saying that in itself it is not sufficient, and I will give you an example. If I had a firearm and I was supervising my son—he was under the age, etc.—I would need to satisfy the registrar that both he and I could have a gun at the same time and use it safely, and then it would be yes; if not, you would have to demonstrate need. But that is only for other classes; for class A, you do not have to demonstrate a genuine need—and most of those, I would have thought, would have been covered by class A firearms.

**Mr PEDERICK:** Let's say, for instance, it was a military collector. I have not checked which class a .303 would be, a bolt-action 10-shot magazine, but if they were to have a World War I .303 rifle and wanted to purchase another one, for its history more than anything and to put the odd shot through it, would that be caught up in this provision?

**The Hon. A. PICCOLO:** If they are a genuine collector and a licensed collector, there is a genuine need there, but you also have to remember that, with collectors, the other control is around ammunition, so there are some safeguards there. That is why it is different.

**Mr PEDERICK:** Just on that, if you were just a run-of-the-mill gun owner and you wanted to have possession of a World War I .303 and a World War II .303, are you saying that would not be able to happen?

**The Hon. A. PICCOLO:** The person you are referring to is a collector?

**Mr PEDERICK:** Not necessarily. It could be someone just for history's sake who wanted to have in their possession a World War I .303 and a World War II .303.

**The Hon. A. PICCOLO:** You would overcome that by getting a collector's licence first, then that would be the reason and then they would have the genuine need to purchase it. You are either a collector or not a collector. If the purpose of your—

**Mr Pederick:** You would be a pretty small-time collector.

**The Hon. A. PICCOLO:** But if it is for the purpose of collecting, you have to have a collector's licence, which makes sense. There are two parts to the requirements. One is you need to have a genuine reason—in other words, you have a licence which enables you to do that—and second would be the genuine need to do that, which means you need this additional firearm because it is a certain type of firearm, etc. What I am trying to say is, if you want to have it for the purpose of being a collector, then you have to have a collector's licence.

**Mr PEDERICK:** Thank you, minister. This could get fairly ambiguous, I think, because a lot of farmers may have a single-shot (I am talking 12-gauge) shotgun, they might have an over/under

for clay targets, they might have a side-by-side shotgun and they may also have a C class pump-action, so which one of those would be ruled out in that? They could have five shotguns.

**The Hon. A. PICCOLO:** Under the existing act, you are only allowed to have one C class firearm, and that will not change. The other provisions I mentioned a bit earlier which you inquired about are part of the National Firearms Agreement.

**Mr PEDERICK:** I guess it would get contentious if you had a B class pump-action shotgun and a C class because you probably could not constitute a reason.

**The Hon. A. PICCOLO:** You can have firearms of different classes. You can have a need and genuine reason for different classes. For example, you might want to collect one item as a collector and one to shoot rabbits or something in a different class. That is permitted.

**Mr PEDERICK:** What you are saying is, they would obviously be slightly different, but you could have an A, B, C and D class rifle or shotgun, if so be it?

**The Hon. A. PICCOLO:** If you were licensed for that, yes.

**Mr VAN HOLST PELLEKAAN:** Minister, I think this is the clause to ask this question. It is something I touched on in my second reading speech, and I got an indication from you, I thought, that this was all okay, but I would just like to have this really clarified. At the moment now, if somebody wants to acquire a new firearm—this is separate to whether they are entitled to under the class and purpose, but let's just say they are entitled to it—they need to pay their deposit at a gun dealer, the gun dealer has to go and buy it, put it in the safe, and then they go to the police to ask for their permit to acquire it, and that can take some time. It is an imposition cash flow-wise; there is a risk you may not get your permit. It is a very serious working capital issue for the gun dealers, who might have dozens of these.

Could you confirm, so it is really easy for my constituents, that it will now be possible for a law-abiding, responsible person to go and get their permit first, then take their permit to the gun dealer and say, 'Yes, I have been given permission to acquire this firearm. I would like to buy one please. Would you go and source one for me?' and, so long as that can all be done before the permit expires, that transaction can go smoothly that way and there will be no need for anybody to outlay any money until after they have received their permit?

**The Hon. A. PICCOLO:** There would be a provision in the new act for what we call non-specific purchase. In other words, you will have to talk about the class of the firearm and the type of firearm, but you will not have to give the serial number of the firearm, which you do now. So, you go and get your permit and then go to the gun dealer after—once.

**Mr VAN HOLST PELLEKAAN:** I am sure this is trivial, but just to be really clear: once you have done that, the dealer sources the specific firearm, you get the serial number, you get the make and model and all of that sort of stuff. You then provide that to the police, as the conclusion of the transaction, but you would never have to ask the dealer to source the firearm for you without knowing in advance that you have permission to acquire it unless some other unknown information were to come to light later on?

**The Hon. A. PICCOLO:** Essentially, you go to the Firearms Branch and you get a permit to buy, say, a class B firearm. You take that permit to a dealer, who then sells you a class B firearm. You then have to go to Firearms to register that firearm. Is that how you understood it?

**Mr van Holst Pellekaan:** Yes.

**The Hon. A. PICCOLO:** That is as it is.

Clause passed.

Clause 24 passed.

Clause 25.

**Mr GARDNER:** Can the minister confirm that a firearm refurbishment permit holder may be transferred possession of a firearm in a case where that firearm's refurbishment permit holder is not

in fact a dealer? I ask the question because there has been some level of concern that clause 25(1)(b) specifically refers to dealers but not to firearms refurbishment permit holders.

Is it possible that they are covered by clause 8(2), which includes an exemption for holders of firearms refurbishment permits, thus identifying that in fact they do not need to be mentioned here? I just want to make sure that firearms refurbishment permit holders may be transferred possession of firearms even if they are not a dealer.

**The Hon. A. PICCOLO:** The answer is yes, and it is covered by clause 25(1)(c).

**The Hon. T.R. KENYON:** We are talking about what is colloquially known as gunsmiths, are we not? Is that the term? When we are talking about a 'firearms refurbishment permit holder', would that person be a gunsmith—someone who specialises in the repair of firearms?

**The Hon. A. PICCOLO:** The answer to the member for Newland's question is no, because a refurbisher is different to a gunsmith.

Clause passed.

Clauses 26 to 28 passed.

Clause 29.

**Mr GARDNER:** This clause relates to registered firearms which are required to have identifying marks. My question is in relation to issues that have been raised with me by collectors, in particular, who are contemplating older firearms in their possession.

The identifying mark required by clause 29(2)(a) is a combination of a number and a letter or letters that is of at least four characters and unique to the firearm. The hypothetical collector might have a firearm that is old and unique and does not have a four-letter identifying mark. It might have a two-number mark—for example, 09 might be the identifying mark—and the requirement of four letters or numbers would potentially devalue the firearm significantly.

I note that 29(3) provides the registrar with the opportunity to say that an identifying mark, in the case of the very old firearm that just has a 09 mark, might meet the requirements of clause 29 if the firearm is identified in some other way approved by the registrar. However, it is a purely subjective clause.

*The Hon. A. Piccolo interjecting:*

**Mr GARDNER:** Yes, sure. The opposition has said that it is not going to be stepping back from existing public safety provisions. I think it would be drawing a long bow to suggest that this technical requirement is a pure public safety provision, but the minister may be able to satisfy my concern.

A number of people have identified this concern: if they have an expensive item, they want to know that the registrar will be looking for a way to be inclusive of their needs rather than only in exceptional circumstances allowing them to have their firearm without a four-number mark accepted. In keeping this as it is in the act, can the minister confirm that it is the government's intent that the registrar be as flexible as possible, so long as there is no public safety concern?

**The Hon. A. PICCOLO:** The answer is yes, because the Firearms Branch is not keen to have somebody's firearm devalued. That is why that provision is there.

Clause passed.

Clause 30 passed.

Clause 31.

**Mr GARDNER:** I move:

Amendment No 10 [Gardner-2]—

Page 40, line 34 [clause 31(2)(a)(iii)]—After 'licence' insert '(including, subject to subsection (10), where that person is under the age of 18 years)'

Amendment No 11 [Gardner-2]—

Page 40, line 35 [clause 31(2)(b)]—After 'club' second occurring insert '(including, subject to subsection (10), where that member is under the age of 18 years)'

Amendment No 12 [Gardner–2]—

Page 40, line 37 [clause 31(2)(c)]—After 'club' second occurring insert '(including, subject to subsection (10), where that visitor is under the age of 18 years)'

This is to do with the acquisition and possession of ammunition. All of this is subject, of course, to the exemptions that are identified earlier in the act, so junior shooters are provided for.

However, in subclauses (10), (11) and (12) of clause 31, people under the age of 18 are specifically identified as committing an offence or there being an offence in relation to their purchasing or possession of ammunition. My understanding of the way the act is framed is that they may have ammunition, for example, while they are on the grounds of a sporting shooting club or a range under supervision, in the nature of a junior shooter.

The amendments that we propose provide absolute clarity that the reader of the bill who just reads this clause and may just see subclauses (10), (11) and (12), which identify the ownership of ammunition as being a problem for minors, is not under any concern that the regular supply of ammunition, as happens at the moment in the supervision of the club, is prohibited. By the inclusion of these three sentences in this clause, it clarifies that those junior shooters are still going to be able to be provided ammunition, so long as it is done in the manner prescribed.

**The Hon. A. PICCOLO:** I agree and we support the amendments.

Amendments carried; clause as amended passed.

Clause 32.

**Mr GARDNER:** Clause 32(8)(b) has been suggested as possibly being superfluous by a number of stakeholders. We had a discussion before about the possession of firearms being governed by both regulations and the registrar. Is the minister able to clarify the purpose of the inclusion of the registrar's flexibility here as well, or is it just a rollover of the existing provision in the existing act?

**The Hon. A. PICCOLO:** Clause 32(4) provides:

When granting a permit, the Registrar must not restrict the kind of ammunition that can be possessed unless it is, in the Registrar's opinion, necessary to do so in order to comply with subsection (3).

By giving the power to the registrar to impose conditions, it enables not only conditions to be imposed for that section but also, more importantly, collectors to have ammunition for their yearly shoot, or else there would be no power to do that and they actually could not do it at all.

**Mr PEDERICK:** I need a bit more explanation around clause 32—Permits to possess ammunition. I am not sure what it is in regard to, because under clause 31 you can acquire and possess ammunition, but in clause 32 it is saying you need a permit, with application to the registrar. I just need that sorted right out.

**The Hon. A. PICCOLO:** In clause 31 you can actually purchase ammunition which relates to the class of firearm you have, so that is not an issue. If I am a class A firearm licensee, I can purchase ammunition for that firearm. Clause 32 is about collectors. Ordinarily, collectors cannot possess ammunition. This clause enables that to happen.

Clause passed.

Clause 33 passed.

Clause 34.

**Mr GARDNER:** Clause 34 is in relation to the restriction on quantity and possession of certain ammunition. This is the rule where you can have 12 months' supply for your reasonable needs. Subclauses (1), (2) and (6) particularly talk about reasonable needs, which I think is this new provision. Perhaps I can ask it in the simplest possible terms: what does the minister understand is meant by 'reasonable needs'?

**The Hon. A. PICCOLO:** It depends on individual cases. For example, if you are an Olympic sportsperson and you go and practice shooting every weekend, you may need thousands of rounds of ammunition. If you are a hunter and you have a pattern of hunting once every so often, you may need a lot less. The alternative was to put a cap, which the gunnos did not think was a good idea, but there has to be some sort of reasonableness. You do not want people actually amassing ammunition or having arsenals of ammunition unnecessarily.

**Mr GARDNER:** So the purpose is that somebody must be able to explain their use of the amount of ammunition over the coming 12 months.

**The Hon. A. PICCOLO:** That is right, and that enables them to purchase stock for 12 months.

**Mr VAN HOLST PELLEKAAN:** Minister, can you explain what would happen to people who might already be in possession of more than 12 months' worth of ammunition under 'reasonable use' if this bill is passed and comes into effect? If a person already has more than 12 months' reasonable use of ammunition and in a year or two down the track it comes to light that they have this and they say, 'Well, actually I stocked up a few years ago,' what would happen to that person?

**The Hon. A. PICCOLO:** There is actually a requirement under the current act. What they need to do is surrender that under the amnesty, to bring the stock down to 12 months.

**Mr VAN HOLST PELLEKAAN:** Will they get reimbursed for that?

**The Hon. A. PICCOLO:** No, there is no compensation.

**Mr VAN HOLST PELLEKAAN:** Will the government be advertising that, making the general public well aware of that? I suspect that there would be a lot of people out there who for non-nefarious reasons would have more than 12 months' worth.

**The Hon. A. PICCOLO:** We certainly will promote that but it is actually a current provision. It has been in the act for some time. We would promote it and we would then promote people to do the right thing and comply with the law.

**Mr VAN HOLST PELLEKAAN:** So you will let them know.

**The Hon. A. PICCOLO:** We will certainly let them know. It is current regulation 36. We will promote the whole new bill and we will encourage people to comply. It will be very easy to comply: you just surrender it under the amnesty.

**The CHAIR:** No further questions on clause 34?

**Mr VAN HOLST PELLEKAAN:** Just one quick one.

**The CHAIR:** This is a supplementary to your last question.

**Mr VAN HOLST PELLEKAAN:** I think it is my third question.

**The CHAIR:** You have had three, I am counting.

**Mr VAN HOLST PELLEKAAN:** It is a supplementary then.

**The CHAIR:** Nice try.

**Mr VAN HOLST PELLEKAAN:** Minister, what would happen to that ammunition that is surrendered?

**The Hon. A. PICCOLO:** It is destroyed. The firearms branch is not in the business of dealing.

**Mr VAN HOLST PELLEKAAN:** I did not think that.

**The Hon. A. PICCOLO:** It is destroyed, yes.

Clause passed.

Clause 35.

**Mr GARDNER:** This need not take long. I just want to clarify that the code of practice for security storage and transport is intended to be just one code of practice to be developed here, not

separate codes of practice for each of them. I just want to clarify that this is a code of practice that will be developed along with the regulations by the Rob Kerin working group that has been identified.

**The Hon. A. PICCOLO:** It will be prepared under the regulation, which Rob Kerin will chair. I do not wish to limit it. The group that formulates this regulation might say that it might be easier just to put in different categories for people. That might be an easier way, rather than people trying to work out which is theirs. They might come under a certain category. I think the assurance comes from the process that we will adopt and get in to that new regulation.

**Mr GARDNER:** The minister has probably just answered my other question, which was: is there already a draft in place or is it going to be entirely up to the working group to develop that code of practice or codes of practice?

**The Hon. A. PICCOLO:** It is not in place and it is to be prepared. We have not presupposed any provisions of this bill being enacted.

**Mr PEDERICK:** I am not sure if this is the clause where we ask about where it is supposedly easier for farmers to transport guns and whether that will be designated—

**The Hon. A. PICCOLO:** Yes.

**Mr PEDERICK:** I think it was in your speech, where you talked about how it may designate different storage codes for different numbers of guns. So, that is all in here and we will just have to watch that as it is rolled out with the Kerin group. One comment I make, and I think I made it in my speech (and this is a comment more than a question), is that there have to be reasonable codes of conduct because if it is made too hard to transport or store guns—and I know they have to be stored securely as you do not want them getting into the wrong hands—it becomes too hard and people throw their hands in the air.

**The Hon. A. PICCOLO:** I do not disagree. One of the key aims of this whole bill is to make it easier for people to comply with the law and to be very practical, and that is why we are cutting back quite a bit—I know it is an overused term—on a lot of the regulation in this, particularly for farmers, who will benefit from the ability to share storage and also the access storage for husband and wife, etc.

We are doing that because, as you indicated yourself earlier, some farmers are technically breaking the law at the moment. We want to overcome that and make it as practical as possible and make it easier for people to comply with the law.

**Mr PEDERICK:** I brought this up during the briefing, and I think I know the answer I am going to get: how are we going to keep people from breaking the law who have the .410 or the .22 behind the door for snake protection?

**The Hon. A. PICCOLO:** If the police do an audit, it is an offence. I am sorry, there is no way around that. I am reminded of a case one of your colleagues spoke about tonight. It is not a minor breach. A minor breach is having one piece of ammunition, not having a gun not stored. As I said earlier, two-thirds of guns stolen come from rural areas, where people unfortunately feel they are safe but they are not. Unfortunately, criminals know that and they target people in rural areas, and that is why it is important to make sure that they comply.

**Mr PEDERICK:** I understand that this code will give us the regulation for if you suddenly have to go into town and you have a gun in your vehicle or something like that.

**The Hon. A. PICCOLO:** Yes.

Clause passed.

Clauses 36 and 37 passed.

Clause 38.

**Mr TRELOAR:** This is a question that has been forwarded to me by a constituent. It relates to clause 38(2):

A person who alters a firearm so that, as a result of the alteration, the firearm becomes a firearm of a different category (whether temporarily or permanently), is guilty of an offence...

What the constituent has put to me to ask the minister tonight is that to deactivate a centrefire firearm or any other category will then deem them to a different category. That is the assertion he is making. I seek clarification on that. What this constituent is suggesting is that this will actually stop people carrying out deactivations which, in essence, is converse to the intention of the bill.

**The Hon. A. PICCOLO:** It becomes a deactivated firearm but in its own class, whichever it originates in, and then it is subject to the provisions of deactivated guns.

Clause passed.

Clause 39.

**Mr GARDNER:** I move:

Amendment No 13 [Gardner-2]—

Page 46, after line 29—After subclause (1) insert:

- (1a) Without limiting the purposes for which, or the circumstances in which, a sound moderator may be acquired, owned or possessed pursuant to an approval of the Registrar, approval may be given by the Registrar for a person to acquire, own or possess a sound moderator for the purpose of culling feral pests.

I talked about this amendment in my second reading speech, and I therefore move it in my name.

**The Hon. A. PICCOLO:** We are opposed to the amendment, but we have an alternative amendment to deal with it.

**The CHAIR:** You think of everything.

**The Hon. A. PICCOLO:** We are trying to be really constructive.

Amendment negated.

**The Hon. A. PICCOLO:** I move:

Amendment No 2 [Police-1]—

Page 46, after line 39—After subclause (4) insert:

- (4a) The Registrar may only grant approval for a person to acquire, own or possess a sound moderator if the Registrar is satisfied—
- (a) that—
- (i) the person intends to possess or use the sound moderator for the purpose of culling or destroying animals on Crown land in accordance with a contract or agreement with an agency or instrumentality of the Crown and the person genuinely requires the use of the sound moderator in order to fulfil his or her obligations under the contract; and
- (ii) there is a genuine need by the agency or instrumentality of the Crown for the person to use the sound moderator for the purposes of the contract; and
- (iii) there is no reasonable alternative to the use of the sound moderator by the person for the purpose, or in the circumstances, for which the approval is to be given; or
- (b) that—
- (i) the person is the operator or employee of a pest control business who intends to possess or use the sound moderator in the course of that business for the purpose of culling or destroying animals in a built-up urban environment; and
- (ii) use of the sound moderator by the person is genuinely required in order to avoid disturbing the peace; and
- (iii) there is no reasonable alternative to the use of the sound moderator by the person for the purpose, or in the circumstances, for which the approval is to be given; or



- (c) that the person is a licensed dealer who intends to possess the sound moderator for the purpose of selling or hiring out the sound moderator in the ordinary course of the dealer's business to a person who holds a written approval of the Registrar under this section to acquire, own or possess the sound moderator.

Amendment No 3 [Police-1]—

Page 47, after line 4—After subclause (5) insert:

- (5a) An approval under this section must also specify the circumstances under which the approval will cease to have effect for the purposes of this section.

Amendment No 4 [Police-1]—

Page 47, after line 18—After subclause (8) insert:

- (8a) Subsection (8) does not apply in relation to a sound moderator that is in the possession of a licensed dealer for the purpose of sale in the ordinary course of the dealer's business.
- (8b) A person who is in the possession of a sound moderator is not required to produce it to a police officer under subsection (8) if the sound moderator is hired by the person from a licensed dealer and it has an identifying mark as required by that subsection.

Amendment No 5 [Police-1]—

Page 47, after line 21—After subclause (9) insert:

- (10) The regulations may make further provision in relation to the grant, variation and cancellation of, and the imposition of conditions or limitations on, approvals under this section.

**The CHAIR:** Are there any questions on these amendments?

**Mr GARDNER:** No, only to identify that the opposition will have a look at the detail of the amendments between the houses and consider whether or not in the upper house we will continue with our original amendment or proceed with these. I think they certainly do provide some useful clarity; whether it is a starting point or an ending point, we will arrive at between the houses.

Amendments carried; clause as amended passed.

Clause 40 passed.

Clause 41.

**Mr VAN HOLST PELLEKAAN:** Clause 41(3)(a)(iii) talks about the assembly of ammunition, that is, reloading. Essentially, it says that it is okay to assemble ammunition as long as the legal person doing it all the right way, etc., is doing it for another person to use:

...in a firearm in circumstances in which the other person is authorised under this Act to use the firearm but not required by this Act to hold a firearms licence...

I am sure there is a good answer; I just do not know what sorts of circumstances they would be.

**The Hon. A. PICCOLO:** This states that a person can assemble ammunition for a person who is not licensed but is covered by an exemption under clause 8.

**Mr VAN HOLST PELLEKAAN:** Sorry, minister, without knowing clause 8, what is that?

**The CHAIR:** Clause 8 was at the beginning. We all read clause 8 much earlier in the night.

**The Hon. A. PICCOLO:** The other person who is under your supervision, etc.

**Mr VAN HOLST PELLEKAAN:** So a youth or someone like that?

**The Hon. A. PICCOLO:** Yes.

Clause passed.

Clause 42 passed.

Clause 43.

**Mr GARDNER:** Clause 43 relates to interim firearms prohibition orders issued by a police officer. The Law Society had some questions in relation to this clause. I wonder if the minister might respond to some of the issues that they raise. The Law Society states:

...the issuing of an interim firearm prohibition order puts the recipient at risk of committing a very serious offence of up to 15 years imprisonment. Unless it is urgent, an interim firearm prohibition order should be issued by a court, acting independently and judicially in the sense that all relevant matters are to be assessed, given the appropriate weight and then ruled upon.

The Bill gives police officer...the power to make an order in the nature of a judicial order, but need not provide reasons.

Does the minister want to respond to the Law Society's concerns?

**The Hon. A. PICCOLO:** I can advise that these are existing provisions in the act, but the important thing is that in the case of, say, a domestic violence situation, a police officer should be able to issue an interim order on the spot. If you require a person to go to a court to get an order, I think that would put a barrier in front of a situation where the police can defuse a very explosive or dangerous situation.

Clause passed.

Clauses 44 to 46 passed.

Clause 47.

**Mr GARDNER:** I move:

Amendment No 14 [Gardner-2]—

Page 55, after line 15 [clause 47(1)]—After paragraph (f) insert:

(fa) to refuse to approve a person as a company's principal or secondary nominee or to revoke such an approval; or

I talked a little bit about this in the second reading. I think that company nominees would be a reasonable subset to also be included as reviewable items, so I support the amendment.

**The Hon. A. PICCOLO:** We agree and support it.

Amendment carried.

**Mr GARDNER:** I will not be proceeding with amendment 15, because it is consequential on amendment 13, which did not pass. There are a number of issues that will be dealt with in the regulations that are not dealt with in the bill that could potentially have value if they are reviewable by the tribunal. I particularly seek an undertaking from the minister, and obviously there is a working group, but we will work through those regulations. Is the minister able to confirm that it is the government's intent to include through regulation that the non-recognition or revocation of recognition of a firearms club, commercial range operator or paintball operator could be a reviewable decision under the regulations power of 47(1)(g)?

**The Hon. A. PICCOLO:** Yes.

*Sitting extended beyond 22:00 on motion of Hon. A. Piccolo.*

**The CHAIR:** Is there another question on amended clause 47?

**Mr GARDNER:** Yes. Given that I did not see the minister's red light go on when he was answering the last question, I identify that I heard him say 'yes' in relation to my last question.

**The Hon. A. PICCOLO:** Yes, I did.

**Mr GARDNER:** In a similar vein, is it the government's intent to include through regulation that the non-approval or revocation of approval on the grounds of a recognised firearms club, recognised paintball operator, or range of a recognised commercial range operator also be a reviewable decision under clause 47(1)(g)?

**The Hon. A. PICCOLO:** Yes again.

Clause as amended passed.

Clause 48.

**Mr GARDNER:** I move:

Amendment No 16 [Gardner-2]—

Page 56, after line 1—Insert:

- (a1) For the purposes of the *South Australian Civil and Administrative Tribunal Act 2013*, a review under section 47 will be taken to come within the Tribunal's review jurisdiction but, in the exercise of this jurisdiction, the Tribunal will consider the matter *de novo* (adopting such processes and procedures, and considering and receiving such evidence or material, as it thinks fit for the purposes of the proceedings).

The minister responded to my comments on this at the end of his second reading speech and so rather than rehashing everything that was said in my speech and the minister's speech, perhaps I will bring in some new level of information because the minister identified in that response that the SACAT has the capacity to do merits-based consideration of the registrar's decision. In doing so, he must take it into account, and he read out the relevant section.

What this amendment seeks to do, and what the opposition's preferred course of action is, is to have a *de novo* review—a full merits-based review—as if the tribunal is putting itself in the place of the decision-maker. The rehearing would not have to take into account the original decision. It would be as if the tribunal is considering the matter afresh. That is the difference that we seek and the one new piece of information the minister gave in his response was the concern that this would unnecessarily change the SACAT Act in the way that the SACAT is designed.

My understanding and advice is that there is precedent for this, particularly in relation to the review of the Valuation of Land Act 1971 by SACAT. So, it would not be unusual. I appreciate that the SACAT, as a tribunal, does have this merits-based power, so I do not want anyone to be under the misapprehension that there is not a merits-based review taking place, but we think ours is better.

**The CHAIR:** Modestly, he said!

**The Hon. A. PICCOLO:** Well, you are wrong on this occasion. I have to oppose this amendment.

**Mr Pederick:** Shame.

**The Hon. A. PICCOLO:** It is not a shame because I was involved in the committee which investigated the creation of SACAT—

**Mr Gardner:** There is an emotional connection to it.

**The Hon. A. PICCOLO:** It is dear to my heart, that is correct, and we had long discussions on whether there should be a *de novo* limitation on things, rehearing etc., and SACAT went through parliament with the support of the opposition because it gives the tribunal the power to hear new information. All that the rehearing means is that it takes that into account and, in effect, in practice it means the decision-maker's decision is forwarded to the tribunal. I am pretty sure it is no different to the AAT at the moment. They are not *de novo*, they are rehearings, so we modelled the SACAT on the AAT, which is the federal tribunal that has worked very successfully for over 30 years.

The problem with *de novo* is that it is important that, when making an application to the registrar, the applicant puts their best foot forward. If you have a whole brand-new hearing, there is no incentive to put their case forward to the decision-maker. You create bad public policy by doing that, so I would strongly urge the committee to reject this amendment and also ask the opposition to reconsider their position because, overall, this gives firearm owners more rights of appeal than the existing provisions do.

Amendment negated; clause passed.

Clause 49.

**Mr GARDNER:** I have a question about the Law Society's concerns on the matter relating to the level of delegations that are appropriate. The Law Society (and I will quote from their

submission) opposes a member of the police force issuing firearm prohibition orders. They go on to say:

To the extent that clause 49 applies to enable a police officer to issue such an order, the Society submits that the power to delegate should be limited to the assistant Commissioner level. As currently drafted, the Registrar may delegate any power under the Act to any person, including a police officer of any level. This will mean that the delegated authority will be able to issue the prohibition orders as well as review decisions to issue prohibition orders.

First, does the minister take issue with any of the Law Society's interpretation of the bill; and, secondly, if not, does the minister have any response to their suggestion of the level to which delegations should take place?

**The Hon. A. PICCOLO:** Actually, this provision is in the act at the moment, and the difficulty you have is if you are going to limit the delegations in the act, you would then have to have a whole schedule of limitations, because you are effectively saying the assistant commissioner would have to deal with routine matters. Most of the work is actually done under delegation. The day-to-day working of the Firearms Branch is done by officers of all grades. If you are saying that you are going to limit the delegations—

**Mr Gardner:** The Law Society is saying that.

**The Hon. A. PICCOLO:** Yes, if the Law Society is saying that, then it will slow the process down and you will have to wait months and literally years before an assistant commissioner can deal with the matter. But also, across the state, you want your police officers in your regional police stations to deal with a whole range of matters as well if required. It actually works against people in the regions by having the delegations so high up.

Clause passed.

Clauses 50 to 53 passed.

Clause 54.

**The Hon. A. PICCOLO:** I move:

Amendment No 6 [Police-1]—

Page 58, line 21 [clause 54(3)]—Delete 'residential'

Amendment No 7 [Police-1]—

Page 58, lines 33 to 35 [clause 54(6)]—Delete subclause (6)

**Mr GARDNER:** The opposition has a range of concerns with clause 54. I appreciate the minister addresses some of those concerns with these two amendments, which the opposition supports, and the opposition will consider the changes that they have made to the clause between the houses in the event that this clause survives the vote that will soon happen on the clause itself.

Amendments carried.

**Mr GARDNER:** I went into this in some detail in my second reading speech, so I do not propose to do so at length now—

*The Hon. P. Caica interjecting:*

**Mr GARDNER:** —but I do have some specific questions. I will encourage the member for Colton, and all members in fact, to go back to that second reading speech and read my comments on clause 54.

**The Hon. P. Caica:** I heard them. I'm hardly going to read them again.

**The CHAIR:** Some people actually memorised them.

**The Hon. P. Caica:** I would hardly read them again after listening to them.

**Mr GARDNER:** I think it will do you credit, sir, to read them again. I appreciate some people do not retain as well as others. If you vote for this clause then—

**The CHAIR:** Now, no need to reflect on members.

**Mr GARDNER:** —I will know that you have not retained as well as you should have.

*Members interjecting:*

**The CHAIR:** Order!

**Mr GARDNER:** I do want to ask about clause 54(5). We have just deleted, as per the minister's amendments, subclause (6), which is about restoring the common law right to protect oneself against self-incrimination. I wonder if the minister would care to defend subclause (5) on similar grounds, as to how that does not offend against our understanding of what is reasonable for members of the public to be asked, given that there is a maximum penalty of a \$20,000 fine if somebody fails or refuses, without reasonable excuse, to answer a question put by the registrar?

**The Hon. A. PICCOLO:** If you take out subclause (5), which actually removes a penalty, there is no incentive for a person to comply and the registrar has no power to enforce it.

**Mr GARDNER:** Just in identifying this, I make the point that it is very clear that this whole clause is providing powers for questions to be asked for property to be sought. We will have a look at what impact the amendments that have just been moved have on the clause. Notwithstanding that the offending bit on common law right against self-incrimination has been removed, it does provide police with some unusual powers in the event that somebody has applied for a licence or a renewal.

So, 65,000 South Australians are going to be faced with the prospect that, just by the act of applying for a licence or a renewal to go about their lawful daily business, these new provisions have been provided and powers have been given to police in this way without any thought being given to a criminal act even being potentially in the making. The minister's answer may well stand as is, and we will consider whether the clause as it remains is still suitable, but I do indicate that the opposition will be opposing this clause in its current form in this house. We will contemplate between the houses whether we do so in the Legislative Council as well.

**The Hon. A. PICCOLO:** Perhaps I will provide an answer by giving you an example. If you were concerned about the way a particular club or range was operating, you could then compel, for example, to use any CCTV which is maintained at that club. That gives you the power. This is for regulatory purposes, not criminal purposes. You need a power to do that, and if you are going to have a power, there have to be some sanctions, otherwise people just will not comply. It is about regulations: it is not about a criminal offence. It is actually making sure that people are complying with requirements under the licences, etc.

**Mr GARDNER:** I suspect that the minister's example does not quite work, because I think what he has identified would potentially put that club or the nominees at risk of a criminal offence. If there was suspicion about that, then I would have thought that the police officer's general warrant would cover it. If the minister wishes to provide any further defence as to why it is necessary to retain clause 54, then I invite him to do so, otherwise we can proceed to a vote, unless other members have other questions.

**The Hon. A. PICCOLO:** This is designed to ensure that, where a person has a licence, whether they should actually maintain the licence. So, it is collecting the information for that purpose—it is regulatory. To give you an idea, similar powers in terms of collecting or demanding information exist under the teacher registration act, the education and early childhood services act, the health practitioner regulations and the children's education and care services national law.

There are a number of acts where it is about ensuring that, if a person is going to be maintaining their licence, you have the power to collect information. It is not designed for criminal offences to actually determine whether a person should maintain their licence: it is a regulatory matter. But you are quite right—if it is a criminal offence, you use your general warrant powers.

**Mr PEDERICK:** I am a bit confused, and this question might be easily answered. If this is not a criminal offence, we have in subclause (5) a maximum penalty of \$20,000 or imprisonment for four years. How does that fit?

**The Hon. A. PICCOLO:** The sanction relates to the fact that you have not complied with the regulatory investigation itself. This is actually forcing people to comply with the investigation. Again,

it is not for the criminal offence but to provide the information required to determine, in terms of a licence inquiry, whether or not the person should maintain their licence.

**Mr PEDERICK:** I am not sure about this. Perhaps I just do not get it and perhaps it is a bit late, but there is still a fine or a gaol term. If it is just a regulatory offence, I cannot see—

**Mr Gardner:** It is a criminal offence for failing to comply with the regulation of the act.

**Mr PEDERICK:** Okay.

Clause as amended passed.

Clause 55.

**Mr GARDNER:** I move:

Amendment No 18 [Gardner–2]—

Page 59, line 19 [clause 55(2)(b)(i)]—Delete subparagraph (i)

I spoke about this matter in my second reading contribution, so I will not do it again now.

Amendment carried.

**Mr GARDNER:** I just want to identify that this is a very significant concession that the government has made and I appreciate it.

Clause as amended passed.

Clause 56.

**Mr GARDNER:** In regard to clause 56(1)(a), I am again identifying that the Law Society has expressed some concerns in relation to the powers of a police officer or warden to require production of licence. The Law Society identifies that currently a person who is carrying a gun must also carry their licence, which can be inconvenient for hunters and primary producers. Clause 56 of the bill is in similar terms, although it would allow two days for the licence to be produced.

The Law Society considers that it would be more convenient if a person in possession of a gun could produce a clear and legible copy of his or her licence when called upon to do so. That way the original licence could be stored in a safe place with less chance of it becoming lost, and a copy of the licence could then be cross-referenced with the register of licences. I wonder whether the minister has any reason why the Law Society's suggestion has not been taken up.

**The Hon. A. PICCOLO:** I can advise the committee that this is currently the law, and I cannot answer why the Law Society has recommended what it recommended. You would have to ask them.

Clause passed.

Clause 57.

**Mr VAN HOLST PELLEKAAN:** Minister, I refer to 57(1), which provides:

The owner of a firearm must, at the request of a police officer, produce the firearm for inspection at a specified place at a specified time or within a specified period.

Is that specified period going to be something that the Rob Kerin working group determines? The reason I ask this is that there are many people in my electorate who work away from home a lot. I am not questioning the right of police to make the request, but the time would be relevant.

In my own case, hypothetically I am often away from home for a week at a time. Many of my constituents are away from home, and a long way away from home, for three weeks at a time for work. If a request was made, 'Come in two days or come in a week,' for many people that would be very impractical and/or impossible.

**The Hon. A. PICCOLO:** All I can say is that it is an existing provision in the existing law and I have not had any complaints about police officers being unreasonable in the use of their discretion. As I said, a lot of these provisions are existing laws, and certainly this is not one which has come to

my attention which people see as onerous. The reality is that a police officer will use their discretion because they will try to achieve the outcome they need to achieve.

**Mr VAN HOLST PELLEKAAN:** For clarification, that is within a specified period as determined by the officer in that exact situation, not something that will be set into the regulations later on?

**The Hon. A. PICCOLO:** No, it is not proposed to change that.

**Mr VAN HOLST PELLEKAAN:** There would be an expectation that the officer would set that period with all due consideration to the individual circumstances.

**The Hon. A. PICCOLO:** Exactly.

Clause passed.

Clauses 58 and 59 passed.

Clause 60.

**Mr GARDNER:** I have a general question to invite the minister to outline the circumstances in which he envisages the issuing of a public safety notice might be undertaken. It is set out in the bill in legal terms but, as this is a fairly new concept, I would not mind a little bit more flesh on the bone. I do not think the second reading explanation quite went into the detail that a lay reader of *Hansard* who is interested in how this bill impacts on them might be interested in.

**The Hon. A. PICCOLO:** You asked for some examples. If you went to a gun dealer and the gun dealer presented their stock in a way which enabled unreasonable access to a person coming into the store, you could issue an order until it is remedied. Another example would be if you went to a range and, if for some reason there were a safety concern about the range, you could issue an order until that defect were corrected. Both provisions, by their very nature, are designed to maintain public safety.

Clause passed.

Clauses 61 to 63 passed.

Clause 64.

**Mr VAN HOLST PELLEKAAN:** Minister, clause 64(2) under general amnesty:

A person who surrenders an unauthorised item under this section (other than a prohibited firearm accessory)—

that certainly makes sense—

may make application to the Registrar for the necessary authority

Would there be any extra considerations that the registrar would give when assessing that application if the firearm surfaced under an amnesty, different to if it was just a normal acquisition?

**The Hon. A. PICCOLO:** It would be treated like a normal acquisition.

Clause passed.

Clauses 65 and 66 passed.

Clause 67.

**Mr GARDNER:** Clause 67 is in relation to firearms clubs, commercial range operators and paintball operators. My understanding of the present situation with licensing provisions for gun clubs and so forth is that the Minister for Police is involved in this. This new act removes the Minister for Police from the process and identifies that it is all just up to the registrar. I invite the minister to identify why he does not feel that he, as the minister, or the minister in general, needs to be part of this process any longer.

**The Hon. A. PICCOLO:** It is essentially just reducing red tape. The minister would act on the advice of the registrar, which happens to be the Commissioner of Police. It would then come to my desk and sit in my office. It just delays things. Invariably, I have not actually amended any

requests that I have received from the commissioner anyway, so I really cannot see any value to that. In most cases, once the registrar is satisfied, they only come to my office for me to sign off on, and that is what I do. I just sign off on it; I do not actually add any value to the process. We are just formalising what should be the proper practice and reducing red tape.

Clause passed.

Clauses 68 to 70 passed.

Clause 71.

**Mr GARDNER:** Forgive me if this question is more appropriately asked at clause 72. I promise I will not ask it again if I can ask it now. In relation to vicarious liability and new provisions on vicarious liability, it was described in the minister's second reading as:

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.

Can the minister provide an example of the sort of harm that this remedy seeks to fix? What do these provisions look like in practice?

**The Hon. A. PICCOLO:** If, for example, you had a dealer who is a company and they had really poor records that enabled an employee to actually get rid of a firearm without anyone noticing and it ends up in the wrong hands, this is designed to make sure that the directors of the company, the owners of the company, put the appropriate measures in place and it makes them responsible, which is appropriate. Ultimately, the company directors are the people who actually own the business and they should be the ones who put the measures in place to make sure that things are correct.

**Mr VAN HOLST PELLEKAAN:** Minister, would the same provisions apply to a government agency?

**The Hon. A. PICCOLO:** The Crown is exempt from the act, like many other acts. It also recognises the proximity or the lack of proximity of decision-making as well, such as a dealership, company directors or employees. If you are referring to a minister of the Crown or CEO, they can put things in place, but in this case they are specifically exempt from the act.

**Mr VAN HOLST PELLEKAAN:** With that application it just occurred to me whether with DEWNR, SAPOL or other government organisations that have firearms for good reasons the same would apply, but you have answered that.

Clause passed.

Clauses 72 to 74 passed.

New clause 74A.

**The CHAIR:** Minister, you have a new clause—

**Mr GARDNER:** I have one.

**The CHAIR:** No, we are going to look at this one first.

**Mr GARDNER:** Mine was filed first.

**The CHAIR:** He is the minister; he has precedence. It would be good not to argue this late. He is the minister and I am advised he has priority, but you can oppose it.

**Mr GARDNER:** Mine will make much more sense if it is done before his.

**The CHAIR:** It is not up to you. We have made the decision here.

**Mr GARDNER:** Isn't it the decision of the house?

**The CHAIR:** I am advised this is the way we do it. Now, if you want to, at this late stage, disagree with the table—

*Members interjecting:*



**The CHAIR:** I am taking advice just like everybody else in the room and I am advised this is the best way to do it. On your behalf I have already had a long conversation with the Clerk and come to this decision but, as you say, this is your house.

**The Hon. A. PICCOLO:** I move:

Amendment No 8 [Police-1]—

New clause, page 77, after line 2—After clause 74 insert:

74A—General defence

- (1) It is a defence to a charge of an offence against this Act if the defendant proves that the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.
- (2) This section does not apply in relation to a person who is charged with an offence under any of the following provisions:
  - (a) section 9;
  - (b) section 10;
  - (c) section 16(5);
  - (d) section 19;
  - (e) section 22;
  - (f) section 27;
  - (g) section 31;
  - (h) section 34;
  - (i) section 37;
  - (j) section 38;
  - (k) section 39;
  - (l) section 40;
  - (m) section 41;
  - (n) section 42;
  - (o) section 45;
  - (p) section 55;
  - (q) section 56;
  - (r) section 57(1);
  - (s) section 60;
  - (t) section 61;
  - (u) section 68;
  - (v) section 69;
  - (w) section 72.
- (3) This section does not apply to—
  - (a) a person who is charged with an offence under the regulations if the regulations declare that this section does not apply to that offence; or
  - (b) a person who is charged with an offence consisting of a contravention of a provision of a code of practice if the code declares that this section does not apply to that contravention.

**Mr GARDNER:** Perhaps I might ask a question in the form of a proposition that the minister might respond to. In fact, I will start with the question because that is appropriate. Does the minister have any response to my view that the opposition believes very passionately that the reinsertion of the general defence into the bill is important? I went into this in detail in the second reading speech

so I will not re-plough all of that ground, other than to identify that it is not just the opposition who believes this. It is also something broadly felt within the law-abiding, firearms-owning community and the Law Society.

This amendment, which the minister has moved, reinserts the general defence and then subsequently identifies 23—off the back of my hand in terms of numbers—exclusions from the general defence which makes it a somewhat general defence at best. The Law Society identifies in detail in their submission—I think I did talk about that in my second reading—that the general defence is important because it means that, if somebody is behaving honestly and makes an inadvertent mistake, then they will not be unduly impacted.

While the opposition appreciates that this somewhat general defence has been put forward by the minister and if ours—I do not know whether I will get to move my alternative 74A now—is not successful later we will consider between the houses whether this somewhat general defence has enough in it. I have had a look at the 23 restrictions only for a moment because we have been busy debating the bill since I have seen the list. We will have a look at them. Perhaps my question to the minister could be: does the minister think that our amendment, which does not have these exclusions, would be more appropriate?

**The Hon. A. PICCOLO:** No.

**Mr GARDNER:** Does the minister wish to provide any further argument that members might reflect on when considering this matter between the houses, to convince us that these 23 exclusions are necessary?

**The Hon. A. PICCOLO:** I am also open, as the member would know, to hear a good case but I would have to be convinced that a person who is trafficking in firearms should have a general defence; a person who breaches their conditions has a general defence; and a person who actually deals in firearms but is not licensed to deal in firearms should have a general defence.

**Mr van Holst Pellekaan:** A person charged with these things?

**The Hon. A. PICCOLO:** Yes, whether people charged with these matters should have a general defence. I am happy to negotiate some of these things but you need to convince me why that person should say, 'Oh I didn't know I was trafficking in guns.' So you ask, and we now have trafficking provisions resulting from the McPherson case, and you want to give that person a defence that he did not know he was passing on the gun to somebody, which ended up in somebody getting killed. That is what you want me to accept. I will not accept that. If you want to amend some of these, you had better have some good cases that are fairly minor matters. If they are major matters, you then put public safety at risk.

**Mr GARDNER:** I thank the minister for his answer on that and identify again that in relation to the specific offences—the date of the list has been filed—we will have a look at that between the houses. Perhaps between the houses, and I would be very surprised if the minister had it on hand, he might also seek advice that could be provided to us on the instances where the general defence is being used in some of the charges that he has identified.

New clause inserted.

**Mr GARDNER:** Can I just ask your advice, Chair. Given that we now have a 74A and the nature of my original amendment was to insert a 74A—

**The CHAIR:** Just the first part.

**Mr GARDNER:** Yes, just the first part. Can I still move that?

**The CHAIR:** You do not have to because it is already there. It is exactly the same wording and it is already the first part of the new 74A.

**The Hon. A. PICCOLO:** I think his amendment seeks to actually remove all exclusions, which is different.

**Mr GARDNER:** We will worry about that between houses.

Clause 75 passed.

Clause 76.

**Mr GARDNER:** Clause 76 relates to the service of notices and some of the modernisation of the bill allowing service by email or fax—and faxes are indeed modernising from where the bill was, and this should not be hard. If a person does not wish to be served any particular type of notice by email or fax, then they can be served by mail, as I understand. They do not provide a fax number, they do not provide an email address, then they will be served by mail, as they are now.

**The Hon. A. PICCOLO:** Yes, they can be. I note, Madam Chair, you made a comment, but at the round table there were people saying they only wanted it by mail because they cannot guarantee fax or email or other methods, even though it is accepted by the courts.

**Mr GARDNER:** Just in relation to that, and I am quoting from the bill:

...notice or document will be taken to have been given or served at time of transmission).

I appreciate that is not a legal novelty, it exists elsewhere, but what protections are there in the event that the email address or fax number is incorrectly entered? If a dispute is entered into, can police be required to show proof of transmission including the number or email addresses?

**The Hon. A. PICCOLO:** Absolutely to both.

**Mr GARDNER:** Why can somebody who is served at their house when they are not home be deemed to have been served if it has been given to somebody who is 'apparently over the age of 16 years' as per clause 76(1)(b)? Why not 18 years?

**The Hon. A. PICCOLO:** It is just a provision in the current act.

**Mr GARDNER:** Again, this can be provided between the houses if you want, but I am wondering if the 'apparently over the age of 16 years' provision exists in any other acts around the place.

**The Hon. A. PICCOLO:** I am advised yes.

**The CHAIR:** Where?

**Mr GARDNER:** Yes; I invite the minister to come back between the houses or in the next 10 minutes if you want, but feel free to come back to us later.

**The CHAIR:** Between houses?

**The Hon. A. PICCOLO:** We will come back later with that information.

**The CHAIR:** Later or between houses?

**The Hon. A. PICCOLO:** Between the houses.

**The CHAIR:** That is much better; we have to be precise here.

Clause passed.

Clause 77.

**The Hon. T.R. KENYON:** This is on regulations. I have had a number of constituents contact me worried that so many of the provisions of the act are embodied in regulations rather than in the legislation. I was just wondering if you could go through in some detail the consultation process that you propose. It has been mentioned largely, and there is already a lot on the record, but if my constituents wish to have some say in the drafting of the regulations, how will they do that?

**The Hon. A. PICCOLO:** A group will be convened by the Hon. Rob Kerin, who will undertake the process. My view is that all the various stakeholders who have been involved so far will be invited to make submissions. There will be such meetings or gatherings as required to discuss it in the same way that I have undertaken the round tables, but they will be chaired by the Hon. Mr Kerin rather than me. I would seek—

*Mr Gardner interjecting:*

**The Hon. A. PICCOLO:** Well, there was a perception—

*Mr Gardner interjecting:*

**The Hon. A. PICCOLO:** It will be the case that he will have such meetings as required to satisfy himself that the regulations are workable and fair and reasonable and meet the objectives.

*The Hon. T.R. Kenyon interjecting:*

**The Hon. A. PICCOLO:** I can see no reason why they would not be broadly advertised in some way. There will be some sort of media campaign, yes.

Clause passed.

**The Hon. A. PICCOLO:** The Security and Investigation Industry Act 1995, section 46(1)(c), is 16 years for the serving of a notice.

**Mr GARDNER:** Supplementary: seeing that the minister has identified an example, are there any others?

**The CHAIR:** We will get back to you between houses.

**The Hon. A. PICCOLO:** Sorry, how many examples would you like to satisfy your interest?

**Mr GARDNER:** To understand whether this is a novelty or if this is an outstanding piece of law spread throughout our statute.

**The Hon. A. PICCOLO:** There are many. It is an outstanding piece of law right across all our statutes.

**Mr GARDNER:** I will hold you to that.

**The Hon. A. PICCOLO:** You can hold me anyway you like.

Clause passed.

Schedule 1.

**Mr GARDNER:** I move:

Amendment No 20 [Gardner-2]—

Page 84, after line 21—Insert:

- (2) Despite sections 14(1)(c) and 28(1)(c)—
  - (a) no application fee is payable in relation to an application for a licence authorising possession of a firearm, or an application for the registration of a firearm, if the firearm was, under the repealed Act, a deactivated firearm and—
    - (i) the applicant was in lawful possession of the firearm before the commencement of this clause; and
    - (ii) the application is made before the end of the transition period; and
  - (b) no application fee is payable in relation to an application for renewal of a licence authorising possession of a deactivated firearm made after the end of the transition period if, under paragraph (a), no application fee was payable in relation to the application for the grant of the licence in respect of that firearm.
- (3) In this clause—
 

*deactivated firearm* means a device that was not a firearm for the purposes of the repealed Act only because it had been rendered unusable in a manner stipulated in the regulations under that Act or by the Registrar.

I discussed this in the second reading. It is in our view important that, while the government has signalled that they have an intent to not charge during that first 12 months for the imposition of new regulation on everyone who has a deactivated firearm, it is going to be inconvenient and annoying for many people. We have discussed the public safety benefit of having an understanding of where all the deactivated firearms are, so we do not need to traverse that any further. As I have said, it is in our view inappropriate—and the government has recognised that in the first year there should not be a charge—that there should be a charge for their renewals either.

We also want to make sure that it is in the legislation itself rather than just relying on the government's word. I am sure the minister will follow through, but who knows, the minister might change and we might have somebody new who wants to charge people before the regulations are concluded. We want to put this in the legislation, and that is why the amendment is there.

**The Hon. A. PICCOLO:** We agree with the amendment.

Amendment carried.

**Mr GARDNER:** I have a couple of quick questions and these are my last, so if anyone has anything to ask about the schedule, they might want to think about that quickly before they run out of time. Did the government have any advice from SAPOL or from other policymakers as to how many new firearms permits, how many new licensees, are anticipated as a result of these changes for deactivated firearms coming under the act?

**The Hon. A. PICCOLO:** Unfortunately, no. Because they are deactivated they are not required to be registered, then we have no knowledge. I can say that we believe they are a small subset, or smallish subset, but if your question is leading to the need to process applications, the necessary resources will be put in place to make sure they are processed in a prompt manner that would mean minimal inconvenience to the people who are registering them.

**Mr TRELOAR:** Minister, we may have touched on this before, but just for clarification, under this new act where new registrations need to occur, what is the time frame allowed for that to take place?

**The Hon. A. PICCOLO:** Are you referring to deactivated guns?

**Mr TRELOAR:** If there are any new registrations at all that need to be made.

**The Hon. A. PICCOLO:** Yes, 12 months.

Schedule as amended passed.

Title passed.

Bill reported with amendment.

*Third Reading*

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (22:48):** I move:

That this bill be now read a third time.

I thank all members of the house, particularly the members of the opposition, for their good spirit and cooperation. I think we have done the same by accepting many amendments and, hopefully, if there are any outstanding issues between the houses we can sort them out. The opposition has made it very clear they do not seek to weaken the existing public safety provisions of the existing acts, and I am happy to work on the new ones. Hopefully, there will be cooperation over the next few days and between the houses we can resolve this and expedite its passage through parliament and have a safer community.

**Mr GARDNER (Morialta) (22:48):** I thank the minister for those words, and I identify that there has been a very interesting set of discussions in the Liberal Party room on this matter. I have had engagement from pretty much all my colleagues, particularly those who represent regional communities. Indeed, many of the metropolitan members represent many sporting shooters as well and, of course, all members have concerns and interests in public safety.

So, this was a very stimulating, a very informed and engaged set of discussions coming to the position the opposition has taken thus far on the bill. I thank the minister and his staff and officers, and the SAPOL officers for their assistance during briefings and discussions on the matter.

I particularly want to note and thank again, as I did in the second reading, the very many stakeholders who contributed. A number of those stakeholders contributed vast numbers of hours to the minister's roundtable process over the course of more than a year, from September last year

through to the discussions that have informed the bill thus far. They continue to provide submissions and suggestions to members of parliament while that shifts now to the Legislative Council over the next couple of weeks for further considerations.

Those stakeholders are volunteers for their organisations and make their suggestions and contributions both in the public interest and on behalf of other volunteers and members of their organisations. Without their support, I think the whole process would have been less useful. Without the significant engagement of those volunteers, I think the bill would be in a less positive form.

The government has, where there has not been agreement with opposition amendments, for most of them suggested their own compromised positions or put forward their own positions which are now incorporated into the bill. The opposition will contemplate the way that has changed the bill in between the houses and make decisions ahead of the next sitting week on whether we will continue with our amendments as we have put in this house.

**The DEPUTY SPEAKER:** The Chair thanks everyone for their cooperation as well.

Bill read a third time and passed.

#### **LIQUOR LICENSING (ENTERTAINMENT ON LICENSED PREMISES) AMENDMENT BILL**

*Final Stages*

The Legislative Council agreed to the bill without any amendment.

#### **CONTROLLED SUBSTANCES (SIMPLE POSSESSION OFFENCES) AMENDMENT BILL**

*Final Stages*

The Legislative Council agreed to the bill without any amendment.

#### **POLICE (RETURN TO WORK) AMENDMENT BILL**

*Introduction and First Reading*

Received from the Legislative Council and read a first time.

At 22:53 the house adjourned until Thursday 19 November 2015 at 10:30.

*Estimates Replies***LUPTON, MR G.**

In reply to **Mr KNOLL (Schubert)** (24 July 2015). (Estimates Committee B)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector):** I have been advised:

This is on the public record.

**ICT PROCUREMENT SAVINGS**

In reply to **Mr SPEIRS (Bright)** (24 July 2015). (Estimates Committee B)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector):** I have been advised of the following:

During 2014-15 the Office for Digital Government completed four strategic ICT procurement projects that will deliver \$53.9 million in savings to government over the next five years, as follows:

- Distributed Computing Support Services (DCSS)—commenced 1 July 2014, a panel of two suppliers, providing management, maintenance and support on all government-owned servers;
- Network Management Services (NMS)—commenced 1 October 2014, a single supplier arrangement, to provide management, maintenance and support of the state's central and agency data networks;
- Network Internet Services (NIS)—commenced 1 November 2014, a single supplier arrangement, to provide a managed internet connection to the state's data networks; and
- Network Carriage Services (NCS)—commenced 1 December 2014, a panel of six suppliers of data and voice (fixed, mobile and wireless) carriage services to all agencies.

Table 1, below, shows the estimated savings to be generated from these arrangements that are already included in forward budget estimates:

Table 1—projected savings from strategic procurements commenced during 2014-15 financial year

	15/16	16/17	17/18	18/19	19/20	Totals
	\$000	\$000	\$000	\$000	\$000	\$000
DCSS	7,094	7,292	7,491	7,589	7,779	37,245
NCS	1,013	1,547	1,587	1,627	1,667	7,441
NIS	683	701	719	737	755	3,595
NMS	921	1,027	1,131	1,235	1,266	5,580
Totals	9,711	10,567	10,928	11,188	11,467	53,861

Please note that, after undergoing a number of recent organisational changes, strategic ICT (and now also non-ICT) procurement is now the responsibility of the Strategic Procurement division of the Department of the Premier and Cabinet, reporting to the Chief Operating Officer, Services.

Note that details for these and other strategic ICT contracts can be found at: <http://dpc.sa.gov.au/strategic-procurement>.

**SCHOOLS, CLEANING**

In reply to **Mr PISONI (Unley)** (24 July 2015). (Estimates Committee B)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector):** I have been advised of the following:

The Department for Education and Child Development's cleaning budget funds the daily clean of schools during school terms to occur between 6.00am to 6.00pm Monday to Friday.

In some instances this means that cleaners will be onsite for part of their shift during school hours. This is managed by the site leader to minimise any disruption to classes.

Schools have the flexibility to increase cleaning times beyond this set time on the understanding that schools would manage any additional cost within their existing budgets. The decision to meet additional costs is determined at the school level.

In December 2010, a circular was sent to principals and regional directors outlining measures to be taken with the introduction of the new cleaning services award.

### SCHOOLS, CLEANING

In reply to **Mr PISONI (Unley)** (24 July 2015). (Estimates Committee B)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector):** I have been advised of the following:

The total Department for Education and Child Development (DECD) school cleaning budget for the following financial years is as follows:

- 2013-14—approximately \$31.13m (Inc. GST)
- 2014-15—approximately \$32.00m (Inc. GST)
- 2015-16—is expected to be approximately \$32.75m (Inc. GST)

There is an increase to the cleaning budget each year due to indexation being applied to all DECD school cleaning contracts from 1 July. The indexation percentage varies year by year and is based on the percentage increase announced by Fair Work Australia.

Costing efficiencies are being achieved through competitive tendering of contracts.

### SCHOOL STUDENTS

In reply to **Mr PISONI (Unley)** (24 July 2015). (Estimates Committee B)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector):** I have been advised of the following:

The department does not produce the information that you have requested. The per student costs are produced for the purposes of the state budget papers only.

### EDUCATION AND CHILD DEVELOPMENT DEPARTMENT

In reply to **Mr PISONI (Unley)** (24 July 2015). (Estimates Committee B)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector):** I have been advised of the following:

The Department for Education and Child Development's FTE cap is a point in time as at 30 June each year.

However, I can advise that as at 30 June 2015, there were 14,310.7 FTEs employed under the *Education Act 1972* and 4,520.3 FTE's employed as School Services Officers giving a total of 18,831 FTEs.

While *Public Sector Act 2009* employees are not appointed to positions that are based in government schools, public sector employees do provide services and work in and across schools, for example Apprenticeship Brokers and Integrated Support Services employees such as psychologists, social workers and speech pathologists.

Standard practice is for preschool employees to be appointed under the *Children's Services Act 1985*.

### TEACHERS

In reply to **Mr PISONI (Unley)** (24 July 2015). (Estimates Committee B)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector):** I have been advised of the following:

During the 2014-15 year, three teachers were removed from schools for reasons of concerns raised about either their performance or their behaviour. They have either worked elsewhere in the Department for Education and Child Development or have been placed on leave with pay.

During the same time frame, twelve teachers had been advised that their performance was persistently unsatisfactory and that they would be the subject of a managing unsatisfactory performance process.

Last year, 2014, the employment of two teachers was terminated as the result of a managing unsatisfactory performance review process.

### CHILD PROTECTION

In reply to **Ms SANDERSON (Adelaide)** (24 July 2015). (Estimates Committee B)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector):** I have been advised of the following:

In 2014-15 there were Other Person Guardianship (OPG) orders granted for nine children.

Recognising the importance of OPG, the government is investing more than \$1.6 million over the next four years to increase the number of orders granted.



**FAMILIES SA**

In reply to **Ms SANDERSON (Adelaide)** (24 July 2015). (Estimates Committee B)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector):** I have been advised of the following:

The Families SA Redesign Program consists of the following projects:

1. Call Centre Assessment and Support
2. Strengthening Families
3. Entering Care
4. Increasing Family Based Placements
5. Residential Care
6. Therapeutic Services
7. Legal Processes
8. Practice Support
9. HR and Workforce
10. Resources and Logistics.

**FAMILIES SA**

In reply to **Ms SANDERSON (Adelaide)** (24 July 2015). (Estimates Committee B)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector):** I have been advised of the following:

The cost of redesign for the 2014-15 financial year was \$1.101 million with total costs of \$2.443 million.

**EDUCATION AND CHILD DEVELOPMENT DEPARTMENT**

In reply to **Mr PISONI (Unley)** (24 July 2015). (Estimates Committee B)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector):** I have been advised of the following:

The term specialist behavioural workers is not an official designation for people employed in Department for Education and Child Development (DECD) schools. Teachers, School Services Officers (SSO) and other professionals employed under *Public Sector Act 2009* conditions by DECD may work with students with significantly challenging behaviour. These staff members are usually employed by DECD in small, specialised and uniquely resourced centres, co-located with mainstream schools or, as in two cases, large stand-alone sites which are basically schools in their own right. Statewide Support Services also employs a number of such specialised staff, not based in centres or schools.

In addition to its specialised employees (of which there are currently 135.25 base *Education Act 1972* and *Public Sector Act 2009* FTE and 918 base funded SSO hours per week allocated) DECD provides around \$3.784 million targeted funds to schools.

These schools then make decisions locally regarding the expenditure of these targeted funds to best meet the needs of the student/s. Additional staff are usually but not necessarily teachers and SSO. Other professional services may also be used. The additional staffing may be employed casually or on contract.

**INSTRUMENTAL MUSIC SERVICE**

In reply to **Mr PISONI (Unley)** (24 July 2015). (Estimates Committee B)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector):** I have been advised of the following:

As at the end of June 2015, there were 7,422 students actively engaged in programs of the Instrumental Music Service (IMS).

Of those students 172 are enrolled in the IMS Central Student Ensembles. Approximately half of those students are taught by IMS teachers and the remainder by private music instructors.

A further 111 students are enrolled in IMS regional ensembles.

In addition there are 1,454 students enrolled in ensembles in schools which are conducted by IMS teachers.

**SCHOOL-BASED APPRENTICESHIPS**

In reply to **Mr PISONI (Unley)** (24 July 2015). (Estimates Committee B)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector):** I have been advised of the following:

The Department for Education and Child Development (DECD) Trade Schools of the Future database is used to collect Australian School Based Apprenticeship/Traineeship enrolment information.

In 2014 there were 1,876 DECD students in training in school based apprenticeships/traineeships, 894 were new enrolments and 982 were continuing enrolments.

School based apprenticeship/traineeship contracts of training convert to full or part time apprenticeships/traineeships at the cessation of secondary schooling.

Traineeship and Apprenticeship Services in the Department of State Development manage the conversion of school based apprenticeship/traineeship contracts of training to paid full or part time contracts.

There were 636 students who completed secondary schooling at the end of 2014 and although destination data is not available, it can be concluded that their school based contracts of training converted to full or part time contracts.

In 2014 there were eight students who signed up to full time apprenticeships before completing their schooling.

Since the start of the Trade Schools for the Future program in 2008 over 6,000 students have commenced school based apprenticeships/traineeships.

### TEACHERS

In reply to **Mr PISONI (Unley)** (24 July 2015). (Estimates Committee B)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector):** I have been advised of the following:

The latest available data on teachers broken down into primary and secondary categories is August 2014.

As at August 2014, there were 8,042 government primary school teachers/leaders and 5,097 secondary school teachers/leaders.

The data includes teachers and leaders who were actively employed in government schools or sites attached to schools and spend the majority of their time in contact with children/students and have teaching duties. Also includes leadership positions but excludes teachers/leaders on four or more weeks leave and temporary relieving teachers.

Teachers are paid the salary rate agreed to in the South Australia School and Preschool Education Staff Enterprise Agreement 2012.

Below is a table containing the number of teachers/leaders, as at August 2014, broken down by classification and salary step.

Salary range of teachers and leaders located in schools sites or sites attached to schools as at August 2014		
Classification description	Salary step	Total
Advanced Skills Teacher Level 2	1	331
Deputy Principal—Band B-1 and Band B-2	1	118
Deputy Principal Band B-3	1	64
Deputy Principal Band B-4	1	58
Deputy Principal Band B-5	1	20
Deputy Principal Band B-6	1	17
Highly Accomplished Teacher	1	34
Hourly Paid Instructor Class 2 and 3	1	64
Hourly Paid Instructor Class 4	1	54
Lead Teacher—School	1	17
Leader Band B-0	1	6
Leader Band B-1 and Permanent Relieving Leader	1	1029
Leader Band B-2	1	208
Leader Band B-3	1	309
Leader Band B-4	1	15

Salary range of teachers and leaders located in schools sites or sites attached to schools as at August 2014		
Classification description	Salary step	Total
Leader Band B-5 and B-6	1	24
Permanent Relieving Teacher	1	4
Permanent Relieving Teacher	2	3
Permanent Relieving Teacher	3	1
Permanent Relieving Teacher	4	1
Permanent Relieving Teacher	5	5
Permanent Relieving Teacher	6	1
Permanent Relieving Teacher	7	3
Permanent Relieving Teacher	8	19
Permanent Relieving Teacher	9	33
Principal Band A-1	1	13
Principal Band A-2	1	120
Principal Band A-3 and Permanent Relieving Principal	1	139
Principal Band A-4	1	94
Principal Band A-5	1	88
Principal Band A-6	1	54
Principal Band A-7	1	27
Principal Band A-8	1	17
Principal Band A-9	1	21
Seconded Teacher Level 2	1	3
Senior Teacher Band B-1 and Senior	1	46
Teacher and Itinerant teacher	1	777
Teacher and Itinerant teacher	2	679
Teacher and Itinerant teacher	3	646
Teacher and Itinerant teacher	4	515
Teacher and Itinerant teacher	5	462
Teacher and Itinerant teacher	6	393
Teacher and Itinerant teacher	7	360
Teacher and Itinerant teacher	8	1874
Teacher and Itinerant teacher	9	4308
Teacher and Itinerant teacher	NOM	65

#### DEFENCE SA

In reply to **Mr VAN HOLST PELLEKAAN (Stuart)** (27 July 2015). (Estimates Committee A)

**The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs):**

I can confirm that the commitment by the Australian government to assemble 12 submarines in South Australia was made in the 2009 Defence White Paper and as such was included in the state government's future employment targets. Similarly, Land 400 was also launched in the 2009 Defence White Paper and the state government has been actively pursuing this project since this announcement.

#### PUBLIC SECTOR ALLOWANCES

In reply to **Dr McFETRIDGE (Morphett)** (27 July 2015). (Estimates Committee A)

**The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation):**

Attraction, retention and performance allowances as well as non-salary benefits paid to public servants and contractors:

(a) 2013-14:

Dept/Agency	Position Title	Classification	Allowance Type	Allowance Amount
Department of State Development	Principal Commercial Adviser	ASO8	Retention	\$23,000
Department of State Development	Principal Industry Development Officer Manufacturing	ASO8	Retention	\$6,100
Department of State Development	Manager ICNSA	MAS3	Retention	\$7,694
Department of State Development	Manager MIPO	ASO8	Retention	\$20,000

(b) 2014-15:

Dept/Agency	Position Title	Classification	Allowance Type	Allowance Amount
Department of State Development	Principal Commercial Adviser	ASO8	Retention	\$23,000
Department of State Development	Principal Industry Development Officer Manufacturing	ASO8	Retention	\$6,100
Department of State Development	Manager APY/West Coast	MAS3	Retention	\$10,952
Department of State Development	Manager Legislative Review	LEC5	Retention	\$27,092
Department of State Development	Manager Aboriginal Heritage	PO5	Retention	\$50,088
Department of State Development	Manager Aboriginal Heritage	MAS3	Retention	\$32,856
Department of State Development	Manager ICNSA	MAS3	Retention	\$10,000
Department of State Development	Manager MIPO	ASO8	Retention	\$20,000

**ABORIGINAL AFFAIRS EXPENDITURE**

In reply to **Dr McFETRIDGE (Morphett)** (27 July 2015). (Estimates Committee A)

**The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation):**

I can advise that the Steering Committee for the Review of Government Service Provision 2014 Indigenous Expenditure Report, released on 12 December 2014, provides estimates of Commonwealth, State and Territory Government expenditure on both Indigenous specific and mainstream services to Aboriginal and Torres Strait Islander Australians during 2012-13. The Productivity Commission acts as the Secretariat for the Steering Committee.

I am advised that the total government Aboriginal expenditure in South Australia in 2012-13 was an estimated \$1.9 billion and accounted for 4.9% of total government expenditure in this state. The IER Report does not disaggregate government expenditure to the APY Lands.

**POLICE NUMBERS**

In reply to **Mr GARDNER (Morialta)** (27 July 2015). (Estimates Committee B)

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised:

The projected sworn FTE in 2015-16 is 4,622.1, comprising 4,441.1 sworn FTE; 36 Community Constable FTE and 145 Cadet FTE.

For 2016-17, the projected sworn FTE is 4,658.1, comprising 4,446.1 sworn FTE; 36 Community Constable FTE and 176 Cadet FTE.

### POLICE CADETS

In reply to **Mr GARDNER (Morialta)** (27 July 2015). (Estimates Committee B)

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised:

For 2015-16, six intakes that total 145 cadets are planned; being 24 cadets for each intake in August 2015, November 2015, January 2016, March 2016 and May 2016; and 25 cadets for the June 2016 intake.

From 2014-15, the constable development program has changed to a cadet period of 12 months meaning that the 145 cadets will all graduate in 2016-17.

Intakes beyond 2015-16 have not yet been scheduled.

### ROAD SAFETY CAMERAS

In reply to **Mr WINGARD (Mitchell)** (27 July 2015). (Estimates Committee B)

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised:

Point-to-point cameras became operational on 14 July 2014. Between 14 July 2014 and 30 June 2015, 197 detections occurred where a vehicle owner has been detected breaking the law but has not been sent a fine for various reasons. These include unreadable, obstructed or missing plates; the vehicle being obstructed by another vehicle; or the vehicle was stolen.

### TRANSIT POLICE

In reply to **Mr WINGARD (Mitchell)** (27 July 2015). (Estimates Committee B)

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised:

The current police establishment for the Public Transport Safety Branch is 96 sworn FTE. Future requirements will depend on operational needs.

### DRUG AND ALCOHOL TESTING

In reply to **Mr WINGARD (Mitchell)** (27 July 2015). (Estimates Committee B)

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised:

There is no set definition or counting rule for 'targeted' testing. Police practices are flexible in response to circumstances as they evolve. Various forms of police intervention including observed driver behaviour, bulk testing and mobile random alcohol testing are used.

### EMERGENCY SERVICES EXPENDITURE

In reply to **Mr GARDNER (Morialta)** (27 July 2015). (Estimates Committee B)

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised:

The increase in intra-government transfers from the original budget of \$39,000 to the estimated result of \$761,000 mainly reflects reclassification of expenditure from supplies and services to intra-government transfers for the State Rescue Helicopter Service (\$462,000) and the Computer Aided Dispatch System (\$210,000) paid to the Attorney-General's Department.

Separate to this are transfers to TAFE for the firearms safety training levy that are disclosed under SA Police Administered Items.

### SPEED CAMERAS

In reply to **Mr WINGARD (Mitchell)** (27 July 2015). (Estimates Committee B)

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised:

A number of factors have contributed to the increase in mobile speed camera detection per traffic volume rate. Greater emphasis has been placed on traffic intelligence and planning in determining mobile speed camera deployments. This has resulted in deployments in locations with lower traffic volume relative to the number of speed detections. The introduction of infrared flashes for mobile speed cameras has resulted in an increase in night time detections.

**SPEED DETECTION**

In reply to **Mr WINGARD (Mitchell)** (27 July 2015). (Estimates Committee B)

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised:

Speed detection devices, including mobile cameras, mobile radars and lasers are used state wide as part of a strategy to reduce excessive speed and to establish a firm base for long term changes in driver behaviour. The aim is to reduce the general level of speed on our roads with a corresponding reduction in the number and severity of road crashes.

As outlined at Budget Paper 4, Volume 3, page 127, the number of speed detection hours (mobile cameras, mobile radars and lasers) projected in 2015-16 is 125,000 which is the same projection used for 2014-15.

There is not necessarily a nexus between additional hours for speed detection devices (including mobile cameras, mobile radars and lasers) and additional revenue. Other factors such as country versus city deployment, changes in driver behaviour and deployment policy apply.

The budget for 2015-16 for speed detection devices of \$22.5 million took into account the 2014-15 estimated result (\$21.8 million); adjustments for indexation and no growth.

**ECRIME**

In reply to **Mr WINGARD (Mitchell)** (27 July 2015). (Estimates Committee B)

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised:

The eCrime Section is part of SAPOL's Commercial and Electronic Crime Branch. As at 30 June 2015, the section comprised 18 FTE (13 sworn and 5 unsworn):

Sworn	No. FTE
Senior Sergeant 1 <sup>st</sup> Class	1
Sergeant	3
Brevet Sergeant	2
Senior Constable 1 <sup>st</sup> Class	3
Senior Constable	4
Unsworn	
Admin Services Officer Level 7	1
Admin Services Officer Level 6	3
Admin Services Officer Level 4	1
Total FTE	18'

**APY LANDS**

In reply to **Mr GARDNER (Morialta)** (27 July 2015). (Estimates Committee B)

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised:

As of 1 July 2015, the Regional Anangu Services Aboriginal Corporation (RASAC) has been funded by the Commonwealth Government to conduct community safety patrols. This program replaces the night patrol initiative. South Australia Police is collaborating with RASAC to define the role and function of the community patrol program and interaction and communication with local police.

**POLICE HOLDING FACILITIES**

In reply to **Mr GARDNER (Morialta)** (27 July 2015). (Estimates Committee B)

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised:

On Thursday, 15 January 2015, a 24 year old male was arrested for aggravated assault and contravening a condition of an intervention order. Whilst being charged at the Mimili Police Station, the man escaped via a fire escape exit door. Police searched the immediate area and local community with the accused being arrested on 18 January 2015.

Prisoner management procedures were reviewed and changes were implemented in relation to prisoner security.

#### PRISONER NUMBERS

In reply to **Mr GARDNER (Morialta)** (27 July 2015). (Estimates Committee B)

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised:

Prisoner population projections are based on a range of factors including previous trend data, current legislation and existing policies, and are therefore estimates that are subject to fluctuation and elements of uncertainty.

The estimate for forward years is calculated by using actual prisoner data over the past 20 years. The data is then analysed and separated into segments to undertake more complex statistical analysis. Remand calculations use a shorter period (seven years) due to fluctuations, to reflect changes in policy, legislation and policing practices.

As with other episodes where prisoner numbers have increased rapidly over short periods, the expectation is that this growth will plateau and therefore the overall growth in the prisoner population will return to normalised levels. Using these assumptions, when experiencing a rapid increase in numbers over a short period as has been the case most recently, the projected growth rate remains valid, but changes to the baseline can be made to reflect the position at any given time.

The current high level growth rate in the prison population will continue to require monitoring as a continuation of the elevated levels may require further increases in the baseline position.

#### CUSTODIAL SERVICES

In reply to **Mr GARDNER (Morialta)** (27 July 2015). (Estimates Committee B)

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised:

The final result for the net cost of providing services for Program 2 Custodial Services for the year ended 30 June 2015 was \$195.473 million.