LEGISLATIVE COUNCIL

Tuesday 30 July 1996

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. R.I. Lucas)—

Promotion and Grievance Appeals Tribunal—Report, 1995-96

Friendly Societies Act 1919—General Laws—
Confirmation pursuant to section 10 of the Act

By the Hon. Diana Laidlaw, for the Attorney-General (Hon. K.T. Griffin)—

Phylloxera and Grape Industry Board of South Australia—Chairman's Report, 1995-96

Regulation under the following Act—
Workers Rehabilitation and Compensation Act 1986—Agencies of the Crown—Healthscope

Rules of Court—Supreme Court—Supreme Court Act 1935—Admission of Practitioners

By the Minister for Transport (Hon. Diana Laidlaw)—

Corporation By-laws—
Walkerville—No. 6—Recreation Grounds and Reserves
West Torrens—No. 2—Moveable Signs (Amendment No. 1)

District Council By-law—
Willunga—No. 4.—Moveable Signs.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. CAROLINE SCHAEFER: I bring up the report of the committee on vegetation clearance regulations pursuant to the Electricity Trust of South Australia Act 1946.

SELECT COMMITTEE ON THE PROPOSED PRIVATISATION OF MODBURY HOSPITAL

The Hon. BERNICE PFITZNER: I bring up the interim report of the committee on the proposed privatisation of Modbury Hospital.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 100, 109, 115 to 117, 119 to 122, 124 and 133.

PUBLIC RELATIONS CONSULTANTS

100. **The Hon. R.R. ROBERTS** asked the Minister for Education and Children's Services—Since 1 January 1994—

1. Has the Deputy Premier, Treasurer, Minister for Police and Minister for Mines and Energy, or any of his officials, engaged the services of any public relations firm or individual?
2. What is the name of the firm or individual?
3. What was the nature of the service provided?
4. When was the services provided?
5. How much was paid for each service?

The Hon. R.I. LUCAS:

Department of Treasury and Finance

Name of firm or individual	Nature of service provided	When was the service provided	How much was paid for each service
Kathie Stove	Editing the Department of Treasury and Finance Annual Report	August 1994 and August 1995	$1 000.00 August 1994 $1 040.00 August 1995
TOTAL			$2 040.00

Lotteries Commission of South Australia

Michels Warren	Press Releases Annual Report preparation Agent communications Under-age gambling Syndicates Easiplay Club	January 1 1994 to 31 October 1994	$46 550.05
TOTAL			$46 550.05

South Australian Asset Management Corporation

Field Business Services	Media monitoring and news release re: Ramada Grand	December 1994	$532.60
Field Business Services	News release and monitoring re: Collinsville Stud	May 1995	$1 884.80
Field Business Services	Media monitoring	June 1995—July 1995	$2 203.00
Field Business Services	Monitoring media re: Myer Centre sale and suicides within centre	August 1995	$359.33
Field Business Services	Media monitoring and news release re: SAAMC Annual reports	September 1995	$1 696.70
Field Business Services	Promotion re: Santos agreement to lease floors within 91 King William Street Tower	October 1995	$1 090.60

Field Business Services	Media requirements associated with SAAMC's asset sale program—media monitoring	March 1996	$1 338.46
Field Business Services	Announcement re: Settlement of Security Pacific Bank claim—media monitoring	April 1996	$319.50
TOTAL			$9 424.99

Superannuation Funds Management Corporation of SA

No expenditure on public relations consultants for the period indicated.

Asset Management Task Force

Field Business Services	Public and media relations services on an 'as required' basis. Preparation of briefings and supply of communications material on asset sales. Production and printing of information booklet provided to potential investors and other communications material produced on asset sales	February 1995—June 1996	$95 428.00
TOTAL			$95 428.00

Motor Accident Commission

Hamra Management Pty Ltd	Managing sponsorship program and assisting with communication issues involving various road safety initiatives, medical rehabilitation and research projects	February 1996	$14,644.00
TOTAL			$14,644.00

Gaming Supervisory Authority

No expenditure on public relations consultants for the period indicated.

South Australia Police Department

Stephen Middleton & Associates Pty Ltd	Public relations aspects of Enterprise Bargaining	September 1995	$5,282.85
Phillip Styles Marketing Pty Ltd	To advise on major sponsorship possibilities concerning the SA Police Band	December 1994 - January 1995	$2,000.00
TOTAL			$7,282.85

Mines & Energy South Australia

Michels Warren	Launch of advisory booklet	November 1995	$2,252.50
Michels Warren	Development of strategies to contain energy use in remote areas. Produce a quarterly news sheet in pursuit of the above strategy.	November 1995 - June 1996	$6,140
John Mignone	Implement a schools workshop program Prepare educational material for a resource education kit. Hold community consultation seminars in country regions throughout the state	January 1994 - June 1996	$141,625
Carol Hannaford	Promote resources in SA including the resources promotion week.	February 1996 - June 1996	$13,715
TOTAL			$163,732.50

Information relating to the expenditure on public relations consultants used by the State Bank/BankSA and the SGIC is not provided as these entities are no longer under Government ownership.

109. **The Hon. R.R. ROBERTS:** Since 1 January 1994—

1. Has the Minister for the Environment and Natural Resources, Minister for Family and Community Services and Minister for the Ageing, or any of his officials, engaged the services of any public relations firm or individual?
2. What is the name of the firm or individual?
3. What was the nature of the Service provided?
4. When was the service provided?
5. How much was paid for each service?

The Hon. DIANA LAIDLAW: Please see the table below.

1.	2.	3.	4.	5.
DENR	John Mitchell Public Relations	Preparing advertising schedules and media releases; writing and editing; and promotional activities for the Cleland Wildlife Park.	January 1994 to June 1995	$ 19 500
DENR	Designhaus, The Marketing Centre and Simon Lownsborough	Developing and presenting DENR corporate identity concepts.	May to July 1994	$ 2 000 $ 1 000 $ 1 000
DENR	Steve Whitham Media and Communications	Developing and implementing promotional and media strategies, sponsorship proposals, concepts for TV and radio commercials and schools marketing programs; arranging media sponsors; writing and presenting proposals for awards and prizes for the Environment and Recreation Trails, 1994 and 1995 Royal Adelaide Shows.	June to September 1994 June to September 1995	$ 11 045 $ 15 377
DENR	The Marketing Centre	Defining customer requirements and expectations likely to affect conversion strategy for the Torrens Automated Title System (TATS).	August 1994	$ 14 500
DENR	Michels Warren	Promoting the EPA's Cleaner Production Demonstration Scheme and organising award ceremonies.	September 1994 and October 1995	$ 9 650 $ 4 500
DENR	The Marketing Centre	Identifying the electronic information requirements of remote access users for planning the Land Ownership and Tenure System (LOTS) Redevelopment Project.	April to June 1996	$ 12 000
AGEING	Bennison Ainslie Pty Ltd	Marketing of South Australian Seniors Card	1 January 1994—31 January 1995	$ 15 459
AGEING	Bernard Boucher Communications	Publicity for the 10 Year Plan for Aged Services	March/April 1996	$ 1 015
FACS	Christopher Rann and Assoc	Office for Families and Children—promotion of Family Ambassadors— arrange and edit regular column in the Sunday Mail	Early 1996	$ 4 861 to 30/6/96

Please note: This information relates to public relations services only and specifically does not include graphic design and production services.

SAMCOR SALE

115. **The Hon. R.R. ROBERTS:** On what dates did stages 1, 2 and 3 of the sale process for SAMCOR, as outlined by the Minister for Primary Industries in the Estimates Committee on 20 June 1996, begin and conclude?

The Hon. R.I. LUCAS: Sale preparation for SAMCOR (stage 1) commenced in early 1995 and was completed on 7 August 1995. Stage 2 commenced on 7 August 1995 and concluded on 26 October 1995. Stage 3 commenced on 27 October 1995 and concluded with the recent announcement of the closure of the current sale process.

116. **The Hon. R.R. ROBERTS:** On what dates did the General Manager of SAMCOR, Mr Des Lilley, withdraw from active participation in stages 1, 2 and 3 of the sale process for SAMCOR?

The Hon. R.I. LUCAS: Mr Lilley's active participation in the sale process ceased with his attendance at the last SAMCOR sale project steering committee meeting on 29 September 1995. He had no participation whatsoever in stage 3 of the sale process, the stage which includes the management of the tender process, the receipt of tenders, their evaluation, and the preparation of recommendations to Government.

117. **The Hon. R.R. ROBERTS:** On what dates did the General Manager of SAMCOR, Mr Des Lilley, attend meetings as a member of the Asset Management Task Force's steering committee involved with overseeing the sale of SAMCOR?

The Hon. R.I. LUCAS: Mr Lilley attended steering committee meetings on the following dates:
31 August 1995
7 September 1995
14 September 1995
29 September 1995.

Mr Lilley played no part in the Asset Management Task Force's management of the tender process, and in particular played no part in the evaluation of tenders or preparing any recommendations to Government. The sale procedures used by the AMTF for all asset sales specifically precludes management participation in this stage of the process.

119. **The Hon. R.R. ROBERTS:**

1. Has the General Manager of SAMCOR, Mr Des Lilley, travelled to Canada at SAMCOR's expense at any time during stages 1, 2 and/or 3 of the sale process, or at any other time?
2. On what dates did the travel occur?
3. Who accompanied him?
4. What was the purpose of the trip?
5. Did he meet with representatives of Better Beef Ltd?

The Hon. R.I. LUCAS:

1. Mr Lilley has not travelled to Canada at SAMCOR's expense at any time.
2. Not applicable.
3. Not applicable.
4. Not applicable.
5. Not applicable.

120. **The Hon. R. R. ROBERTS:**

1. Has the General Manager of SAMCOR, Mr Des Lilley, travelled to Canada at Asset Management Task Force expense at any time during stages 1, 2 and/or 3 of the sale process, or at any other time?
2. On what dates did the travel occur?
3. Who accompanied him?
4. What was the purpose of the trip?
5. Did he meet with representatives of Better Beef Ltd?

The Hon. R.I. LUCAS:

1. Mr Lilley has not travelled to Canada at Asset Management Task Force expense at any time.
2. Not applicable.
3. Not applicable.
4. Not applicable.
5. Not applicable.

121. **The Hon. R.R. ROBERTS:**

1. Has the General Manager of SAMCOR, Mr Des Lilley, travelled to Canada at Better Beef Limited's expense at any time during stages 1, 2 and/or 3 of the sale process, or at any other time?
2. On what dates did the travel occur?
3. Who accompanied him?
4. What was the purpose of the trip?
5. Did he meet with representatives of Better Beef Ltd?

The Hon. R.I. LUCAS:

1. I understand the General Manager of SAMCOR, Mr Des Lilley travelled to Canada at Better Beef's expense during stage 3 of the SAMCOR sale process. The Treasurer, the Minister for Primary Industries and the AMTF were not aware of this travel until recently.

2. I understand the travel occurred in January 1996.

3. I understand Mr Lilley was accompanied by his wife.

4. I understand the purpose of the trip was to inspect Better Beef's operation.

5. I understand Mr Lilley did meet with representatives of Better Beef.

122. **The Hon. R.R. ROBERTS:**

1. Has the General Manager of SAMCOR, Mr Des Lilley, travelled to Canada at private expense at any time during stages 1, 2 and/or 3 of the sale process, or at any other time?

2. On what dates did the travel occur?

3. Who accompanied him?

4. What was the purpose of the trip?

5. Did he meet with representatives of Better Beef Ltd?

The Hon. R.I. LUCAS:

1. I am unaware of any travel by Mr Lilley to Canada at private expense (but did at Better Beef expense) at any time.

2. Not applicable.

3. Not applicable.

4. Not applicable.

5. Not applicable.

124. **The Hon. R. R. ROBERTS:**

1. Has the Chairman of the Asset Management Task Force expressed any concern to the Treasurer in relation to the role played by the General Manager of SAMCOR in the sale process?

2. What concerns, if any, have been expressed?

3. When were they expressed?

4. What action did the Treasurer take?

The Hon. R.I. LUCAS:

1. The General Manager of SAMCOR has been involved only in the sale preparation of SAMCOR and has had no involvement in the evaluation of tenders received, or the presentation of recommendations to Government in respect of those tenders.

2. Not applicable.

3. Not applicable.

4. Not applicable.

TANCRED

133. **The Hon. T.G. CAMERON:** Can the Minister advise whether the *Tancred* contains significant amounts of asbestos and, if so, were all prospective tenderers, including those who wish to use the vessel 'above the surface' made aware of this fact before they submitted a tender?

The Hon. DIANA LAIDLAW: Ports Corp did not carry out a detailed inspection of the *Tancred* prior to offering the distrained vessel for sale. Ports Corp considered that it was not required to carry out such an inspection, as confirmed by the Crown Solicitor's office.

The sale tender documents required prospective tenderers to inspect the vessel, and indicated that no expressed or implied warranty was given for its condition. In addition, the documents stated that should the purchaser wish to break the vessel up on a Ports Corp site, any asbestos found must be removed at the purchaser's expense and in accordance with occupational health and safety legislation and codes of practice.

Finally, I can advise that the purchaser is aware that asbestos has been found in the vessel, and that its removal has been allowed for in the tender price.

POLICE DEPARTMENT, WOMEN EMPLOYEES

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made in another place today by the Minister for Police on the subject of women employees within the South Australian Police Department.

Leave granted.

HEALTH COMMISSION REVIEW

The Hon. DIANA LAIDLAW (Minister for Transport): I seek to table a ministerial statement given this day in another place by the Minister for Health regarding the appointment of a public health reviewer.

Leave granted.

QUESTION TIME

SCHOOL COMPUTING EQUIPMENT

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about EDS school computing equipment.

Leave granted.

The Hon. CAROLYN PICKLES: On 10 July the Minister advised the Council that computing equipment in schools transferred to EDS included items purchased from funds raised by school communities. The Minister said that these funds would be returned to the Consolidated Account but that schools may be reimbursed for computing assets paid for out of school funds subject to proof of purchase and the age of these items. In other words, the Minister has garnisheed and sold equipment belonging to the schools, purchased by parents using their own funds or funds raised by them, and he is now saying that if the schools can prove ownership of these items they may be reimbursed some amount to be decided by the Government—not even a guarantee to reimburse the amount that the Government obtained by selling the items. My questions to the Minister are:

1. What steps did the Government take to identify items that were purchased using funds raised by schools before transferring equipment to EDS?

2. Does the Minister know the value of this equipment and how much did the Minister pay for it?

The Hon. R.I. LUCAS: As I indicated to the earlier question, I am advised that a considerable amount of work was done on that issue at the time. I am getting responses to the honourable member's earlier questions and I will add to that list of questions these further questions and bring back a reply as soon as I can.

SAMCOR SALE

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Minister for Education and Children's Services, representing the Treasurer, a question about the processes for the sale of Samcor.

Leave granted.

The Hon. R.R. ROBERTS: On Monday 18 July the Treasurer (Hon. Stephen Baker) announced that the sale process for Samcor had been abandoned because the Government had not received a conforming bid that would allow Samcor to be transferred to the private sector, and he further acknowledged the perceived conflict of interest between the General Manager of Samcor (Mr Des Lilley) and one of the bidders (Better Beef Ltd of Canada), which had complicated the sale process.

In the House of Assembly on the following day the Treasurer was asked why he had not acted earlier to halt the sale processes given that he may have known of Mr Lilley's activities earlier in that year. The Treasurer defended his

actions or lack of action during the sale process by stating that his involvement was limited to taking the finalised stages of 1, 2 and 3 of the sale process to Cabinet for endorsement. He said:

> I do not believe that Ministers should have a say in the outcome of this process and they should not be involved during the processes.

The Treasurer quite rightly established that there should be no political interference in the sale of publicly owned assets and that the processes should be undertaken by the Asset Management Task Force without ministerial involvement. In his ministerial statement tabled in this place on 9 July 1996 the Treasurer stated:

> Each of the parties which originally submitted bids for Samcor will be invited to resubmit their offers on a lease/purchase agreement.

My questions are:

1. Does the Treasurer believe that the Minister for Primary Industries, Mr Kerin, has breached the Treasurer's guidelines for involvement in asset sales, given the Minister's recent visit to Canada for discussions with Better Beef Pty Ltd and given that the restated sale process has yet to be completed, and, if not, why not?

2. If Mr Kerin has breached the Treasurer's guidelines, what action does the Treasurer propose to take to deal with the matter?

3. Will the same courtesies of ministerial patronage be extended to all parties involved in the original bidding process, including the Russian company and the Australian company, or has the deal with Better Beef already been done, and is the new sale process simply being conducted as a sham?

4. If there are further meetings with the Australian firm, will they discuss matters of substance in relation to their proposals, or will they simply be a re-run of their last meeting at which they were informed why the original sale process had been abandoned and were warned not to speak to the Opposition or the media about any aspect of the bidding process, a warning which may well have breached section 9(1) of the Whisteblowers Protection Act 1993?

The Hon. R.I. LUCAS: I will refer those questions to my colleague in another place and bring back a reply.

EXHAUST EMISSIONS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question about exhaust emission testing.

Leave granted.

The Hon. T.G. ROBERTS: One of the problems that has been identified as creating difficulties with air quality in metropolitan areas is exhaust emissions. The Environment, Resources and Development Committee took reams of evidence and made recommendations in a report on coming to terms with and testing regimes. I thought that I passed a testing program in place along the Port Road about a week ago when I saw a car being tested on the side of the road. If there is a regime in place in which the Government is involved, it would be good if it could advertise it and put motorists on notice that a regime is in place, as there may be a rush by motorists who allow their engines to deteriorate to a point where they become a problem for air quality to fix them. My questions are:

1. Has the Government put in train an exhaust emission testing program?

2. If so, what is the program and how is it operating?

3. If not, why not?

The Hon. DIANA LAIDLAW: I cannot confirm whether it is being done on a pilot basis or is being fully implemented, but I am aware that the police, in association with the Environment Protection Authority, are conducting random vehicle emission testing. I will confirm later whether it is on a pilot basis or is a fully authorised program which is ongoing, what regime applies and what advertising will be conducted in association with the program.

It is an important initiative, as the honourable member noted, because passenger motor vehicles in South Australia are older than the average for vehicles Australia wide, and Australia wide the average age is greater than that for OECD countries. Standards which are upgraded relating to exhaust emissions, braking and even fuel take about 16 years to come through the system by the time people have replaced their vehicles. We can be diligent today, but, until sufficient vehicles have been upgraded to accommodate these new standards, it will take a long time for these measures to become effective. The testing that is being conducted now is an important initiative. I will seek to provide the honourable member with a full answer, hopefully before this session finishes this week but certainly during the break.

OUTSOURCING CONTRACTS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister for State Services a question about Government outsourcing.

Leave granted.

The Hon. M.J. ELLIOTT: I have been informed that the Government has set in train a process to outsource facilities management of Government services and that this outsourcing contract will be even larger than the information technology outsourcing that occurred late last year. I simply ask the Minister at this stage whether he will confirm that the Government is now considering the outsourcing of facilities management of Government services and within what timeframe this process of consideration will take place. My information is that the Government hoped to have the matter signed, sealed and delivered before making it public. I ask the Minister within what timeframe this outsourcing is expected to happen; whether or not it is expected to happen as a single contract or whether it will follow the Western Australian model, which I believe is four tranches; or whether the Government is considering any other models.

The Hon. R.I. LUCAS: I will refer the honourable member's questions to the Minister and bring back a reply.

ECONOMIC RATIONALISM

The Hon. T. CROTHERS: I seek leave to make a precised statement before asking the Minister for Education and Children's Services as the Leader of the Government in this place a question about economic rationalisation and the flow-on effects of such a policy.

Leave granted.

The Hon. T. CROTHERS: Members of the general public who have an interest in such matters would recall that the first all-embracing drive of economic rationalists at government level commenced during the 13 year tenure of office by a Prime Minister of Great Britain (Mrs Margaret Thatcher). During the course of her stewardship, the following formerly State-owned utilities were sold off: British

Railways, British Gas, British Electricity, Britain's water supplies, and many of the formerly State-owned coal mines and other formerly State-owned instrumentalities too numerous to mention here.

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: I hope you never make it to the Commonwealth Serum Laboratories—they would want to pin you up on the wall as a sample. It was said by Thatcher and her ministerial acolytes that these sales would be good and that they would reduce unemployment and service costs to the people of Great Britain as well as move the position of monopoly control away from the State, thus opening up these services to a multifaceted group of privately-owned companies. A casual look at what has happened in reality reveals that the unemployment figures in Britain have not improved and that the bottom has dropped out of the value of homes. Indeed, some commentators have called that nation 'the economically sick old man of the European Economic Community', apparently second only to Greece in the national wealth stakes amongst constituent members of the European Economic Community.

Again, some commentators assert that the increased manifestation of Jacob Creutzfeldt disease can be laid at the door of economic rationalists by virtue of the fact that offal products from British abattoirs, which had been normally disposed of as being unfit for human consumption, were crushed up into food pellets and fed to the 11.5 million strong British cattle herd. Given the foregoing, I direct the following questions to the Minister:

1. Does he consider that the policies of successful Australian Federal and State Governments in selling off publicly owned assets will achieve the advantages to the community as repeatedly stated by our economic leaders?

2. Does he believe that our present horrendous unemployment figures will be markedly reduced due to the policy of privatisation?

The Hon. L.H. Davis: They're the lowest of any year.

The Hon. T. CROTHERS: Well, if it's the lowest committee here, you'd have to chair it. I will give you that. I don't know whether we've got one that low, but you'd have to chair it. My final question to the Minister is:

3. Does he believe that the economic role model of privatisation in Great Britain, which has flowed outwards into other nations, including Australia and its States, has been a success and, if so, will he specifically detail those areas where he considers it to have been a success?

The PRESIDENT: Order! Before the Minister answers the questions, I refer the honourable member to Standing Order 109, which distinctly provides that members should not debate the subject. The member had a good debate there, and I congratulate him on his debate, but debate is not applicable to questions.

The Hon. R.I. LUCAS: I do not think that was up to the usual standard of the shadow Treasurer.

The Hon. L.H. Davis: It was still better than John Quirke, though.

The Hon. R.I. LUCAS: It was still better than John Quirke's, but it was not up to the honourable member's usual standard. Certainly, it is not for me to quote personal views or governmental views from South Australia as to the success or otherwise of another national government, and I do not intend to do so today. On behalf of the Government, I am happy to make some general comments on this State Government's attitude—and I guess my own personal views in some respects—on some of the issues raised by the honourable member. I must say that I am always bemused by the use in a pejorative sense of the phrase 'economic rationalist' or 'economic rationalism' because, for students of the English language, 'economic rationalism' is simply rational economics. Any argument that, in effect, can be mounted by anyone against the view that our economics ought to be rational in some sense or other, frankly, always escapes me. It seems to be a commonsense approach to our economics that it ought to be rational, and that in some way the use of this phrase in a pejorative sense—that economic rationalism is something to be feared and avoided in some way—is an interesting—

The Hon. T.G. Roberts: It should be in inverted commas.

The Hon. R.I. LUCAS: If the Hon. Trevor Crothers spoke in inverted commas he might have made a bit of difference in terms of his contribution.

The Hon. L.H. Davis: His argument was certainly in inverted commas.

The Hon. R.I. LUCAS: His argument was certainly in inverted commas, as my colleague the Hon. Mr Davis has indicated. As someone with an economics background myself, it just seems to me to be commonsense that one ought to tackle the economic issues of the State and the nation in a rational way and, if an economic rationalist approaches it in a rational way, I do not see that that is something that ought to be criticised in any way. If someone was irrational and driven by ideology alone and was not rational in the application of economics and economic arguments, then I could understand the honourable member and others—

Members interjecting:

The Hon. R.I. LUCAS: The Hon. Trevor Crothers agrees with me—let me place that on the record. It is an issue about which I have had the odd debate and argument in terms of those in the community, including some of the leading members of our churches prior to the most recent election, who were very critical of economically rational policies in terms of Federal and State Governments. To give the Hon. Mr Crothers credit, he did indicate that successive Federal Governments have adopted policies in relation to sale of public assets and utilities and, whilst he did not list them as he did with the Thatcher Government, as my colleagues and others reminded him by way of interjection, one has only to recall the Commonwealth Bank, Qantas, CSL, Serum Laboratories, failed attempts to sell ANL, and a number of other public assets and utilities under policies adopted by his own Prime Minister.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: Exactly, and I gave the Hon. Mr Crothers credit for having at least owned up to the fact that a Government of his own persuasion—

The Hon. Anne Levy: You are not supposed to debate in the answer, either.

The Hon. R.I. LUCAS: I am not debating the answer: I am responding to the question that was put to me. The Hon. Mr Crothers at least, as I said, indicated that the Federal Labor Government had a long history of it. In terms of whether or not that is a rational approach, certainly I think one can argue, and certainly the State Government argues, that it is a rational approach to sell off some of our State assets to reduce the size of the State debt. The State mortgage—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: I am not going to comment about Britain; and the answer to the question is that this State Government does not slavishly follow the policies of the

Thatcher Government, or indeed any other Government: it makes its judgments in relation to what best suits the local South Australian circumstances. To answer the third question, we have not used the Thatcher Government as a role model in terms of economic theory and how to handle the economic problems that beset a State or a national Government. This State Government, however, does see it as making good, rational economic sense to reduce the size of its State mortgage by way of the sale of State assets.

As the Treasurer recently reported, there has been a reduction in the level of our State debt by some $1.8 billion through the sale of public assets, which not only reduces our State debt but reduces the amount of money we waste every year on interest payments on our State debt. It is similar to the mortgage of the Hon. Mr Crothers (if he still has one on any property or assets that he might own), in that he must, on an annual basis, as do most other South Australians, pay out of his recurrent expenditure, money to pay off the interest on his mortgage repayments. The bigger our State debt, the bigger our annual interest repayments and, given the fact that we have been able to reduce that State debt by almost $2 billion, there has obviously been a very significant reduction in the annual interest costs the taxpayers must pay to pay off our State debt. Of course, because we are saving that sort of money, we then have additional money to pour into essential services, such as education and health, as we were proud to announce in the State budget an extra $150 million is going into education and health during the 1996-97 financial year: approximately $90 million will go into health and approximately $60 million will go into education. We have only been able to achieve that sort of terrific result for education and health because we have adopted commonsense, rational economic policies in terms of reducing the size of our debt and reducing the annual interest payments that we must make.

WORKCOVER

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Minister representing the Minister for Industrial Affairs a question about WorkCover and tax.

Leave granted.

The Hon. ANNE LEVY: I have been contacted by a constituent who, as a result of an unfortunate accident at her employment, is on WorkCover payments and has been for two years so far. I am pleased to say that she does expect to get better eventually. During this time on WorkCover, my constituent received payments, but in the second year of her time on WorkCover her payment was paid as a lump sum, being a lump sum for a full year at a particular rate per week. I will not go into the 85 per cent of total earnings, and so on. The notional weekly earnings are reduced by an estimation of tax, so that she receives a proportion of the amount that she would have received while working, less the tax that she would have paid on that amount. However, that tax is not actually paid as income tax to the Federal Government.

The complication arises because, while on WorkCover payments, she has undertaken retraining courses at her own expense to enable her to be skilled for employment other than that which caused her injury in the first place. As she undertook educational training at her own expense, she would, of course, be entitled to claim these as a tax deduction. My constituent could claim it as a tax deduction if she were putting in an income tax return, but she is told by the Taxation Office that, as her sole income is from WorkCover, she is not eligible to put in a tax return and that no tax has been paid on her behalf to the Federal Government, so she cannot claim her tax rebate which she would otherwise be entitled to claim had she received that income and paid tax on it.

This seems to raise a particular anomaly in the WorkCover legislation and is not only disadvantaging my constituent and others in her case but also is reducing the income tax to which the Federal Government is entitled. If the amount paid to my constituent by WorkCover is reduced by the amount of tax that would be paid, surely that tax should be paid to the Federal Government by WorkCover as a PAYE contribution. If that were the case, my constituent would be able to claim tax deductions and receive a rebate from the Taxation Office. As WorkCover does not actually pay the tax on her income to the Taxation Office, she cannot put in a tax return and so get the rebate to which she would otherwise be entitled.

I agree that this is opinion but it does seem to me to be an anomaly, and I am sure that many people would agree that it is an anomaly. I ask the Minister for Industrial Affairs whether he will investigate this matter and see whether, when tax is deducted from WorkCover payments, that tax should be paid to the Taxation Office so that the WorkCover recipient can receive tax rebates to which they would otherwise be entitled.

The Hon. R.I. LUCAS: I will refer the honourable member's question to the Minister and bring back a reply.

OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE

The Hon. A.J. REDFORD: Mr President, I ask my question of you. Having regard to the fact that we recently celebrated the first anniversary of the Occupational Safety, Rehabilitation and Compensation Committee, will you make inquiries about when we are likely to receive a report, how often and when the committee has met and who has made submissions or given evidence to it?

The PRESIDENT: The answer to that is 'Yes.'

DEAF-BLINDNESS DISABILITY

The Hon. P. NOCELLA: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about deaf blindness handicap.

Leave granted.

The Hon. P. NOCELLA: I raise the subject of deaf blindness handicap as part of a continuing interest that I have in this type of disability but also because it has been brought to my attention that correspondence originating from Mr Arnold Cielens to the Minister has not had a reply for a long time and has apparently gone unnoticed. Mr Arnold Cielens is a well-known crusader and a person who has shown over many years a strong advocacy on behalf of those who have contracted or who were born with the deaf blindness disability. In his letter of 18 June he was simply asking about certain aspects of special education, particularly the education of children who have dual sensory handicap, namely, deaf blindness, which some people consider is the severest form of sensory handicap.

This letter was the last of a series of letters addressed to departmental offices, all of them written over a number of months and all of them remaining unanswered. I do not need to name the officers, but I can do that if it helps, and I can also provide copies of the correspondence. The questions

asked what education is provided, and by whom and where it is provided, for children with deaf blindness handicap and whether there are appropriate early intervention programs for children by specially trained personnel. Will the Minister look into the matter and, having done so, will he provide a reply with a view to implementing appropriate programs for this group of people?

The Hon. R.I. LUCAS: I thank the honourable member for his question. The honourable member's constituent would be well-known to other Ministers and, I suspect, members as well. Mr Cielens has been a fearless advocate on behalf of a number of causes in which he strongly believes and has believed for a number of years. In relation to that aspect of his concerns about Education and Children's Services, the Government takes the constituent's claims seriously, and certainly there has been a lot of discussion by many officers over a considerable period in trying to deal with the issues that the honourable member's constituent has raised.

As to various elements of correspondence directed to departmental offices, I am aware that the honourable member's constituent has had the practice of contacting a number of officers and, in terms of trying to keep a handle on departmental discussions with the constituent, the department has been trying to organise those discussions through a particular officer or officers. I can certainly refresh my memory in relation to the understandings on behalf of the department on that aspect of the honourable member's question and, if the facts are different from what I have just relayed to the honourable member, I shall be pleased to clarify it by way of a letter to the honourable member during the coming break.

If there is anything else that upon reflection and discussion with my officers I can offer to the honourable member by way of further explanation or answer to his question, I will undertake to write to him during the coming parliamentary break and prior to the next session and provide further detail in response to the various issues that the honourable member has raised on behalf of his constituent.

TEACHERS' DISPUTE

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about teachers' industrial action.

Leave granted.

The Hon. R.D. LAWSON: The South Australian Branch of the Australian Education Union is running an advertising campaign at the moment, the terms of which in the print media include the following:

> Our claim—

that is, the teachers' claim for way better wages, conditions and class sizes—

> has been on the table for two years. During this time the Government has steadfastly refused to negotiate. Industrial action has been the weapon of last resort in our efforts to convince the Government to take our claims seriously. Meanwhile the quality of education in this State suffers. The Government claims, however, that our State cannot afford to increase spending on education.

My questions to the Minister are as follows:

1. Is the statement correct that during the past two years the Government has steadfastly refused to negotiate with the union?

2. Has the Government failed to take seriously the claim of the teachers?

3. Does the Minister agree that the quality of education in this State has suffered in consequence of the Government's position in relation to this matter?

4. Is it correct to say that the Government's position is that our State cannot afford to increase spending on education?

The Hon. R.I. LUCAS: I thank the honourable member for his question. Certainly the Government's position all along has been that the only impediment to a sensible and reasonable resolution to the current dispute has been the intransigent attitude of some teacher union leaders.

The Hon. M.J. Elliott: And one Minister.

The Hon. R.I. LUCAS: No, that is not correct. In any dispute—and a number of members in this Chamber have represented employee interests through union officer positions—the only way in which any dispute is resolved is for both sides in the dispute to be prepared to give a bit, so that those who are offering, from the other party's viewpoint, too little must increase their offer and those who are claiming too much, from the other party's viewpoint, must reduce the size of their claim, and eventually a resolution is found somewhere between the two original positions of the parties.

In relation to this dispute one party—the Government—has been prepared to compromise its position and seek resolution. The Government made an original salary and conditions offer of $40 million. It then increased its offer to $93.6 million, more than doubling the amount. It compromised significantly by indicating that Treasury would offer an additional $70 million per year to the education budget, whereas the original position was that the whole $93.6 million would have to be financed by reductions in the education budget.

There are a number of other areas in which the Government has compromised significantly in a genuine attempt to try to resolve this issue and, as I indicated originally, at least to demonstrate that one party was prepared to increase its offer in the hope—forlorn that it has turned out to be—that the other party would reduce its $230 million salary and conditions claim to meet somewhere in the middle so that the dispute might be resolved.

I will have to take some learned legal advice over the next 24 hours—and perhaps the honourable member might be able to assist in this task as well—but at this stage, given that the honourable member has asked a question of me, a Minister of the Crown, in the Parliament, I may be able to say more tomorrow after I have taken that advice. The least I can say is that the union, in all its discussions and negotiations, has steadfastly and obstinately refused to reduce by even $1 the size of its $230 million salary and conditions claim.

As I have said, the only way in which we can resolve a dispute is for one party to be prepared to increase the size of its offer and for the other party to be prepared to reduce the size of its claim and, hopefully, we can resolve the issue somewhere in the middle. I will be taking some advice on this matter over the next 24 hours, but the very least I can say is that the union has steadfastly refused to compromise and reduce the size of its offer. If I am in a position to reveal some of the issues that have gone on over the past month and a half or so in relation to the discussions with the Industrial Commission, the Government will come out of the negotiations smelling like roses in terms of being prepared to compromise, being prepared to further negotiate and in trying to resolve the issue.

If we are in a position to be able to indicate the true position and attitude adopted by union negotiators and union

leaders in relation to what they said was an attempt to resolve the dispute, I do not believe that one person—teacher, parent or otherwise—in South Australia will accept the position adopted by the teachers' union leadership during the recent negotiations.

That is all I can say at this stage in relation to that matter. Because as a Minister of the Crown I have been asked in the Parliament a question in relation to these issues, I therefore intend to take some advice and respond more fully tomorrow if I am able to in order to place on the table the facts as to what has been going on in the past few weeks and whether or not the teachers union leadership was being genuine in any way at all in attempting to resolve the dispute. If the teachers union not only did not compromise but also, for example, happened significantly to increase its demands on the taxpayers of South Australia, and if all teachers and parents became aware of that situation, they would know immediately that the leadership of the teachers union has not been fair dinkum in relation to trying to resolve the salaries and conditions dispute over the past few weeks. I hope that I am in a position to be able to add to that in the next 24 hours or so in the Parliament.

In relation to the other aspects of the honourable member's questions, certainly the Government has indicated all along that it believes that our teachers and staff deserve a well merited salary increase. That is why we are offering at least $90 a week for most teachers and up to $150 a week for principals in senior positions within our schools. Again, I am constrained at this stage as to whether or not that public offer has been changed in any way through the private discussions in which we have been engaged over the past couple of months or so.

If the offer had been accepted when it was first made, I believe we would have seen a significant lift in morale of our teachers and staff, having been paid a well-merited salary increase. So far only the actions of the union leadership have prevented the payment by the Government of a significant salary increase. We believe that if that offer that the Government has made to the union had been accepted, we would have seen an improvement in the quality of teaching and learning that we are able to offer through the resultant increase and lift in morale of teachers and staff and also not having to live through the constant industrial warfare being manufactured on a daily basis by the leadership of the teachers' union in trying to continue the present dispute with the Government.

I thank the honourable member for his questions. I will take on notice some aspects of his questions that I feel a little constrained about answering today. It may be that I am able to be a little more fulsome in responding to a question which has been asked of me in Question Time today.

OVERHEAD CABLES

In reply to **Hon. SANDRA KANCK** (29 May).

The Hon. R.I. LUCAS: The Minister for Infrastructure has provided the following response:

1. ETSA Corporation does recover its costs for repairing stobie poles from motorists where that damage is extensive.

2. The costs of restoring a carrier's cable is borne by the carrier. We are not aware of the carrier's practice but we suspect it is similar to ETSA's.

3. Telecommunication carriers have rights of access and attachment to ETSA poles under the Telecommunications Act. Pursuant to those rights ETSA is negotiating compensation. Both parties are presenting their position in a commercial manner and negotiations are continuing in that spirit.

4. Negotiations are continuing but an outcome is expected shortly.

UNITED WATER

In reply to **Hon. SANDRA KANCK** (28 May)

The Hon. R.I. LUCAS: The Minister for Infrastructure has provided the following response:

1. The contract made provision for the transition and transfer of non-infrastructure assets to United Water. In particular:

Chemicals

The contract specifies that chemicals used in the filtration and treatment plants by United Water be reimbursed, ie. SA Water pays United Water for the cost of chemicals used.

Initially chemicals "on site" at 1 January (purchased by SA Water) were used by United Water. As a consequence of these chemicals being made available without cost, there was no need for United Water to seek reimbursement. Once those supplies were exhausted, new supplies were purchased by United Water and reimbursed.

Sale of Plant and Equipment

The sale price of Plant and Equipment to United Water was based on independent valuations. The total inventory and minor plant in the metropolitan area as at 31 December 1995 has been counted, agreed and signed off by both SA Water and United Water.

Vehicles

The sale price to United Water of heavy vehicles was based on independent valuations.

SA Water's light vehicle fleet was leased from State Fleet. A three month sub-leasing arrangement was entered into between United Water and SA Water, this enabled United Water to provide continuous service and have sufficient time to organise their own fleet. All leased light vehicles have been returned to SA Water. No light vehicles were sold to United Water.

2. No comment required.

GILLES STREET PRIMARY SCHOOL

In reply to **Hon. CAROLYN PICKLES** (29 May).

The Hon. R.I. LUCAS:

1. Prior to making the decision about the closure of Sturt Street Primary School, I received advice from officers of the Department's Corporate Services Division about the backlog of maintenance work at Gilles Street Primary School and about the capacity of the school.

No program of works has been approved to date. I am advised that detailed work is currently in progress to formulate a proposal, and that the Gilles Street community and Sturt Street staff are closely involved in this work.

2. As I have indicated previously, all work necessary to ensure that Gilles Street Primary School can accommodate Sturt Street's students in 1997 will be done before the start of the 1997 school year. The precise cost of these works is not yet known because their exact nature has not yet been finalised.

In reply to **Hon. CAROLYN PICKLES** (28 May).

The Hon. R.I. LUCAS:

1. The cost of the necessary works is not yet known because their detail has not been finalised.

3. Decisions have not yet been made about where the staff currently based in the Gilles Street Curriculum Unit will be located next year. At this stage therefore, it is not possible to provide information about costs associated with their move.

STURT STREET PRIMARY SCHOOL

In reply to **Hon. A.J. REDFORD** (6 June).

The Hon. R.I. LUCAS:

1. I am advised that members of the Sturt Street Primary School Council entered into negotiations to provide a three-week English language/cultural experience program for approximately 35 Taiwanese students and a small group of accompanying parents.

Crown Law advice is that current regulations under the Education Act do not permit the Department for Education and Children's Services to offer such programs at our schools. The programs can only be managed by a school council hiring hourly paid instructors to undertake the program.

Subsequent to my decision to close Sturt Street Primary School, the Sturt Street Council offered the program to the Parkside Primary School Council. Parkside was happy to run the program, but judged that Sturt Street's costs were too low in some areas. For example, I understand that Sturt Street's proposed cost of $20 per day per

head for all food and beverages was seen as inadequate. The Parkside Council advised a representative of the Sturt Street Council that it would be happy to proceed with the program but at a cost of some $400 more per student that Sturt Street's proposed charge. Parkside's proposed charge was $3 000 per head.

The Sturt Street Council then decided to offer the program to the Sturt Street Campaign. Parkside's offer was not conveyed to Taiwan. The Taiwanese group declined the offer of the Sturt Street Campaign.

The Chairperson of Sturt Street Council has declined to provide details of the Taiwanese contact to an officer of the Department for Education and Children's Services, making it impossible for DECS to enter into discussions with the Taiwanese about the possibility of continuing the program in another DECS school.

2. The Department for Education and Children's Services has designated four high schools and the Secondary Language Centre as locations where fee-paying overseas students can study. The cost of a year's program is currently $6 800. The high schools involved are Glenunga International, Norwood-Morialta, Charles Campbell and Marion. A process is in train to identify a high school to take the place of Marion High School from the beginning of 1997.

There are 150 student places in the overseas fee-paying student program.

COLLEX LIQUID WASTE TREATMENT PLANT

In reply to **Hon. M.J. ELLIOTT** (2 July).

The Hon. DIANA LAIDLAW: The Minister for Housing, Urban Development and Local Government Relations has provided the following information.

1. The cost to subsidise the relocating of Collex to an alternative site is very substantial and the Minister for Housing, Urban Development and Local Government Relations is not aware that the City of Port Adelaide Enfield is prepared to meet the full costs of such a subsidy. It is up to Collex to make a commercial decision whether or not to move to another site.

2. No.

3. A decision on whether the City of Enfield Industry Zone Ministerial Plan Amendment is authorised will be made at the appropriate time, taking into account all issues raised.

AIR QUALITY

In reply to **Hon. T.G. ROBERTS** (4 July).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

1. The Environment Protection Authority is represented on the Noarlunga Industries Community Liaison Group. This group is used as a public forum to discuss issues relevant to the Noarlunga Council area, and information on the air quality monitoring network future plans has been presented to the group. In addition, the air quality monitoring carried out by the EPA is disseminated in an annual report which is available as a hard copy and on the internet at 'http://www.epa.sa.gov.au/'. The Environmental Data Management System (EDMS) when fully established will improve the circulation of information.

2. The Environment Protection Authority expects air quality to improve over time, however, it is not able to link time frames and the extent of improvements as weather patterns are a major influence on the final levels of air pollutants. The EPA is responsible for licensing activities of environmental significance as listed in schedule 21 of the Environment Protection Act 1992. Licences apply conditions and where required Environmental Improvement Programmes of fixed length to both control and improve emissions from these activities. Improvement of the air quality is an ongoing process through these means and it is expected that reductions in emissions will result.

SOIL CONTAMINATION

In reply to **Hon. T.G. ROBERTS** (3 July).

The Hon. DIANA LAIDLAW: The Minister for Housing, Urban Development and Local Government Relations has provided the following information.

Historically, contamination of land within the Bowden Brompton area has principally resulted through previous industrial use, uncontrolled waste disposal or accidental spills of hazardous chemicals. It is only possible to quantify the types and extent of contaminants found by undertaking a site assessment for each property. The site assessment process involves the development of a site history which identifies activities or land uses which may have contaminated the site and then further assessment, including sampling and testing of the soil if such activities are identified. In general the types of industries identified in the Bowden Brompton area may result in sites being potentially contaminated with many different types of chemicals such as heavy metals (ie lead, arsenic, chromium etc).

The health risk of the contaminants to the residents is dependant on the toxicity and level of the contaminants and the amount taken (the dose) into the body. A health risk assessment which is undertaken on a site by site basis is the appropriate method to determine the present health risk to residents.

The Housing Trust has publicly stated it will pay for any out-of-pocket expenses incurred by residents within the Florence Crescent and Chief Street sites in having medical testing. In addition to the medical testing, the Housing Trust has offered to relocate any tenant who so wishes to another area and to provide assistance with relocation costs such as removal expenses and connection fees for gas, water, telephone and electricity for these tenants.

VEGETATION CLEARANCE

In reply to **Hon. T.G. ROBERTS** (4 July).

The Hon. DIANA LAIDLAW: The Ministers for Primary Industries and the Environment and Natural Resources have provided the following information.

1. Primary Industries South Australia (PISA) Forestry has not purchased the area, nor does it currently hold a conditional sale contract or any form of purchase agreement.

The land in question is located to the south-west of Lucindale and comprises Sections 87, 95 and 96, Hundred of Fox.

PISA Forestry has indicated to the agents its interest in the property and has undertaken an assessment of its suitability for forestry development together with a detailed review of the existing native vegetation.

This work has been carried out on the understanding that the vendor is free to sell the property to any other party in the meantime.

2. The director of the company owning the land lodged a clearance application with the Native Vegetation Council in March 1996. PISA (Forestry) was named as the agent for the application.

The Department of Environment and Natural Resources has assessed the land and its native vegetation in response to this application.

3. Consideration of the application by the Native Vegetation Council has been postponed at the request of the agent. Therefore any statement on the area or the number of trees that may be cleared would be speculative.

PLASTIC BAGS

In reply to **Hon. T.G. ROBERTS** (2 July).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

The Minister for the Environment and Natural Resources is planning to hold a seminar/summit on the issue of plastic bags within the next two months which will aim at producing a metropolitan-wide pilot program to cut down on the use of plastic bags. Community groups and the retail industry will be invited to attend. The issue of paper bags as a replacement for plastic bags will be discussed at that summit along with other types of bags, separate payment for bags, and other incentive schemes.

MARINE POLLUTION

In reply to **Hon. T.G. ROBERTS** (9 July).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

1. Any land based projects of major significance will be subject to an appropriate level of scrutiny such as that provided by an Environmental Impact Statement (EIS). Any such EIS will necessarily include an assessment of potential impacts upon the marine environment. This assessment would be undertaken through the established consultative process as determined under the Development Act, 1993 and include referral to Primary Industries South Australia which is responsible for management of the fisheries and aquaculture industries of the State. The propagation or rearing of fish in an operation resulting in the harvesting of one tonne or more of live fish per year is an activity under the Environment Protection Act, 1993 and therefore is required to comply with the Environment Protection (Marine) Policy, 1994. The propagation or rearing of molluscs or finfish in marine waters is not included in this activity.

2. All aquaculture projects in the marine environment are subject to assessment under the Development Act, 1993. The framework for that assessment is laid down in a range of aquaculture management plans being prepared by Primary Industries South Australia, in conjunction with the Department of Housing and Urban Development. Aquaculture zones are determined having regard to the associated land use. Any areas which may be a source of land based pollution are zoned so as to prohibit aquaculture development. This is a means of ensuring that aquaculture activities are not detrimentally affected by land based pollution. Once aquaculture areas are established it is then incumbent upon the State's professional planners to ensure that land use is maintained so as to be compatible with the aquaculture activity and that future development of land does not take place if it is likely to threaten the established aquaculture operation. This process, usually undertaken by the preparation of a Plan Amendment Report is also subject to public and government agency scrutiny as determined by the Development Act, 1993.

ETSA ADVERTISING

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Infrastructure, a question about misleading advertising by ETSA.

Leave granted.

The Hon. SANDRA KANCK: I refer to a letter to the editor that was published in the *Advertiser* on Tuesday 16 July 1996 from John R. Coulter of Longwood, South Australia. In it he talks about a brochure that came with his electricity bill claiming that reverse cycle airconditioning operated with an efficiency of 250 per cent and went on to claim that a slow combustion stove was only 60 per cent efficient. In the letter he states:

This is a deceptive comparison of two different things. In the latter case, it is clear that the efficiency being quoted relates to the conversion of chemical energy in wood, the primary fuel, to useful heat, while in the former only the efficiency of conversion of electrical energy, a secondary source, to heat is included.

The conversion of chemical primary energy in coal into useful electricity delivered to the home power point being between 25 per cent and 30 per cent, it is clear that a fair comparison on energy conversion efficiency alone would reveal reverse cycle to be between 60 per cent and 75 per cent—very similar to wood.

Moreover, were one to compare greenhouse gas emission, then a wood-burning stove shows 100 per cent efficiency, making no net gain to CO^2 in the atmosphere, while the reverse cycle heater has a zero efficiency unless the electricity were to be generated from solar, wind sources or other renewable non-fossil fuels, something ETSA does not do.

My questions to the Minister are:

1. What is the correct efficiency figure for reverse cycle airconditioning?

2. Why was such inaccurate information allowed to be included with energy bills distributed by ETSA?

3. Will next month's bill include an apology for misleading advertising to ETSA customers, and, if not, why not?

The Hon. R.I. LUCAS: I will refer those questions to my colleague in another place and bring back a reply.

DECSTECH 2001

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the DECStech 2001 Program.

Leave granted.

The Hon. P. HOLLOWAY: The DECStech 2001 project team has published an information bulletin on the project which indicates that this year's budget allocation of $15 million will include $4 million for a subsidy scheme for school computers and $11 million to begin the roll-out of networks to schools. My questions are:

1. What subsidies are available to schools to purchase additional computers, what conditions apply and when will the funds be distributed?

2. How will priorities be established for schools to join the networks and how much of the $11 million available this year will be spent on country schools?

3. Can the Minister guarantee expenditure this year of the budget allocation, and, if not, will he undertake to increase next year's program by any amount returned to the Consolidated Account?

The Hon. R.I. LUCAS: The final decisions in relation to the allocative mechanism or formula that will be used to distribute the funds to schools have not yet been taken. Discussions are going on with the Institute of Teachers, the various principals' associations and parents' associations about the fairest way to distribute the money that the Government has allocated. It will not surprise the honourable member to know that there are probably 1 000 different recommendations as to how the money ought to be distributed and in what priority order. It will be for me eventually, having looked at the process of consultation, to conclude a particular process. All I have said publicly and to the various groups is that we will ensure that the formula attempts to take into account the relative disadvantages that some communities and schools might suffer in terms of where they are and their ability to raise money to purchase computers. Clearly, some areas are better able to generate fund raising than others. In the interests of equity, we have indicated that we will do the best we can to ensure that the formula takes the subsidy scheme into account.

The roll-out will depend on a range of other factors which are beyond our control and some which are within our control. For example, the roll-out program of Telstra in relation to ISDN in country areas will impact on which schools we can link to a network and which we cannot and in what order. The particular program that, for example, Optus might have in terms of rolling out cable in the metropolitan area may or may not affect the order of priority for what we can or cannot do in that respect.

There are some other issues in relation to the whole of Government telecommunications contract, which was recently announced as one agency. We now have to have discussions with the other Government agencies which handle that particular contract to see what deals, if any, we can negotiate on behalf of country schools in particular regarding the cost of access to the network. That matter will be the subject of discussions with telecommunications providers and others associated with that contract.

The fourth major issue is broadly within our control. We have to make a judgment in terms of the servicing and ongoing maintenance of our total network whether to undertake a contract with a major private sector supplier similar to EDS or an offshoot of IBM or some other significant company to negotiate an annual price for maintaining the network or whether to go down the other route and employ trained technicians and operators permanently within the Department for Education and Children's Services for that purpose. Clearly, that is a significant decision. As I have indicated publicly and to the education organisations which have had discussions with me, I believe that it will take us some time to conclude that issue, because such a contract if

undertaken would be a major contract with the Department for Education and Children's Services.

In terms of carryover funding, it is my intention as the Minister for Education and Children's Services that any money out of the $15 million allocated for information technology that remains unspent at 30 June next year will be carried over in our cash balances or we will adopt some other arrangement whereby it will be a net continuing addition to information technology acquisition in Government schools for 1996-97 or in any subsequent year.

NATURAL GAS (INTERIM SUPPLY) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 July. Page 1834.)

The Hon. T.G. CAMERON: The Opposition supports the second reading of this Bill. This Act is viewed by the Commonwealth and a number of other States as an impediment to free and fair trade in gas between the States. Under the Council of Australian Governments' agreement of February 1994, the repeal of anti-competitive legislation is expected prior to the introduction of gas reform. The amendments proposed in this Bill would seem to encompass all the responsibilities of the South Australian Government under the February 1994 COAG agreement: that is, to repeal the anti-competitive legislation by the middle of 1996.

The Opposition recognises the need to repeal anti-competitive legislation in South Australia pursuant to the COAG agreement. It appears that the Natural Gas (Interim Supply) Act 1985 was not conducive to perfect competition in the gas sector—indeed, it was never intended to be. In those days—over a decade ago now—the Labor Government was concerned to keep certain controls over the gas industry and gas production in this State for the good of all South Australians. Hence, there were restrictions on the use of Cooper Basin methane and conditions were placed on the production of natural gas pursuant to a petroleum licence. However, these are different times, and the Opposition has not discerned any good reasons to oppose or amend this legislation. It is good to see that we will, at least, retain control over a substantial quantity of reserve gas (300 petajoules) for South Australian gas users. The Opposition supports the second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the honourable member for his indication of support for the second reading.

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

WESTPAC/CHALLENGE BILL

Adjourned debate on second reading.

(Continued from 25 July. Page 1835.)

The Hon. CAROLYN PICKLES (Leader of the Opposition: The Opposition supports the second reading. The Opposition recognises the need to facilitate the merger of the Challenge Bank and Westpac and the consequent transfer of the South Australian assets and liabilities of Challenge to Westpac. This type of legislation has passed through this Council before, and the Bill before us contains no unusual features. This type of Bill is necessitated by the fact that banks are special creatures operating under strict legislative and Reserve Bank guidelines ultimately for the reason that the public's trust in banks can be maintained. A Bill such as this circumvents some of those guidelines in a controlled way so as to avoid the logistical nightmare of contacting every Challenge Bank depositor and borrower to seek authorisation for the transfer of assets and the creation of fresh banking documents by Westpac reflecting Challenge Bank's position *vis a vis* each customer.

The Opposition has just one question of the Minister. It relates to the taxes and duties associated with the transfer of assets and liabilities facilitated by this Bill. What is the figure which Westpac should be up for, and how much is the Treasurer actually requesting for payment in relation to those items; and, to the extent that any special consideration is given to Westpac, what is the justification for that? The Opposition does not wish to hold up the Bill unduly, but it would like to have an answer to that question. However, if the Minister is unable to provide an answer today and if the Bill is required in another place, as long as an assurance is given that the answer will be provided in writing, the Opposition is happy with that process.

The Hon. M.J. ELLIOTT: The Democrats support the second reading. As already noted, this is the second in what might be a series of Bills of this type. It was not that long ago that we voted on the merger of Advanced Bank and State Bank and the transfer of assets involved. This is really a mechanical Bill, and we have no cause for concern with it.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their contributions to the second reading. The Leader of the Opposition has asked me, representing the Government, a question about one aspect of this Bill. I indicate to the Leader of the Opposition that I do not have an adviser with me this afternoon. However, I am happy to make the offer to the Leader of the Opposition that I will take up the issue with the Treasurer and will provide a written reply to the Leader of the Opposition from the Treasurer or from me during the coming parliamentary break in response to that question.

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

STATE EMERGENCY SERVICE (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill makes miscellaneous amendments to the State Emergency Service Act 1987 to give legislative effect to the Government's decision in December 1995 to separate the State Emergency Service (SES) from the SA Police Department (SAPOL).

The employees of the SES, including the Director, SES, were appointed in SAPOL under the Public Sector Management Act 1995 and were therefore responsible to the Commissioner of Police. In addition, the Commissioner of Police is responsible for the adminis-

tration of the State Emergency Service Act subject to the control and direction of the Minister. This created an anomaly in that the Commissioner of Police is responsible to the Minister for Emergency Services for the administration of the State Emergency Service Act whilst being responsible to the Minister for Police for the administration and management of SAPOL, which included the employees of the SES.

The Government therefore decided that the employees of the SES should be constituted as a separate public service unit and State Emergency Service SA was created, effective from 1 July 1996, by proclamation made by Her Excellency the Governor in Executive Council pursuant to the Public Sector Management Act on 6 June 1996.

It is now necessary to make a number of minor amendments to the State Emergency Service Act in order to remove the responsibility for the administration of the Act from the Commissioner of Police, to clarify who is a member of the SES as constituted under the Act (as opposed to the administrative unit that has been created), and to improve the Act through several other technical amendments that do not alter the role and function of the SES.

The administrative unit that has been created is titled State Emergency Service SA to distinguish it from the wider SES body constituted under the Act, which includes not only members of this administrative unit but also the SES volunteers. This wider group is, under amendments proposed in the Bill, to be titled State Emergency Service South Australia. The lack of a distinction between the persons employed as a part of the SES within SAPOL and the SES as a whole was a minor deficiency of the Act. This deficiency assumes greater prominence once the independent administrative unit is created.

The other amendments proposed in the Bill simply tighten up the drafting of some provisions of the current Act. The Act currently makes reference to the Deputy Director of the SES but does not formally constitute that office or specify that the Deputy forms part of the SES. The Bill amends sections 4(2) and 5 of the Act to remedy this.

In addition, it was thought that the current description of who is included in the SES, contained in section 4(2)(a) of the Act, was imprecise in referring to 'persons employed in a position in the Service' and could cause confusion in so far as the SES is, and will continue to be, provided with administrative and support services by other agencies. The Bill therefore seeks to amend this provision to ensure that the persons included in the Service can be clearly identified. The operational role and function of the SES is unchanged. I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 3—Interpretation

This clause amends section 3 to remove the definition relating to the Commissioner of Police and to make a number of consequential amendments reflecting the change to the State Emergency Service's name implemented by clause 3 of the Bill.

Clause 3: Amendment of s. 4—Continuation of State Emergency Service South Australia

This clause amends section 4 of the Act to provide that the State Emergency Service continues under the name State Emergency Service South Australia. Subsection (2) is also amended to specifically include reference to the Deputy Director of the State Emergency Service and to clarify who else is included in the Service as constituted under the Act.

Clause 4: Amendment of s. 5—The Director and Deputy Director of the Service

This clause amends section 5 of the Act to include reference to the Deputy Director of the State Emergency Service and to make it clear that the Director of the Service may or may not be the Chief Executive of the administrative unit that comprises or includes the public service members of the Service.

Clause 5: Amendment of s. 7—Director to administer Act and submit annual report

This clause deletes subsection (1) of section 7 (which provided that the Commissioner of Police was responsible for the administration of the Act) and replaces references to 'the Commissioner' in subsection (2) with references to the Chief Executive of the administrative unit that comprises or includes the public service members of the Service. This means that the Chief Executive (rather than the Commissioner) will be responsible for preparing the Service's annual report.

Clause 6: Amendment of s. 8—Functions of the Service

This clause makes an amendment that is consequential to the amendment removing the definition of 'the Commissioner' and corrects an incorrect reference in paragraph (c) of section 8.

The Hon. T. CROTHERS: I rise on behalf of the Opposition to indicate support for this Bill. The matter has been debated and agreed to by the Opposition in another place. However, in this place there are representatives of three political Parties. To that end, I have consulted with my parliamentary colleagues, the Democrats, and I am informed that they, too, are supportive of this amending legislation. My understanding of the Bill is that it is necessary in order to remove the responsibility for the administration of the State Emergency Service Act from the Commissioner of Police. The effect of this and other amendments will be that employees of State emergency services will be constituted as a separate Public Service unit.

Previously, these employees came under the control of the Police Commissioner who, in turn, given his responsibilities for the administration of the State Emergency Service Act, is responsible to the Minister for Emergency Services. On the one hand, he is responsible to that Minister yet on the other hand he is responsible to the Minister for Police for the administration and management of the South Australian Police Department, which presently includes the employees of the State emergency services. In the Government's view—and we agree—this creates an anomalous position with respect to the chain of command. Given the nature of the type of work required from time to time from State emergency service workers, it makes sound and good sense to have the chain of command more direct and clear cut than is currently the case. The Opposition, therefore, supports the Government's amending Bill so as to remove the anomaly. On behalf of the Opposition in this place, I indicate that we support the Bill and commend it to the Council.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the Hon. Mr Crothers for his indication of support for the legislation. I understand also from private discussion with the Australian Democrats that they are supportive of the legislation as well. I thank members for their indication of support.

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

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That this Bill be now read a second time.

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

Leave granted.

South Australia is widely regarded as having some of the strictest gun laws in Australia. However, without uniform national gun laws and minimum standards, South Australia remains vulnerable with dangerous and prohibited mail order firearms entering the State from other jurisdictions with lax gun controls.

The Port Arthur shootings on 28 April 1996 shocked the nation and focused the attention of the entire country on the issue of gun control. The Prime Minister called a special meeting of the Australasian Police Ministers' Council and set the agenda for sweeping reforms of gun laws including the banning of automatic and semi-automatic firearms.

South Australia has been at the forefront of prior attempts to introduce uniform national gun laws, however the reluctance of other jurisdictions has foiled those attempts.

In an historic move, on 10 May 1996, the Australasian Police Ministers' Council agreed to a series of resolutions to introduce national uniform gun laws. The underlying thrust of those resolutions is that gun ownership is not a right, it is a conditional privilege. It should be noted, that in South Australia personal protection has not been regarded as adequate justification for possessing a firearm since 1 January 1980.

The Firearms (Miscellaneous) Amendment Bill 1996 incorporates the Police Ministers' Council resolutions and, in line with community expectations, provides for significant penalties for serious firearms offences.

Unlike a number of other jurisdictions, South Australia already has many of the measures proposed under the resolutions in place, including registration of all firearms and mandatory training for firearms licence holders.

Automatic firearms are already banned in South Australia. A person may only possess and use an automatic firearm in South Australia for theatrical or cinematic purposes and then only after obtaining a licence from the Registrar of Firearms.

Although all of the firearms that appear within the new nationally agreed categories are already accounted for in the South Australian system, some changes have been required to reflect the new categories.

In addition to the resolutions of the 10 May 1996 Australasian Police Ministers' Council, the Bill contains other measures designed to improve firearms controls. These measures include the introduction of a requirement for recognised firearms clubs to notify the Registrar of Firearms of persons considered not fit to possess firearms.

Under the Firearms Act 1977, medical practitioners are required to notify the Registrar of persons considered not fit to possess firearms. Under the Firearms (Miscellaneous) Amendment Bill 1996, a medical practitioner or a club will be required to give such notice as soon as practicable.

The Bill will provide for introduction of firearm classes A, B, C, D and H which conform to the Australasian Police Ministers' Council resolution and a regulation making power providing further amendment or replacement of the definition of firearm classes should the need arise.

In addition a photographic licence will be introduced, which for classes D or H will be issued for one year and for classes A, B and C may be issued for a maximum of five years.

In conjunction with the photographic licence there is provision for an interim licence which comes into force on the date paid and remains in force for a period of 28 days or until the photographic licence is issued.

The Bill provides for a smooth transition for current licence holders with A and B category firearms. During the transition from the old licence classes to the new licence classes, only persons who require class C or D will be required to produce proof of genuine need.

Persons who hold a licence for a handgun which falls due for renewal during the transitional period will be required to provide proof of the reason for requiring a class H licence in the normal manner.

The Government has introduced amendments in relation to meeting the national requirements for licensing including a minimum age of 18 years and over, proof of identity and genuine purpose and reason.

To assist in interpretation, the meaning of a fit and proper person to have possession of a firearm or ammunition has been included.

Special provisions have been included to allow a person between the ages of 15 and 18 years to make an application for a firearms permit authorising the possession and use of a class A or B firearm for the purpose of primary production.

A firearm collector's licence is being introduced, which will enable *bona fide* collectors to continue to possess firearms for collection and display purposes.

Commercial firearm range operators in South Australia have requested that shooters, under proper supervision, be exempted from the requirement from holding a firearms licence for the possession of a firearm, in the same manner as a person on the grounds of a recognised firearms club. The government believes that properly controlled activities on such ranges should be permitted in South Australia.

The legislation will facilitate the application for recognition and the approval of a range by commercial range operators. Once recognised a commercial range operator will benefit from the legislation in respect to persons being permitted to use the approved range in much the same way as the recognised firearms clubs. A shooting gallery has been defined to distinguish it from a commercial firearms range.

Provisions have been included to enable the Registrar to require additional information to determine an application to vary a licence, to amend the grounds on which the Registrar may refuse an application for a firearms licence, cancel, vary or suspend a licence and to cancel or suspend an ammunition permit.

Appropriate provisions have also been included to enable persons who are aggrieved by a decision of the Registrar to appeal to a Magistrate.

A recognised firearms club will be required to notify the Registrar of the expulsion of a club member and the Registrar may notify an employer or a club, in appropriate circumstances, if the firearms licence of an employee or a club member is cancelled or suspended.

The sale, gift, loan or hire of firearms must take place through a licensed firearms dealer or the transfer of possession be witnessed by an authorised officer of a recognised firearms club or by a member of the police force.

A permit to acquire a firearm issued in other States or Territories of the Commonwealth will be recognised in South Australia.

Provisions limiting class C licence holders, who carry on the business of primary production, to the possession of one self-loading rifle and one self-loading or pump action shotgun have been introduced.

The responsibilities of executors and administrators in relation to the disposal of firearms has been clarified as well as the position of persons engaged in the carriage and storage of goods.

The Australasian Police Ministers' Council resolutions recommend uniform minimum storage requirements for firearms which will be set out in the regulations. A provision has been introduced authorising members of the police force to inspect a licensee's storage facilities. A person who places a firearm in storage for a period in excess of 14 days will be required to provide the Registrar with the relevant details.

Members of the police force have been given the authority to request the registered owner of a firearm to provide details of the whereabouts of that firearm.

An offence has been created for persons who are in possession of the receiver of a firearm, or other mechanism, fitting, part or ammunition without holding an appropriate licence or authority and the authority for a member of police to seize such items has been included.

The powers of police to seize firearms following the suspension or cancellation of a licence and firearms subject to orders under other Acts, including the Domestic Violence Act 1994 and the Summary Procedure Act 1921, have been amended. Authority has been included for the Registrar to hold seized firearms until proceedings have been finalised, then the Registrar may dispose of firearms which have been confiscated or forfeited to the Crown under this or other Acts or which have been surrendered to the Registrar.

A provision has been introduced which makes it an offence for a person who handles a firearm while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the firearm and also make it an offence for a person to transfer possession of a firearm to a person in such a condition.

Where a person is carrying a firearm on or about his or her person, that person will be required to carry with him or her the firearms licence authorising his or her possession of that firearm.

The power to request the production of a firearms licence has been extended to include a warden under the National Parks and Wildlife Act 1972 when a person is in possession of a firearm on a reserve constituted under that Act.

A general defence provision has been included as well as a provision allowing the Registrar, with the approval of the Minister, to declare a general amnesty.

Appropriate transitional provisions have been included to enable the change over to the amended legislation.

The Commonwealth Government has already announced that the compensation scheme for the buy-back of newly-banned firearms will be funded by an increase in the Medicare levy. Final details of the compensation package are still being finalised, however the Bill provides for compensation payments to licensed owners of prohibit-

ed firearms who voluntarily surrender their firearms within the period specified by the legislation. The Bill also provides for compensation to licensed dealers in firearms and ammunition.

On 13 May 1996, the South Australian Government announced an immediate statewide 12-month amnesty to remove unwanted and illegal guns from the community. The amnesty provides an opportunity for people to hand in illegal guns—no questions asked—or to get rid of guns which they no longer need or want.

As at 28 June 1996, more than 800 firearms—including some 214 from country areas and 587 from the metropolitan area—had been surrendered under the amnesty.

People who own firearms which will come under the newly banned categories and who believe the firearms have value for which they want compensation will have to hold on to those firearms until the buy-back scheme is put in place.

It is important to point out that legitimate approved firearms clubs are not affected by the proposed changes except to the extent that they cannot use firearms subject to prohibition. Indeed, one of the genuine purpose classifications for owning, possessing or using firearms under categories A, B and H is membership of an approved club.

The Commonwealth Government has made it clear that the proposed gun law reforms will not affect the Olympic Games or Commonwealth Games disciplines. The Commonwealth Government has been advised that the only such discipline allowing the use of a prohibited firearm relates to Clay Target Shooters and it has given assurances that these people will be accommodated.

A member of the South Australian Clay Target Association or the Australian Clay Target Association who is also a member of a recognised club affiliated with either of those associations and who can satisfy the Registrar that he or she needs a class C shotgun for the purpose of shooting in accordance with the rules of the Australian Clay Target Association.

The resolutions of the May 10 1996 Police Ministers' Council represent a significant step forward in improving firearm control measures across the nation. They do not represent an attack on the vast majority of responsible, law abiding gun owners and users who will be able to pursue their interests and activities under the proposed changes.

The facts are that, despite the responsible behaviour of many firearm owners, firearms are stolen and used against members of the community.

Across Australia in 1994, there were more than 520 deaths by firearms including 420 suicides, 79 assaults resulting in death and 20 accidental deaths.

Despite public claims by certain gun lobby groups that they support sensible, rational gun law reforms, some groups have attempted, and have indeed succeeded in the past, to undermine attempts to introduce sensible and necessary uniform gun controls.

I draw Members' attention to a May 1996 edition of the 'Australian Gun Sports' magazine, in which MLC Mr John Tingle, of the Shooters' Party, openly boasts that one of the accomplishments of that organisation is that it: 'Helped persuade the NSW Police Minister to refuse to take part in uniform national firearms laws proposed by Keating's Government. These laws would have meant universal firearms registration. New South Wales staying out has made national gun laws impossible.'

I urge Members to resist the ongoing attempts of particular groups to derail the push for much needed national gun law reforms.

South Australia must play its part in implementing effective, national gun controls for the benefit of all Australians.

I commend the Bill to honourable members.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 5—Interpretation

Clause 3 amends section 5 of the principal Act which provides definitions and other provisions relating to interpretation of the principal Act.

Clause 4: Amendment of s. 5A—Crown not bound

Clause 4 amends section 5A of the principal Act to ensure that the Crown in right of other States and the Commonwealth is not bound.

Clause 5: Amendment of s. 7—Establishment of consultative committee

This section provides for the membership of the consultative committee. Amongst other amendments the clause requires that the committee comprise at least one man and one woman.

Clause 6: Amendment of s. 8—Quorum, etc.

This clause makes consequential amendments to section 8 of the principal Act.

Clause 7: Amendment of s. 11—Possession and use of firearms

Clause 7 amends section 11 of the principal Act. This section makes it an offence to possess or use a firearm without a licence and sets out exceptional circumstances in which class A, B and H firearms and class C and D firearms can be possessed and used without a licence.

Clause 8: Amendment of s. 12—Application for firearms licence

Clause 8 amends section 12 of the principal Act which provides for applications for firearms licences. Paragraph (d) amends subsection (6) by expanding the grounds on which the Registrar can refuse a licence.

Clause 9: Amendment of s. 13—Provisions relating to firearms licences

Clause 9 amends section 13 of the principal Act. New subsection (3a) provides that a licence does not authorise possession of a firearm if possession was transferred in contravention of new Division 2A. This is an additional way of enforcing the requirement that possession be transferred in the presence of a firearms dealer.

Clause 10: Substitution of heading

Clause 10 substitutes a heading.

Clause 11: Substitution of s. 14

Clause 11 replaces section 14 of the principal Act. The new section requires a permit to acquire a firearm by gift, borrowing or hiring as well as purchasing a firearm. The section also prohibits dealing in the receivers of firearms separately from the firearm.

Clause 12: Amendment of s. 15—Application for permit

Clause 12 amends section 15 of the principal Act.

Clause 13: Insertion of s. 15A

Clause 13 inserts a new section that sets out the grounds on which the Registrar can refuse a permit to acquire a firearm. The Registrar may refuse a permit for a class B or H firearm if the applicant does not have a genuine reason for acquiring it. An example of this may be where the applicant already owns an identical firearm. Subsections (3) and (4) set out the reasons for refusing a class C or D firearm. The regulations may prescribe other circumstances in which class C or D firearms may be acquired.

Clause 14: Insertion of Division 2A of Part 3

Clause 14 inserts new Division 2A. New section 15B sets out the circumstances in which possession of a firearm may be transferred. Section 15C sets out the obligations of dealers, officers of clubs and police officers who witness the transfer of possession. Section 15D sets out circumstances that constitute possession of a firearm.

Clause 15: Substitution of s. 16

Clause 15 replaces section 16 of the principal Act with a provision that makes it clear that a person who deals in firearms or ammunition in this State must be licensed under the principal Act.

Clause 16: Amendment of s. 17—Application for dealer's licence

Clause 16 amends section 17 of the principal Act. A dealer cannot deal with class C or D firearms unless his or her licence is endorsed to that effect.

Clause 17: Amendment of s. 18—Records

Clause 17 provides a penalty for section 18 of the principal Act.

Clause 18: Amendment of s. 19—Term and renewal of licence

Clause 18 amends section 19 of the principal Act.

Clause 19: Insertion of s. 19A

Clause 19 amends new section 19A which requires licences to include a photograph of the holder of the licence.

Clause 20: Amendment of s. 20—Cancellation, variation and suspension of licence

Clause 20 amends section 20 of the principal Act. The grounds on which a licence can be cancelled or varied are expanded. The amendment also gives the Registrar power to inform a licence holder's employer or club of the cancellation, suspension or variation of the licence.

Clause 21: Amendment of s. 20A—Reporting obligations of medical practitioners and clubs

Clause 21 replaces section 20A of the principal Act to require a club as well as a medical practitioner or other prescribed person, to report a member who cannot handle firearms safely.

Clause 22: Amendment of s. 21—Breach of conditions, etc.

Clause 23: Amendment of s. 21A—Notice of change of address

Clause 24: Amendment of s. 21AB—Return of licence to Registrar

Clauses 22, 23 and 24 provide penalties for sections 21, 21A and 21AB.

Clause 25: Amendment of s. 21B—Acquisition of ammunition

Clause 25 amends section 21B of the principal Act.

Clause 26: Insertion of ss. 21BA and 21BB

Clause 26 inserts new sections 21BA and 21BB into the principal Act. Section 21BA enables the Registrar to cancel an ammunition permit if the holder has contravened the Act or a condition of the permit or is no longer a fit and proper person to hold a permit. Section 21BB provides for the making of regulations that limit the rate at which ammunition is acquired or the quantity of ammunition that is held at any one time.

Clause 27: Repeal of s. 21C

Clause 27 repeals section 21C of the principal Act.

Clause 28: Amendment of s. 21D—Appeals

Clause 28 makes consequential amendments to section 21D of the principal Act.

Clause 29: Amendment of s. 22—Application of this Part

Clause 29 amends section 22 of the principal Act.

Clause 30: Amendment of s. 23—Duty to register firearms

Clause 30 provides a penalty for section 23 of the principal Act.

Clause 31: Amendment of s. 24—Registration of firearms

Clause 31 removes subsection (2) of section 24 of the principal Act.

Clause 32: Insertion of s. 24A

Clause 32 insets new section 24A which deals with the identification of firearms.

Clause 33: Amendment of s. 25—Notice by owner of registered firearm

Clause 33 amends section 25 of the principal Act.

Clause 34: Amendment of s. 26—Notice of change of address

Clause 34 provides a penalty for section 26 of the principal Act.

Clause 35: Insertion of s. 26BA

Clause 35 inserts a new section that provides for the recognition of commercial range operators.

Clause 36: Amendment of s. 26C—Approval of grounds of recognised firearms clubs or paint-ball operator

Clause 36 makes a consequential change to section 26C.

Clause 37: Insertion of s. 26D

Clause 37 inserts a new section that provides for the approval of the range of a recognised commercial range operator.

Clause 38: Amendment of s. 28—False information

Clause 38 makes it an offence under section 28 to provide false or misleading information under the Act.

Clause 39: Repeal of s. 29 and insertion of ss. 29, 29A, 29B and 29C

Clause 39 inserts four new sections into the principal Act. Section 29 makes it an offence to handle a firearm when under the influence of intoxicating liquor or a drug or to transfer possession of a firearm to a person who is under the influence.

New section 29A makes it an offence to have possession of a silencer and certain other fittings and mechanisms.

Section 29B makes it an offence to have possession of the receiver of a class C or D firearm separately from the firearm. New section 29C requires a person who is carrying a firearm to carry the licence that authorises possession of the firearm.

Clause 40: Amendment of s. 30—Information to be given to police officer

Clause 40 amends section 30 of the principal Act to enable police officers to require firearm owners to answer questions relating to the whereabouts of firearms.

Clause 41: Amendment of s. 31—Production of licence and certificate of registration

Clause 41 amends section 31 of the principal Act to enable a warden under the National Parks and Wildlife Act 1972 to require a person who is on a reserve under that Act and is in possession of a firearm to produce his or her licence.

Clause 42: Amendment of s. 31A—Period of grace on cancellation, suspension, etc., of licence

Clause 42 amends section 31A of the principal Act.

Clause 43: Amendment of s. 32—Power to seize firearms, etc.

Clause 43 extends the seizure provision of the principal Act to the receivers and other mechanisms and fittings of a firearm and enables a police officer to inspect the means by which a person secures a firearm or the receiver of a firearm.

Clause 44: Amendment of s. 33—Obstruction of police officer

Clause 44 provides a penalty for section 33 of the principal Act.

Clause 45: Substitution of s. 34

Clause 45 replaces the forfeiture provision of the principal Act with an expanded provision.

Clause 46: Amendment of s. 34A—Forfeiture of firearms by court

Clause 46 amends section 34A of the principal Act.

Clause 47: Substitution of s. 35

Clause 47 replaces section 35 of the principal Act. The new section comprehends the substance of the old section and also provides that the Registrar may sell or dispose of surrendered firearms and, subject to the order of a court, firearms confiscated to the custody of the Registrar.

Clause 48: Insertion of ss. 35A, 35B, 35C and 35D

Clause 48 inserts new sections 35A, 35B, 35C and 35D into the principal Act.

Clause 49: Amendment of s. 36—Evidentiary provisions

Clause 49 amends section 36 of the principal Act.

Clause 50: Insertion of ss. 36A and 36B

Clause 50 inserts a general defence and service provision into the principal Act.

Clause 51: Substitution of s. 37

Clause 51 replaces section 37 with a new section providing for the declaration of general amnesties from the provisions of the Act.

Clause 52: Amendment of s. 38—Commencement of proceedings for offences

Clause 52 removes subsection (1) of section 38 of the principal Act.

Clause 53: Amendment of s. 39—Regulations

Clause 53 amends the regulation making power of the principal Act.

Clause 54: Substitution of schedule

Clause 54 replaces the transitional schedule of the principal Act.

The Hon. T.G. ROBERTS: I rise to indicate the Opposition's support for the Government's position in relation to this Bill, and indicate that the goodwill expressed in another place will be carried on in the Council. We will be going through the Government's amendments, and I understand some amendments will be also tabled by the Democrats at a later date. Although one amendment is presently on file, I understand more are coming. South Australia is in a slightly better position to draw a consensus around the firearms legislation, or the proposals put forward by the Commonwealth, probably better than any other State.

South Australia had been gradually moving towards a position that incorporates many of the proposals in the Bill. There is a culture in South Australia that probably does not exist in other States in that, since 1977, there has been bipartisan support for changes to gun laws to make them more acceptable to a society that is reflected in the way in which people view not only each other but also view the use and/or abuse of firearms. South Australia has the balance between the use and/or abuse of firearms in rural and metropolitan areas pretty right. It took some major domestic disputes to bring about the response that the South Australian Government moved towards in 1977 and then in 1992.

I can remember a couple of incidents when police were called to domestic disputes and firearms were used not only in the circumstances of abuse to the people involved in the situations but were turned on the young police officers who had arrived to try to sort out the domestic dispute. I knew one of the young police officers very well, and I know how that circumstance traumatised him for a long part of his life. He was not long out of the Police Academy, and it took some time for him to recover not only from his physical injuries but the emotional effects of being shot as a result of attending a domestic dispute.

The position of the then Government and Police Commissioner was that it would be in the best interests of all South Australians for firearms to be restricted to those people who had good cause to use them. That general, commonsense approach was adopted by both the then Government and Opposition to recall those guns which had been lying around in people's cupboards and which had been bought, in some cases, for dubious purposes and in other cases to lie around and not be used at all. If there was no decent purpose for a gun to be used, then those weapons were encouraged to be handed in.

The legislation that was introduced during that particular time formed some of the basis for the attitudes that the Commonwealth drew on to restrict firearms to those people who had a legitimate use for them. I am sure that the Commonwealth looked at South Australia's registration system and other parts of our legislation to put together the recommendations that were ultimately put forward. A number of Police Ministers' conferences were held at a Commonwealth level after the associated traumas in other States in relation to the Strathfield, Hoddle Street and Queen Street shootings, which brought home to people in the Eastern States that access to firearms by people who had no legitimate use for them should be curbed; that some restrictions should be placed on access and that ownership of firearms brings with it some responsibilities.

Again, at a Commonwealth level, attempts were made through meetings of Police Commissioners to bring resolution to the problem but, unfortunately, the Constitution requires all States to agree to bring about a uniform law and, unfortunately, not all States agreed, basically because of the varying attitudes within the States to gun ownership control and responsibilities. It finally took the Tasmanian Port Arthur circumstance for all States and all Australians to reconsider their positions in relation to firearm ownership, and it was that tragedy that brought all Australians to believe that it would be in everyone's interest, in both the metropolitan and rural areas, to restrict gun ownership to those who had a legitimate use, and for those who could show that they were responsible citizens to own and be in control of firearms.

Following the Police Ministers' conference and broader consultation, a balance had to be drawn between people who belonged to gun clubs and recreational users of firearms and land owners who had legitimate uses for firearms, such as pest or feral animal control or, in some cases, putting down injured animals and animals injured following bushfires. Farmers find themselves having to use firearms for a number of legitimate uses. Those uses had to be balanced into the legislation so as not to be seen as discriminatory and the uses had to be legitimate and could be legitimised by applications for licence.

Unfortunately, the earlier attempts did not bear any fruit because, had the recommendations from the Police Ministers' conferences been adopted at that time—and I am not saying that the Port Arthur situation could have been changed, as those circumstances might still have been in train had the legislation been introduced in 1992—and if the debate had continued in the community at that time, then I think there would have been a greater awareness by individuals within rural communities, and even in the metropolitan area, to the dangers associated with access to firearms where there is disputation between individuals and where we have, in some cases, competitive people within the community.

If those issues had been highlighted at the time, they might have been at the forefront in people's minds in trying to put together preventive measures so that the intentions of the legislation we are now debating might have been in place and perhaps (and I emphasise 'perhaps') the Port Arthur circumstances might not have occurred. That is a subjective debate that people could have over dinner.

The resolutions that came out of the 1996 Australasian Police Ministers' Council agreed to a series of resolutions to introduce national uniform gun laws. That is where the Commonwealth Government started to have difficulties, with varying vested interest groups starting to apply pressure to get State Governments to influence the Commonwealth's deliberations in putting forward uniform laws for recommendations to the States.

Some of those lobbies were very effective in stating their case through what I would regard as legitimate rural-based organisations with legitimate concerns. There was probably enough uninformed information going into the broad debate for those people to try to take control over what I regard as legitimate responsible organisations and individuals in isolated areas, and that is easy to do.

After the debate had been running after the second Police Ministers conference there appeared to be a consensus around some of the recommendations and compromises that were being made during that period. If those debates, discussions and compromises had been worked through from the earlier discussions around 1992, perhaps we would have had a less emotional debate or a climate with less emotion if we had been able to act within those timeframes. There may have been better timeframes, better informed debate, better discussion and less fertile ground for those illegitimate lobbyists within those groups to foment their arguments and debate within the public arena.

Unfortunately, as I said, the discussions held around 1992 did not formulate uniform gun laws at a national level. They did break up and some States went away and drew up their own legislation. South Australia put through its legislation in about 1993, going it alone.

This Bill draws together and incorporates all the resolutions that provide for a whole range of fresh assessments for licensing, various categories of firearms and stricter penalties for offences of abuse. As I said, the Opposition supports all the resolutions that have come from the 10 May Australasian Police Ministers' Council. I was surprised that the Premier did not carry the debate in the Lower House.

The Hon. A.J. Redford: You were going very well until then and now you are going to get churlish. I can see it coming.

The Hon. T.G. ROBERTS: I did not make any comment other than that I was surprised. 'Surprised' is not a very condemning adjective. I just expected the Premier to take the lead in the debate, but the Deputy Premier did a good job in handling it in the Lower House and carrying the recalcitrant backbenchers who, in some cases, put a lot of pressure on the Minister to change his position. In the end, consensus was achieved and we now have the Bill and some sensible amendments before us.

The fact that South Australia had already moved to a position of banning automatics in previous legislation took much of the heat and debate out of the legislative process in forming any position for change. It is States such as Queensland and Tasmania, where there has been little movement towards any restriction of these weapons, which will find it most difficult to move towards the position that we have moved to in South Australia in a consensus form.

The Bill also contains measures to improve firearms control, and it also recognises firearms clubs and the difficulties that they experience. They must notify the Registrar of Firearms of a person considered unfit to possess firearms. There is also a responsibility on medical practitioners, the Bill containing as it does a clause requiring medical practitioners to give notice as soon as practicable. As someone who has lived in a rural community for most of my life, I believe that medical practitioners are in a good position not only to gauge whether someone is capable of exercising responsibility of ownership but also to make an assessment

of those people who would be likely to own a firearm in a rural or regional area.

Medical practitioners are able to talk to and counsel people about difficulties they are encountering in relation to medications, prescriptions or temporary emotional problems that they are experiencing. They can counsel people to hand over their firearms voluntarily and, in conjunction with the police, in most cases they are able without much difficulty to secure those firearms so that often those people are no longer a danger to themselves or others in the community.

In cities and large regional centres it is far more difficult to do this, so there are two problems in matching legislation to the metropolitan area and regional and country areas. The legislation has to be viewed as being applicable to all South Australians. Although some restrictive difficulties face farmers in some of the categories, it is part of being responsible and making compromises so that we can come away with a Bill that satisfies the majority of South Australians. Where difficulties are brought about by the Bill, those considerations must be made by an assessment of a consultative committee reporting to the Minister.

The Bill makes recommendations for a consultative committee. The Opposition has been considering supporting amendments for changes to the composition of that consultative committee and we will address at that matter in Committee.

The Bill provides for an introduction of firearm classes A, B, C, D and H, which conform to the Australasian Police Ministers' Council resolutions and a regulation-making power providing further amendments or replacement of the definition of firearm classes should the need arise. In addition, a photographic licence will be introduced for one year for classes D or H and for classes A, B and C for a maximum of five years.

In conjunction with the photographic licence is a provision for an interim licence, which comes into force on the date paid and remains in force for a period of 28 days until a photographic licence is issued. This has a lot of merit, as it enables the licence to be matched against the owner.

There is provision for guns to be loaned for a period of 10 days, allowing gun club owners whose guns are temporarily out of action to borrow guns without making fresh application; and it also allows for gunsmiths to hold a number of weapons for repair without picking up a licence for trading.

Persons who hold a licence for a handgun that falls due for renewal during a transitional period will be required to provide proof of the reason for holding a class H licence in a normal manner. There are many other provisions for policing and restricting and to enable a monitoring process to be put into place so that assessments can be made on certain categories of guns and rifles and matching them against owners.

There are special provisions for young people between the ages of 15 and 18 years to apply for permits authorising use for a class A or B firearm for the purpose of primary production. This is a necessary adjunct to the Bill so that those young people on farms who have responsibilities similar to those of the mature adults on those farms can carry out their responsibilities and duties without having to call for other adults to come onto the farm. In isolated areas it will allow those young people to carry out their responsibilities in the way in which they would be expected to do so.

Collectors were almost a forgotten crew in the early part of the negotiations, but the Bill now makes provision for the collectors' licence, and *bona fide* collectors will be able to possess firearms for collection and display purposes. The legislation will facilitate the application of recognition and the approval of a range by commercial range operators and, once recognised, a commercial range operator will benefit in the legislation with respect to persons being permitted to use the approved range in much the same way as a recognised firearms club. 'Shooting gallery' has been defined to distinguish it from a commercial firearms range.

The Government and the Opposition in another place have put together in the Bill a whole range of provisions which have come out of the resolutions from the Police Ministers' conference, involving also the practical application of commonsense. The combination of those facts that I mentioned earlier, where there is a culture in South Australia that lends itself to bipartisan support and a level of understanding between the parties, makes it much easier for a commonsense Bill to be put together without the emotional hype that went with some of the earlier lobbying in other States. I hope that those attitudes can continue while the debate ensues in the Legislative Council. I hope, too, that we do not have to sit any longer than normal to get the Bill through, although many people will want to make contributions. I hope that the carry-over—

The Hon. A.J. Redford: You are not in any way suggesting or anticipating a more intelligent debate in this place, are you?

The Hon. T.G. ROBERTS: The honourable member is suggesting that I am intimating that there may be a more intelligent debate. I am saying that I hope there may be a more rational debate in the Legislative Council. I will not make any assessments on the content, although I suspect that people in the Legislative Council have a wide range of backgrounds and skills and will be able to pull the Bill together to make it a better Bill and return it to the other place in a better form with the amendments before us. I suspect that some people will support the Bill in another place but talk against it, as that seemed to be the flow of some of the contributions which I read and which I heard during the debate.

Members of the Police Force have been given the authority to request a registered owner of a firearm to provide details of the whereabouts of that firearm in this Bill, and there are other powers of police seizure and cancellations of licence that can be brought forward under orders. Those provisions were in the old Act, but they have been brought together to provide some continuity and form within the Bill.

A provision has been introduced making it an offence for a person to handle a firearm whilst so much under the influence of intoxicating liquor or drugs to be incapable of exercising effective control of the firearm and also making it an offence for a person to transfer possession of a firearm to a person in such a condition. That is only a logical position to arrive at, as most members in this place would agree that firearms are a dangerous weapon and should be treated like a vehicle, in that they have the potential to do harm and people should not be under the influence of intoxicating liquor or drugs while using them.

The compensation question is causing much concern in the community. Because the Commonwealth had not come out with a proposal that could have been adequately advertised or described broadly, there was much speculation about what the compensation package would involve in relation to the ownership and value of weapons.

I understand that a schedule of firearm values has been brought out, and it appears that there is general agreement on

the values that the Commonwealth has placed on those firearms. There does not appear to have been too many people lobbying against the recommended schedule. When the compensation rates have been drafted for those who apply, we then have to look at the levy that is being asked of all Australians to pay for the compensation to those who hand in their weapons. Comments have been made to me through my office and while getting around the rural areas that I service about the time that it took the Commonwealth to strike the levy and extricate it from their pay in that it was happening almost immediately. However, I do not think anybody disagreed that if compensation had to be paid it should be paid by everybody. Some people disagreed with it not being a flat rate while others argued that it should be on the ability of the individual to pay. How we strike that balance is difficult, because some people are asset rich and cash poor. Any scaled or percentage levy hurts them just as much as a flat rate hurts people on lower incomes. However, the percentage payment has been struck. I understand that there will be the application of a hardship clause for gun shops which have a large investment in their businesses and which may need to meet financial obligations to banks and financial institutions. In that respect, there will be a provision in the administration of the Act for early or prompt payment for those people.

The Opposition supports the Bill. We also support the amendments that have been drafted in a consensus between the Deputy Premier and the shadow Minister in another place, Mr John Quirke. It is on his recommendation that we will be accepting those amendments here. I understand that there will be other amendments to come from the Democrats and we look forward to seeing them. Again, in a consensus, there being three Parties in this place, we hope—

The Hon. Sandra Kanck interjecting:

The Hon. T.G. ROBERTS: That is good. Hopefully, we can finish the second reading tonight, move into the Committee stage, complete the whole debate and apply the legislation as soon as possible. People will then see the practical outcomes from what I consider to be a difficult circumstance pulled together in this State by the three Parties, showing the other States that it can be done without too much acrimony between Parties, although obviously there will be some within Parties.

The Hon. SANDRA KANCK: The Democrats welcome this legislation. We have always been of the view that access to guns in our society should be restricted in keeping with the recommendations of the National Committee on Violence, which was set up in the wake of the Hoddle Street and Queen Street massacres. Those recommendations, by the way, have been largely ignored since they were presented six years ago. Recommendation 57.6 was that all weapons should be kept in secure storage—not in homes—and in an inoperable condition. We were very taken with that.

In fact, at the last State election one of the promises made by the then Leader of the Democrats, Hon. Ian Gilfillan, was that we would move to set up gun banks. I took that promise on board and started to do some research on it. When I found out how many guns there were in South Australia, I felt that it was an impossible promise to keep because of the size of the repositories that would have been needed and the security risk that would have created. Nevertheless, that promise, which was made in good faith, indicates our concern about the proliferation of guns in our society.

This has been an emotional issue, and I want to deal with some of the arguments that have been presented to me in correspondence or that I have seen in the media against gun law reform. First, there is the question of rights. One of the groups that wrote to me said that the law-abiding intelligent, rational, sports people of this country who use guns do not have rights. Following the meeting of Police Ministers on 10 May, Mr Ted Drane of the Sporting Shooters Association said that the decisions were 'a gross invasion of the rights of law-abiding citizens.'

My view, which applies not only to guns but to everything, is that we do not have any rights. We do not have a Bill of Rights in Australia. We have no rights, but, because we live in a democratic society, we have certain privileges, and one of the privileges is that we are allowed to be heard. For instance, I shall be meeting members of the gun lobby tomorrow morning to hear what they have to say. If one is going to argue rights, I would have to counter by talking about the right to own and use guns against the right of people not to live in fear and not to be shot.

We have heard from some of the more lunatic fringes of the gun lobby about the right in the United States to bear arms. That is very much a United States concept, and it is a concept with a history. We have to consider that when the right to bear arms was written into the United States Constitution, the sorts of arms that they were talking about were muskets—weapons which were not very accurate—and it was at a time when there was no police force to ensure the safety of citizens. I believe that the right to bear arms in the United States Constitution is now irrelevant, but it remains and it is something that many people there hold to be an inviolable right. We in Australia have police forces to look after things at local level and at the national level we have defence forces. We train people in those organisations to a very high degree of skill in handling arms, but I stress that we do not allow them to take them home.

Another argument is that most firearm owners are responsible and that they are being penalised for the actions of a few. The Combined Shooters and Firearms Council of South Australia sent me a 10-point fax on 30 May, amongst which was the statement:

> That the Council strongly opposes law-abiding citizens being penalised for the criminal actions of any individual.

I guess that is one of the down sides of living in a democratic society in that decisions are being made all the time and the good of the group at large triumphs over the individual. When we open bank accounts, we are obliged to give tax file numbers. If not, we have penalties attached. We have tax file numbers because of the few people in our society who indulge in tax evasion and avoidance.

The Combined Shooters and Firearms Council also said that it supported a strengthening of firearms control to ensure that firearms are used only for legitimate sporting, recreational, primary production and other occupational purposes. I commend the council for that. I acknowledge the important role that some gun owners have played in keeping feral animals under control, but their statement begs the question for me: how do you tell whether a person is responsible? What sort of test do you apply? I only have to look back to July 1993 when an Adelaide lawyer, who surely would be someone whom we would expect to be a law-abiding citizen, someone whom we would describe as responsible, was caught smuggling conversion kits and parts into the country with the aim of turning semiautomatic into fully automatic weapons.

The *Advertiser* of 28 April last year reports that in letters to a gun dealer in the United States this lawyer had boasted that he had enough conversion kits to convert half the AR15 rifles in South Australia to fully automatic. I point out to members that the AR15 originated in the United States in the 1950s. It was upgraded and improved during that country's war against the people of Vietnam, and its sole purpose was to kill people. Many members would have seen letters signed by doctors at the Royal Hobart Hospital shortly after the Port Arthur massacre that were sent to newspapers around the country. In those letters it is stated:

> Assault rifles are made for one purpose only: to kill people.

Mental health is another issue that has been raised with me. In correspondence that I have received it has been stated that this is the real problem that should be dealt with, not gun ownership. I tend to think that this may be a little bit of a distraction The *Sunday Mail* of 21 July reports:

> Mass shootings are more often committed by licensed gun owners with no history of mental illness than disturbed people.

The killer in the Dunblane massacre was a member of a gun club. Although the profile of Martin Bryant, which has been constructed post-Port Arthur, shows that he was not the brightest and that he was a social misfit, he had no diagnosed mental health problem and no police record. Ivan Milat, who was convicted on the weekend, also had no recorded history of mental illness. So, while I am not diverted from the real issue about the need to rein in the availability of guns in our society, there is no doubt in my mind that the issue of mentally ill people possessing weapons must be addressed.

The *Advertiser* of 26 July reports State Government figures which reveal that 33 people had their gun licence either suspended, cancelled or refused in the past four years on medical grounds. I was initially disturbed by these figures because I wondered about the remaining 37 against whom no action had been taken, but when I was briefed on the Bill earlier today I was given a few more facts about that which show that the reason only 33 licences were suspended, cancelled or refused was because the others did not have a licence that could be suspended or cancelled, nor were they in the process of applying for one. So, when you look at those figures, it really means that in 100 per cent of those referrals where action could have been taken that, in fact, did happen.

It is 18 months since some friends of mine were the first to find the bodies of their only daughter and her husband following a murder-suicide. Their son-in-law had recently been hospitalised at Glenside. During that particular psychotic episode, he thought he was Jesus Christ. A search revealed that he had possessed a substantial number of weapons which he had stored in his house. I do not know whether those weapons were legal or illegal, but it shows that, although it represents a minority in terms of the killings that take place, the impact of mental illness is still a factor that must be considered. It might be regarded as an invasion of privacy, but I am inclined to think that when a patient has been discharged from a hospital following a psychotic episode, weapons and licences should automatically be removed.

People who have written to me speaking against the gun legislation suggest that media violence is another issue that we should examine. I am only too pleased to do that. I am one of those who believe that violence in the media contributes to violence in society. I heard Robert Mann, the Editor of *Quadrant*, being interviewed one morning on Radio National. It was a most fascinating interview. Most people in the literary field have campaigned for a long time for the relaxation of censorship laws, but in the light of information that he had gathered Robert Mann came to the conclusion that Martin Bryant, the two British schoolboys who clubbed a toddler to death, and a young Aboriginal man who was convicted of murder in Queensland had all indicated that the video, *Child's Play*, was one of their favourites. He decided to look at this video and, after having for many years advocated a relaxation of censorship, he began advocating that this video, probably amongst many others, should be banned. I am always mindful of the fact that in South Australia we had the Truro murders in the late 1970s. The prime murderer, who was never convicted because he was killed in a car accident, always carried in the boot of his car a small trunk of violent, pornographic magazines. I do not think it is any accident that he killed those girls.

In response to the gun legislation, I have received support for restrictions on media violence from the Safety House Association of South Australia and the Women's Information Service support group. A great deal of the correspondence that I have received from almost all the people who have written to me opposing the gun legislation has cited comparisons with other countries. The Sporting Shooters' Association reports a murder rate in Washington DC of 227 people per 100 000 compared with 1.69 in Melbourne. Yet, it observes that black male teenagers continue to ignore the strict gun laws that exist. I do not quite agree that the gun laws are strict, but they may be when compared with some other places. The Sporting Shooters' Associations asks:

> Could it be drugs, racial disharmony and violent film culture that motivates this?

These may be contributing factors: there is no question about that. A number of these letters ask me to explain why in Switzerland every family has a gun yet there is minimal violence associated with the use of guns, whereas in the US, which has tougher gun laws than Switzerland, the rate of violent homicide as a result of using guns is very high. I am not sure whether I am supposed to deduce from that that if we give everyone a gun we will be safer: I hope that is not so. These questions have been put to me, and I provide the following answer. In Switzerland, people are properly trained to use guns and there is an emphasis on safe storage but, more importantly, Switzerland has a participatory democratic society without the social inequalities that exist in the US.

I am currently reading a book called *The Future of Capitalism* by Lester Thurow. I was astounded to read about some things that are happening economically in the US which, I believe, bear very much on gun related violence. In the United States, 5.8 million males are not in the work force. The fact that they are male is very significant because their masculinity and self-identity is much more important than it is for women when it comes to guns. They are of the right age to be in the work force but they cannot get a job. Therefore, they have no way of contributing to society, and they have no means of supporting themself, let alone a family, which might make them more social beings. In addition to the 5.8 million unemployed males, Thurow reports that there are more men in prison or on probation than that, and there are another 750 000 homeless people.

The Hon. A.J. Redford: Take the guns off the unemployed; is that where you are coming from?

The Hon. SANDRA KANCK: No, just wait until I develop the argument. Thurow blames these astounding statistics on the economy, on corporate down-sizing, on contracting out and on job layoffs. He is a Professor of

Economics, so he speaks with some authority. He quotes President Bill Clinton, who refers to these people as:

> The cast-offs and the drop-outs who were left out of the boom of the 1980s and who now are living in a world apart. They don't vote, don't report crimes, don't necessarily send their children to school, and sometimes don't even have a telephone to receive calls. And in the vacuum in which they live—

and I stress this, because it has great bearing on what is happening with gun violence in the United States—

> it is unclear whether society holds any claim on them or power to censure them.

In that country—the famed land of the brave and the home of the free—one is almost destined to joblessness and poverty if one is unlucky enough to be born of Afro-American or Puerto Rican decent. Fourteen per cent of people in the United States cannot afford private health insurance, and there is not a public system. They will be turned away from hospitals if they are sick. It is no wonder some of these people are angry. A further 24 per cent can afford only minimal coverage. If they get a life threatening illness, they will most likely have to mortgage or sell their house to pay for the medical costs. This is a country in which the rich are getting richer and the poor are getting poorer.

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: The Hon. Redford says that I am really scratching. If he says that, then he fails to recognise what the problems are that cause violence in our society. I had cause to pick up a fairly old book of mine written by a man called Joseph Pintauro. I will quote his prose—it is almost poetry:

> . . . until we share the land and the light and the air, until we mend the hearts of men who wish to breathe and live, there will be no peace. Peace is a space to rest that each man earns for himself by his work. . . deprive him of his work or usurp the space he has earned and you kill his peace. With no space to live in and no fruit from work he will have these alternatives, to die quietly while you survive or to die giving you the justice you deserve.

Some members may have seen the film *Falling Down*, which stars Michael Douglas, in which an ordinary American citizen starts out his day and finds himself in an appalling traffic jam. His day goes from bad to worse, and one situation after another antagonises him until he eventually snaps and goes on a killing spree. The interesting thing about this is that, at the end of the film, when the police have tracked him down and gunned him down, he turns to the detective who has been chasing him and asks, 'Am I the bad guy?' I am told that in the United States film goers stood up and cheered this character. Gun violence is a symptom of an unjust and angry society. As we are following the US path economically, it is timely that we are taking this action to restrict access to guns or else I predict we would be seeing a similar escalation in this country of gun related homicide.

Another of the things that have been said to me by people opposing the legislation is that guns do not kill people; people kill people. Quite frankly, that sort of statement is quite patronising and insulting to my intelligence. I can respond by saying, 'Potato peelers don't peel potatoes, people peel potatoes.' But I use a potato peeler to peel potatoes, because it is a whole lot easier than using a knife to peel potatoes. For the same reason, people who go out on a killing spree have a tendency to use a gun, because it is a lot easier and they can get a lot more people in the process. For people to quote that sort of thing at me does not promote their cause, I am afraid.

Knives are used in homicides on occasions because that is what is available. However, evidence is that, where there are guns, particularly in the home, they tend to be used rather than knives. At Strathfield six people were killed with a gun, one only with a knife. It would have been a lot harder for Martin Bryant to kill 35 people at Port Arthur with a knife. If there was no gun, he would have to have found another weapon, but how many other weapons would he have been able to find which were readily available and which would have allowed multiple killings?

Comparisons have been made with the road toll, suggesting that, given the number of road deaths that occur each year, we should be quarantining cars. However, it is not a valid comparison: cars are not designed to kill people. In fact, car designers have put millions of dollars into designing cars that are less likely to kill. Given the number of people who are out driving on our roads every day, I find it remarkable that not more people are killed. The reason that not more people are killed is that we have strict rules in place. We do not allow people to drive cars just because they want to. We require drivers' licences with photos, there is a minimum age limit before which one can apply for a licence, we are required to have a degree of training and, when the licence is granted, it is provisional, with certain limits imposed. Many laws are associated with driving a car, not the least of which is the application of the speed limit. I do not regard having a speed limit as an infringement on my rights: rather, I see it being imposed for the greater safety of everyone on the road. However, when a car gets into the hands of someone who drives it irresponsibly, the law does not view the matter kindly and licences can be and are removed.

I have been told in correspondence that a gun register will not work. The Sporting Shooters Association said that no gun register has ever been shown to be accurate nor has one ever been shown to have any significant impact on solving crimes. The association quotes from the Prime Minister John Howard as proof of this, as follows:

> I don't pretend for a moment that this decision can prevent the recurrence of tragedies in the future but it does represent a tactical, powerful, effective legislative and governmental response to a problem.

I do not know that I have heard anyone claim that a gun register on its own will solve the problem of the occasional mass murderer. It is trying to deal with a myriad of issues which have needed dealing with for a long time.

There are a whole lot of other contributing factors to gun related violence, not the least of which is the way some men separate their emotions from their thoughts and actions. Some have difficulty expressing sadness, grief, hurt and alienation other than through anger and, at times, violence. We are just beginning to touch on this issue with the interest that is building up about the failing academic success of boys in our school system.

I turn now to the reasons I am supporting this Bill. For a start, I am supporting it because of the benefits it will bring women. In relation to domestic violence, in March a woman was killed by her estranged husband while attending a custody hearing at the Family Court in Parramatta. The magazine, *Stating Women's Health*, in May 1996 produced some very interesting statistics, and I will quote from that magazine:

> In Australia over a four year period between 1989-90 and 1992-93, 532 women were killed. Just under 50 per cent were killed in a domestic violence incident. . . one third of those women were killed by firearms.
>
> Guns are frequently used by domestic violence offenders, either to threaten women and children directly or as a 'warning'—for example by shooting the family dog.

During the Vietnam War 39 000 United States soldiers were killed. At the same time in that country, 17 500 women and their children were killed by violent partners and fathers.

Women have a lot to gain by restricting access to guns in our society. We will also be providing more protection for our police. The Hon. Mr Roberts spoke at some length on this so I will not, but I believe that we do our Police Force a disservice if officers have to visit houses, particularly in domestic violence situations, where they are likely to be met by an angry man pointing a gun at them.

The issue of suicide is another reason why I am supporting this legislation. Last year the Social Development Committee investigating rural poverty found it difficult to obtain figures relating to South Australia, but the figures for 15 to 19-year-old males in New South Wales showed that 75 per cent of suicides in that age group were accomplished by using guns. The Prime Minister, Mr Howard, has pointed out that four out of five gun deaths in Australia are suicides. There is no doubt that the greater the ease of availability to guns the greater is their use for suicide. Figures for England, which has very tight gun laws, show that 5.1 per cent of suicides are achieved using a firearm, compared with 32.2 per cent of Australians. Queensland, which has had fairly relaxed gun laws until now, has a suicide rate 20 per cent higher than the national average.

These sorts of figures beg the question as to why no action has been taken until now. The Hoddle Street massacre in 1987 resulted in seven people being killed and 16 people injured; the Queen Street incident resulted in eight deaths; at Strathfield, six people were killed with a gun and one with a knife; and at Terrigal in 1992, six people were killed. Basically, the gun lobby has been able to create a mythology that it has the power to change Governments based, I believe, on the New South Wales State election that saw the ALP, led by Barry Unsworth, defeated. A lot of other factors were involved in that election but the gun lobby has managed to keep politicians at bay by convincing them that that result was all their work.

There are problems arising from the legislation, according to a number of the letters I have received, and I believe that in some cases this may be correct. Illegal trading is one issue of great concern. Apparently, all hardware stores in Cairns have run out of PVC pipe. It is not as though people are putting new piping in their backyards because what has also run out at the same time are the screw-on caps for either end of PVC piping. Obviously a lot of weapons have not been registered and are being buried in backyards. I am very concerned that we will see an increase in illegal trading on the black market. My response to that concern is to make sure that we have very stiff penalties for anyone who is found indulging in that practice.

The National Committee on Violence, about which I mentioned earlier, in its recommendation 57.8 stated that restrictions should be placed on private sales so that they could occur only through licensed gun dealers with appropriate notice to authority. Some parts of the gun lobby have already said that there will be a black market, and I recognise that there must be one because of the number of guns that have been purchased over the years through mail order. My guess would be that probably around 25 to 30 per cent of guns in South Australia do not legally exist, and therefore it is up to us to make sure that any illegal ownership or trading in guns should be severely penalised. I do not think, at this stage, any gun owner could claim a lack of knowledge on this issue.

Members may recall that some weeks back I introduced a Bill that was simply aimed at increasing penalties for people who illegally traded in guns. I will be introducing amendments to ensure that this Bill before us provides the same sorts of penalties I included in that private member's Bill. The cost of the buy-back scheme has been raised with me. One firearms club wrote:

Will the South Australian Government support a call for an exemption from contributing to the compulsory gun tax being promoted by the Federal Government for those firearm owners who have registered their firearms?

I would certainly not support this. I have some understanding of the anger that members of gun clubs feel about this, but I pay taxes which, for instance, flow back to the community in the form of support for primary and secondary education. I have no children of school age, yet I think the money is well spent because it will benefit the whole of society.

Through my local government rates I will shortly be paying a catchment management levy to help clean up the creeks and rivers that run through Adelaide. As I am very careful about disposal of rubbish and am very much into recycling—I use no chemical pesticides, weedicides or fertilisers in the vegetable garden—I could argue that I am not contributing to the pollution of these water courses and therefore I should not have to pay the levy, but I am pleased to pay it because I know it is contributing to an important cause. One gun club suggested that the buy-back scheme would result in money being lost to education, hospitals, aged care, homelessness, roads and infrastructure, and law and order. I am not quite sure how it came to that conclusion because, as we know, the buy back is being funded by a temporary increase in the Medicare levy.

The other point that has been made is that this is all happening too fast, that legislation is being rushed. There could be some validity in that point, but I have certainly dealt with Bills at shorter notice than this. I have known basically since the beginning of May that we would have legislation in one form or another. It is not a surprise package in any form and if, as a result of what we put through, there are some loopholes in the legislation, then I am sure that Parliament would readily consider an amending Bill in the next session of Parliament in October.

I will not be able to canvass all the issues that are involved, but I want to congratulate the Federal Government for taking the lead in this issue, the State Government for the part it is playing in expediting it, and the Opposition for its support. The Port Arthur massacre provided us with an opportunity to address a myriad of complex issues. It is allowing us to deal with all sorts of gun-related violence, ranging from the Queen Street, Hoddle Street and Port Arthur style of massacre to gun-related suicides, from the women and children who are slaughtered by angry fathers and husbands to the terror that is inflicted by the threat of the use of a gun in domestic violence and in robberies.

The Port Arthur massacre presented Australia with an opportunity to confront some of these issues and, while the deaths of these 35 people has created enormous grief to the friends and families who survived them, we must seize the opportunity to ensure that they did not die in vain. I support the second reading of the Bill.

The Hon. CAROLINE SCHAEFER: My contribution will be brief. I have already made one grievance speech in this Chamber about the current gun debate, and so I will not spend a long time talking about the legislation that is

currently before us. Perhaps before I talk about my support of this Bill I should bring to the attention of members what has led me to these decisions. I think we are all influenced by our backgrounds and our early life.

Most members know that I grew up in semi-pastoral country in very isolated conditions. From the age of seven to about 15 or 16 years of age I believed there were no gun licences other than required licences to register a pistol in this State, as I understand it. Certainly the gun laws were considerably more slack than they are now. Every Sunday afternoon our property was invaded (that is probably the only word I can use) by a series of people from town who would come out for a recreational shot. No-one in our family would have minded that recreational shot, particularly not my father, but they never had the courtesy to call in and say, 'We are going to shoot up your fence or tank,' or anything else. They simply drove through with guns sticking out of every window and a beer in most hands.

During that time we had a racehorse and a stud bull shot. In our country, perhaps more significantly than that, we had a 30 000 gallon tank which was full of water, as well as a series of troughs, shot. In fact, one of Monday's jobs used to be to go around and see whether the troughs had any water in them. One of the most disgusting and distressing of my memories is at the age of 17 shifting a mob of sheep on a Tuesday and coming across an emu with both its legs shot out from underneath and its being left to starve to death.

I suppose my position is not all that fair because I acknowledge with humility that there are a great number of responsible gun owners and users in this State. As a primary producer I acknowledge that guns are a necessity in many instances. Again, in drought conditions I have had the distressing task—I did not do it myself because I do not have that much courage—of helping my husband to bury about 500 lambs which were going to starve to death if we had not shot them. That was not a pleasant experience, but it was the kindest thing we could do to those young animals.

I therefore acknowledge the necessity for guns and I have sympathy for genuine sporting shooters. Certainly, I have sympathy for those who quite correctly say that they have never broken the law. However, my experiences suggest that they are perhaps in the minority and that there are a hell of a lot of irresponsible shooters out there.

I decided to speak this afternoon because many of my colleagues in another place have argued that primary producers are genuinely distressed by this legislation. Most members know not only that I live in a rural area but also that I travel extensively in rural areas and, for every primary producer who has come to me concerned about gun laws, probably another five or six have said that they are not at all concerned. The criticism has been levelled that this is because I live in a more settled farming area, but some of my best friends are pastoralists who have problems with feral animals and all of whom agree that they can cull the feral animals that they need to cull with single shot or bolt action rifles.

I also recognise that there is an exception to that, because the effective culling of larger feral animals such as goats and pigs probably requires high powered rifles to be used, and I am pleased to see in the Bill a clause that allows professionals access to such guns under strict circumstances for that purpose. However, I cannot see any reason for anyone other than a primary producer or a *bona fide* sporting shooter to need to possess a high powered rifle or semiautomatic or bolt action shotgun.

We should remember that guns were made to kill: they were invented when people got sick of clubbing each other to death, and they have been adapted for sporting purposes. It is not the other way around: they were not invented as a means of sport and then adapted to kill. Quite the opposite is the case. I have found some interesting statistics in other countries relating to community laws in those countries. The strictest gun laws in the civilised world are those in Japan, where there are 125 million people. Japan has 49 registered handguns and, so far in 1996, there have been three gun deaths in that country, compared to 34 gun deaths last year, as opposed to the 522 deaths by guns in Australia.

There are more deaths per day in the USA than there are per year in Japan. In Great Britain semiautomatic centre-fire and bolt action rifles have been completely banned since 1989. Shotguns which hold more than two shells require a firearms licence, which I understand is not easy to get and, as in South Australia, self-defence is not considered a good reason for owning a firearm. In Canada all guns have been required to be licensed since 1983. In New Zealand all firearms owners have been required to be licensed since 1983. I wish now to quote an article from Philip Alpers, a firearms expert in New Zealand, who states:

> Australia's plan for comprehensive new gun laws has left New Zealand 'out on a limb'. . . where once Tasmania had the most lax gun laws among all similar Commonwealth nations, New Zealand has now dropped to the last place after Australia, Canada and Great Britain.

In fact, New Zealand was ahead of places such as Tasmania, and all we are trying to achieve is some logical uniformity across Australia. I do not believe we are attempting to take all guns out of the community. Also, I have just checked, and people who now have an A or B class licence will automatically be allowed the same A or B class licence and will not have to take further tests to prove their suitability to own the weapon.

That is all I wanted to say. I do not believe that these gun laws will impede those people who genuinely want to use rifles for sporting purposes. I do not believe, nor do most of my friends, that these laws will impede the genuine needs of primary producers and, although that may be considered a somewhat narrow view, I am at a loss to understand why South Australia needs 40 000 registered semiautomatic .22s. Given that there are 16 000 primary producers in South Australia, I do not understand why we need that many registered semiautomatic .22s, and I cannot begin to understand why anyone would want them. I can make an educated guess that, if we have 40 000 guns of this type registered, we probably have 60 000 to 80 000 in the State. If that number is reduced, it can only work towards the safety of South Australia.

I acknowledge my sympathy for those people who will have to give up their arms, but they will be able to continue to shoot. They will simply have to adapt to using a single shot or bolt action gun. They have my sympathy but not my support. Again, I refer to the Alpers report, which states:

> . . . from the comparative data available, it seems that countries which minimise access to firearms have fewer gun-related violent incidents than those where guns are more accessible. In America . . . with a population 14 times the population of Australia, America has a gun death rate 49 times that of Australia.

A quick calculation brings that out at 25 000 deaths by firearms in the USA each year.

In Britain, which has stricter gun laws than those in Australia, in 1995 there were only 70 gun related deaths in

a population of 57 million. By contrast, in Australia, with a population of 18 million, there were 522 gun related deaths. What we propose to do shows nothing more than commonsense. I will quote the Prime Minister who on 10 May said:

> This represents an enormous shift in the culture of this country towards the possession, the use and the ownership of guns. It is an historic agreement. It means that this country through its Governments has decided not to go down the American path.

I support that.

The Hon. BERNICE PFITZNER secured the adjournment of the debate.

DEVELOPMENT (MAJOR DEVELOPMENT ASSESSMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 1663.)

The Hon. M.J. ELLIOTT: In rising to speak to the second reading of this Bill, I make the point that when we debated amendments to the Development Act last year I argued that there was a need for further amendment of the Development Act and the sort of form that I thought it needed to take. The Bill that we have before us and the amendments that the Government has put on file to that Bill are in my view for the most part very bad legislation and will not solve quite a few of the problems that are currently occurring in South Australia. In fact, the Bill contains the very seeds for much greater problems. We need to acknowledge the problem to start off with.

Soon after we last debated the Development Act last year I convened the first of what became a series of meetings between the Employers Chamber, the Conservation Council and the Local Government Association. The three groups sat around the table to look at the Development Act, and those three groups agreed that there was need for change and felt that they were capable, given enough time and goodwill, of resolving the matter to everybody's satisfaction. There is no doubt that it is possible to amend the Act in such a way that developers, conservationists or local government may feel pleased. I argue that it is possible to amend the legislation so that all interested parties can say that we have a fair outcome. All parties said that they wanted certainty, and there is no doubt that the Act, as it has worked up until now, has not provided certainty; nor is there doubt that the Act as proposed to be amended will not provide certainty.

In parts of the Bill, which I will get to when I discuss it clause by clause, the uncertainty has, if anything, been increased. The Government appears to have decided that the way to solve this problem is to give the Minister more discretion. The Minister's discretion and wisdom and the advice of his advisers will be used so that we will get developments through the process more quickly; developments will get up; and everybody will be happy.

I think that they have it badly wrong. It is a view that I alone do not hold. I draw to the attention of the House an article in the *City Messenger* of 3 July which was penned by Brian Hayes QC, a leading development lawyer in South Australia. I argue that he is one of two or three pre-eminent development lawyers in this State who has acted on behalf of developers and on behalf of people opposing development. In this lengthy article he discussed aspects of the Bill that he did not like, but that was not the bit that I intend to quote. The part that I will quote paints a scenario of what might happen after the passage of this legislation. It is as follows:

> But what politicians always fail to appreciate is that when individual rights are taken away, particularly where there appears to have been a blatant breach of the law or process, the community resorts to informal and unorthodox methods of enforcing the law. In the history of development control in Adelaide, controversial developments such as the demolition of the Aurora Hotel, which gave rise to the Aurora Heritage Action Group, the House of Chow and the Blackwood shopping centre were all monuments to the then absence within the system of a structured and regulated method of challenge. The consequences were community and green bans, community picket lines and trade union intervention which not only caused lengthy delays but very often defeated development.
>
> When such informal methods of enforcement are used, the developer and the authority no longer have any control or influence on the process. To preclude rights of challenge or formal avenues of dissent is not only short-sighted [but] it is counterproductive to the clear objectives of the legislation which, it is said, is designed to speed up the process and provide greater certainty and better outcomes for the community at large and for proponents of the developments involved.

The Government is taking a grave risk of increased confrontation if it uses some of the powers that it is seeking to get under this Bill. One of its own backbenchers in the Lower House has suggested that he is prepared to stand in front of the bulldozers if a proposal to put through a new mouth to the Sturt Creek goes ahead.

The point I make here is that the community has many ways of making its feelings known about a development, and it is far better that we have a process that adequately addresses the issues so that the community is satisfied and the issue is tackled properly, or it will adopt informal methods of achieving its goal. A Government backbencher has indicated his willingness to play a role in such an informal protest—a process that could cause significant and protracted delays for that development.

The Government has sought to satisfy developers and, in so doing, has produced a piece of legislation which, on the face of it, appears to be biased towards development. In reality it has a very real likelihood of working against development because, if the Government simply avoids due process and seeks to ram things through, that tends to get people's back up and make them more likely to react and to adopt informal methods of protest.

Only last evening I attended a meeting to discuss the Collex development. I saw there an extremely hostile group of residents who had been treated with contempt for at least three years. The decision by Ministers and by senior bureaucrats that they were fools who did not know what they were talking about has only exacerbated a situation which was capable of resolution, but that path has not been adopted. I will return to the Collex issue later.

I have been having meetings with all three parties. The legislation now before the Parliament does not satisfy two of the three parties involved in those meetings. The Employers' Chamber is saying that everything is fine, but that is not what the Local Government Association and the Conservation Council are saying. I firmly believe that they were committed to finding a resolution, but they were never given the opportunity. They had asked that there might be joint meetings involving the Minister. The Minister, through no fault of his own, missed the first meeting. That was because the Party had some internal difficulties and an unusual meeting, which was not anticipated. I might mention that Annette Hurley, the Labor spokesperson, and the Hon. Paul Holloway attended. A further meeting was arranged, but the Minister could not attend because he went on a week's leave.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: I understand he went to Darwin. It is a pity that he could not make that meeting, which related to one of the most important pieces of legislation in the Parliament. It would seem to be an interesting time to have leave! Nevertheless, he was not involved directly. He had staff representatives at the meeting, but it was another eight days after that before I had any feedback about the Minister's likely response. In fact, I had to chase it.

Some amendments to the Bill emerged from those meetings, and there are some positive aspects. I think that one set of amendments has the potential, if used properly, to be of very great benefit. The Minister made a political decision that he had gone as far as he was prepared to go. He had spoken to different parties separately, but he had not sat down with them collectively. He does not seem to understand that he could have gone further and achieved a result that would have had the unanimous acclamation of all parties. However, for whatever reason, he was not prepared to take that further step. I know that while he was on leave the Premier visited the Department of Housing and Urban Development on, I think, the Thursday or Friday of that week and said what he wanted in the Bill. The Premier had not been involved at all, but he had a very firm view about what he wanted.

It is probably an appropriate time to ask: why are we seeking change? At several of the meetings the question was asked: will you give us specific examples of what has been happening? That was to enable people to look at what was going wrong with the legislation so that, if it needed fixing, we could fix it. Despite repeated requests, the Government could not provide, and has not to this day provided, a list of the developments which have gone wrong in order for them to be scrutinised.

However, I give the Employers' Chamber credit, because it organised a meeting and got together a number of leading names involved in developments in South Australia and they compiled a list of 13 developments which they believed showed where things had been going wrong in this State and why this legislation would help. On careful analysis of this list prepared by experts in this area we can understand why the legislation has gone astray. In fact, the legislation will not alter the situation for all but possibly one or two of those 13 prime examples of how things have gone wrong in South Australia.

It is worth considering why those applications went wrong, because we might discover what else we need to do. The first example is very recent: the Andrew Garrett vineyard proposed for Brown Hill. The first point that has to be made is that it did not comply with current zoning: horticulture was not a permitted use in the Hills face zone. If a person does not have a complying use, he should not expect to have an automatic right to proceed in any case. The council was capable of rejecting it not only under the Development Act, but also under the Local Government Act. There was a requirement for the approval of a couple of dams on the development, so it needed approvals outside the Development Act. Now, not only did the council reject it, but it was also rejected by the Native Vegetation Council because there was an application to clear a large number of trees. At this stage it has not gone to appeal, but nothing in this legislation would change the situation regarding this development. I suppose the development has not been around long enough for us to follow its progress in more detail, but it failed under the Local Government Act and under the Native Vegetation Act, so the Development Act had largely become irrelevant. In any event, it was a non-complying development and, as such, it could not be assumed that it would get a rubber stamp.

Craigburn Farm is the second example. Craigburn Farm had a very long history. The land upon which the Craigburn Farm development was proposed to be built was initially zoned 'deferred urban.' A Labor Minister rezoned the land and in fact abused a section of the old Planning Act in so doing. The Planning Act contained a clause which allowed the Minister to rezone where the land was in more than one council area. This is an example of a clause being put in for one purpose and being used for another. The reason was the recognition that sometimes councils cannot get their act together and if there are two or more it is better for the Minister to do the rezoning. About 98 per cent of the land that was rezoned was in the Mitcham council area and only a couple of acres, a very small percentage, was in the Happy Valley council area. However, that provided the excuse for rezoning, because it was in more than one council area.

That rezoning caused a great deal of concern for the Mitcham council and residents, for a host of reasons. Some related to open space and others to water. That is an issue in which the Government has now taken a great interest in relation to the Sturt Creek catchment, which incorporates all the Craigburn land. There were many concerns as to why it should not be rezoned in the first place. Nevertheless, a Minister misused a section of the Planning Act to have a rezoning.

There is no doubt that that went through a very protracted process. Anybody who knows the history of what happened will realise that there was an abuse of the process. A point made by Brian Hayes was that when you see a process being abused you get people's backs up. There was a massive reaction in the Mitcham council area to that rezoning and a number of legitimate concerns were raised.

As I understand it, Minda then went the next step and applied for development approval. Minda put in the application when the interim effect provision had been put into the plan—another abuse of the process. The whole idea of interim effect was to stop things happening while things were fixed up. It was never intended that interim effect could be used so that developers could put in an application while the plan was being looked at. Nevertheless, while interim effect was in place Minda lodged an application. It was all quite legal, but it was a second abuse. You must believe that, again, that got people very incensed—and so it should, because it was an abuse of the process.

The Mitcham council then had to handle the application. As I said, there were legitimate concerns about matters such as water which the council wished to address. On my understanding, the council sought information from Minda. I am advised that there was a considerable delay in the processing of the application, but that was because Minda took a public position that the Mitcham council was intractable. It said that it would not play the council's game, but the council believed that it was raising legitimate concerns which it believed needed to be addressed. Ultimately, DAC became involved. I believe there was an appeal, but it is worth noting that, while the appeal was upheld, there were a number of significant modifications. I would have to say that the fact that there were significant modifications is an indication that there were some legitimate grounds for concern by the council.

The District Council of Millicent was involved in an application by Hardwood Management Limited for a commercial eucalypt plantation. On my understanding, the

council did not oppose the application, but appeals were lodged by members of the local community. To point the finger at local government and say that it was being obstructive is not correct, because the council actually approved the project, but appeals were lodged. The question must be asked: is it reasonable for people to have a right of appeal? The people of Tantanoola thought that having 128 hectares of forest in close proximity to their town raised bushfire questions. That is a legitimate question, but the council did not cause any delay and the project was ultimately approved. Nothing in this Bill would have affected that project in any way whatsoever.

The next of the list of 13 is a development in, I believe, the St Peters council area. The application to erect a sports medicine centre in Stepney included the construction of a new three level building to accommodate a 39 bed hospital and a recovery ward, a basement car park and a new single storey building. The application was lodged in March 1996 and approved in July this year. The council did not support the application. I understand that, again, it was not a complying use. At this stage, DAC has not been involved. The fifth example relates to an application for a golf course at Murray Bridge, which was refused. I understand that this happened under the old Act of about 1988, so they really dug into history when they brought up that one. Eight years ago under the old Planning Act that application was refused by the council, and the appeal was not upheld by the Planning Appeals Tribunal. I understand why the developer might be aggrieved, but the council's decision was upheld, so I ask whether the council made a bad planning decision.

The sixth example relates to a fellmonger. I understand that there have been attempts in several areas around Adelaide to get the fellmonger out. When the fellmonger approached the Elizabeth council with a particular site in mind, the council refused. I also understand that the council said that it was prepared to help to find a suitable site, which in fact occurred. To some extent, this could mimic the situation that we might end up with in respect of Collex. The story that I am getting from many councils is that they are not necessarily opposed to a particular development but to a particular site. As I said, in this particular case, while the Elizabeth City Council refused the application in respect of a particular site, it was more than happy to assist in getting it up in its council area. In fact, it did so.

What we desperately need is a process whereby developments are facilitated, not by trying to crunch them through the system but by trying to find ways of approving them. They might not necessarily be on the site originally proposed, but developments that deserve assistance might ultimately get up. That particular development ultimately did get up in a council area where it was initially refused. The District Council of Lacepede received an application for the harvesting of seaweed at Kingston. My understanding is that that application is not deemed to be a form of development. In fact, the Development Act is not even relevant to the harvesting of seaweed. It certainly was an unusual application. It must have fallen into some sort of a grey area, but at the end of the day the Development Act was not relevant because it was not deemed to be a form of development.

The eighth example was an application to the District Council of Kingscote. I refer to what is known as the Tandanya development on the western end of the island just outside the Flinders Chase National Park. Representatives of developers from the Employers' Chamber told me that the application was rejected by the council. In fact, the council was a strong proponent of the Tandanya development. The application was referred to a number of different agencies, but it ultimately failed because the Native Vegetation Branch said that it could not go ahead. Why was this project put through such a lengthy process with Government encouragement and an environmental impact assessment, etc, when the most fundamental questions about native vegetation had not been asked? It seems to me that in an ecotourism destination such as Kangaroo Island, to propose to build a major development on a site which was almost fully vegetated and which included a number of sensitive species, had to be one of the most brainless things that anyone ever came up with.

Nevertheless, it happened, and it was given constant encouragement by the Government. At the end of the day, the failure was not of the Development Act. I suppose that is not quite true. The Act should have given the developers earlier warning that there might have been a problem. It did not work. However, the ultimate failure was not for the sorts of reasons that the developers want to give. It was not rejected by local government, DAC or anyone else; it was rejected on the basis of native vegetation and concerns by the CFS regarding requirements for adequate fire breaks. We are talking here about a major tourist development in an area on a part of the island which has very little infrastructure, so fire must be seen as a major risk. The combination of the requirement for adequate firebreaks and the Native Vegetation Branch getting involved would always be fatal for the project. As I said, there was probably a failure in the legislation, but not of the sort that most people talk about. Giving the Minister more power would never solve the problems that that site had for Tandanya.

The ninth example was in relation to alterations and additions to an existing hotel in Stirling. The council was the approving authority in the first case. It involved consultation with State heritage and the Department of Transport, and it was a category 2 notification. In this case, the council did not approve the application. My understanding is that—at this point at least—no appeal has been lodged. I understand that it certainly was before the council for some 7½ months, but I understand that at least four of those months were taken up by the applicant supplying information. I have come across that on other occasions. Given the fact that it has not gone to appeal, I do not think we really have had a judgment as to whether or not the council acted appropriately. However, at this stage there is no evidence to suggest that it did. In relation to a junkyard in the form of a waste disposal and transfer depot by Borrelli and Sons, my understanding is that the application went to DAC and that the council did not have any involvement in that project. If that is the case, then any amendments to this Act become totally irrelevant.

The eleventh case was a crematorium in the area of what was at the time the Enfield City Council. It was in 1986 and involved the old Planning Act. Might I add that, when the appeal finally got to the Supreme Court, it was rejected. On the face of it, there is no evidence to suggest that the council behaved inappropriately in this case. The twelfth case was a tannery at Wingfield in the Port Adelaide council area. Again, it was quite an old case which goes back to 1988. There was no appeal, so the actions of the council have not been tested. The thirteenth and final case was the copper chrome arsenate plant at Mount Gambier. I have no information directly from the council on the matter, but I recall the case because it was raised in this Parliament by me and others some years ago. The copper chrome arsenate example involved what used to be a rabbit processing plant, as I recall.

The Hon. T.G. Roberts: 'Plant' is a bit of a euphemism.

The Hon. M.J. ELLIOTT: Yes. It was not what you would call a traditional industrial site. There was farmland for probably five kilometres in any direction around this site. As I said, it used to have a rabbit tannery in it a long time ago, and they were claiming to continue to use it under some sort of existing use provision. However, to suggest that there were not reasonable concerns in relation to that would be very wrong. One needs to know that copper chrome arsenate has something of a history in the South East. There have been a number of significant accidents in relation to its contaminating ground water, and the site proposed is an area that has a very high level of caves, cracks and fissures, etc., and the general flow direction from that site was towards the lakes area of Mount Gambier. There were very good reasons for people to be concerned. Unfortunately, I do not have any further history of that project. All I can say is that I know something of the history of the site. If it had never been used for industrial purposes before, it would have been rejected out of hand. As things have eventuated, the project has gone ahead despite significant ongoing public concern.

If you look through those 13 cases—and those are the 13 cases the experts claim as being the most obvious dreadful examples of the sorts of things that have gone wrong in South Australia—and do an analysis of the numbers, and if you exclude the CCA plant, you find that: two were not council decisions; and one of them is not even 'development' under the Act. Of the remaining 11, six go well back in history, under the old Planning Act. Of these, two were approved by councils concerned, and one of those councils vigorously opposed a resident appeal, and a court rejected appeal; one had an appeal upheld, but with significant conditions; two had appeals rejected; and in one there was no appeal. My notes indicate that, of the remaining four cited, two of them were refused under another Act. One was refused and then the council actively helped the applicant to find a more appropriate site. One was refused but it is difficult to see how the Bill would assist. In fact, it is difficult to see how the Bill would assist with almost all these examples.

There seems to be a problem in South Australia such that a few people sit around a table over their chardonnays and share mythology about what is going wrong—and it is mythology. We can actually challenge people and say, 'Tell us precisely what the problem is. Give us examples.' As I said, the Employers Chamber and a number of significant development people around Adelaide sat down together and prepared a list—and they have been asked to do so, so that we can address these problems. They have come up with examples that the legislation before the Parliament is not fixing, which are not relevant and which in fact do not demonstrate that there is a problem of the sort being claimed. That is quite distinct from saying, 'I am not saying that there is not a problem.' When I first began speaking, I said that there are problems in relation to the Development Act, it does need to be fixed, and we do want to be able to get developments up.

If there was anything of a clue as to how we should approach things, it was in relation to the fellmonger plant, where the Elizabeth council, having rejected one application, said, 'Look, we will help you find another site.' We must have a process that is flexible enough and which says to developers, 'If there is a problem, we will see what we can do to address it,' as distinct from, 'If there is a problem, don't worry about it.' Unfortunately, the attitude in South Australia for about the past 12 years has been such that, when a developer comes up with an idea, the reaction from the Government is, 'Don't worry about it; we will get it through.'

You cannot treat the public as fools. If there are problems they will pick up the problems and react to them. As Brian Hayes quite correctly says, 'If they do not have due process available to them—and this legislation is seeking to remove due process in a number of ways—then they will find other ways.' Developers will not gain, for a number of reasons. They will not gain because, as members could see by my examples, most of the problems they had are not being addressed at all by this Bill. Things that can be done to help them but this Bill is not doing them. Along the way, the Minister has picked up a few powers which are capable of quite significant abuse and which are being used in ways that people now say were never intended. It will mobilise the community, and we in South Australia will have the sorts of problems we have not seen a lot of. For example, the sort of community activity involved in the House of Chow has been quite rare in South Australia.

I would suggest that if the Government is not very careful, as it seeks to give itself more powers and seeks to exercise those powers, it will have the community up in arms. I must say that, from some conversations I have had, one reason why some members of the Labor Party, at least, want to support the Act is because if things go wrong they can blame the Government: it is no good fixing up the legislation because then the Government cannot be blamed for anything. The Liberal Party adopted a very similar approach in the Senate throughout the previous decade. It used to make noises in the Lower House and then vote the other way in the Upper House because it did not actually want to fix up the problem. That is why the Liberals voted for a wine tax four times, even though it said it was a bad thing, because it hoped that eventually it would get more votes because people would get upset about it, but that is an aside.

The Hon. T.G. Cameron: I think you might have been guilty of that a couple of times.

The Hon. M.J. ELLIOTT: Oppositions do. Oppositions actually do not want good legislation getting through because then the public will not get upset with the Government. If you are in Opposition you want to get into Government. What you should seek to do is—

The Hon. Diana Laidlaw: The honourable member could not accuse us of doing that in Opposition because that was not our approach.

The Hon. M.J. ELLIOTT: I must say that I did not see it as much with the Liberal Party in Opposition here as I saw it in the Senate, where it was very obvious. I have not seen it as much as I have seen it with the Labor Party here in Opposition.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: I have to say that you guys have some real problems in government, but that is another subject and I will not go into that right now.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: You were an excellent Opposition.

The Hon. Diana Laidlaw: A better Government, though.

The Hon. M.J. ELLIOTT: I did not say that, either. I think you are an equally bad Government but a better Opposition. If the Government really wants to solve the problems, it needs to sit down and look at where things have gone wrong. It should get down and dig behind those things that have gone wrong and then they will be able to come up with the answers to fix the problems. As I said, the Govern-

ment approach has been to increase ministerial discretion and to try to distance the public from the whole process. I want to treat another bit of mythology, and that is the question of approval times. The mythology is that councils are very slow with their treatment of developments, and that the Government will handle things much more quickly, particularly getting them into DAC.

It may be true that, going back a couple of years, councils were slow in handling applications, but that has changed quite dramatically over the past couple of years and it has changed for a couple of reasons. Changes made to the Development Act a couple of years back, I think, have accelerated the process, and councils are becoming increasingly professional, have far more qualified staff on board, and have improved their procedures. The Local Government Association employed a consultant to look at 2 700 development applications across 17 councils. The consultant found that the councils' average approval time was 18.3 working days; the level of delegations to staff were 89 per cent of applications—88 per cent in the metropolitan area and 95 per cent in non-metropolitan areas; and reduction in approval times over the previous 18 months was between 25 per cent and 40 per cent.

We can see that, in 18 months, there had been a significant decrease in time taken to an average of 18.3 working days. I must say that it would be hard to imagine it getting much shorter than that. Councils meet on a weekly basis and many applications must be referred to Government agencies. To expect councils to move even relatively simple applications much quicker than that would almost be an unreasonable expectation. As I understand it, the applicant satisfaction rate was 92 per cent, with people saying that the service was at least adequate, good or very good, and 8 per cent said it was inadequate.

State agency referrals were required for 8.6 per cent of applications. It is worth noting that the average referral time was 17.5 days. Councils have other data—but unfortunately I have not brought it into the Chamber with me—which demonstrates that when there has been major delay, more often than not that delay has not been caused by the council but occurs when the council refers an application off to an agency. While 8 per cent of applicants are now saying they are not satisfied, those people often do not know what causes the delay. The council is the clearing house: the application goes to the council and the council must then refer it off to all the agencies and, if there is a delay, the council cops the blame.

The fact is that most of these delays, when investigated, are brought about by councils referring applications off to agencies and the agencies take considerable periods of time. As I said, I do not have the data with me but, during Committee, I will produce those numbers. The Government has so gutted the agencies that they do not seem to be capable of processing applications in a great hurry. There was further evidence, and again it appears—

The Hon. T.G. Cameron: We have to fix up their mess.

The Hon. M.J. ELLIOTT: That is right; the Government had to fix up their mess. Unfortunately, I did not bring the numbers with me, but I understand that applications of a similar nature that go to DAC tend to spend much longer in DAC than they do if they go to council, because DAC has exactly the same problem: DAC must refer it off to other agencies and is striking the same sorts of delays. Overall, a similar application going to DAC takes even longer than it does if it goes to council. We have this absurd push for call-in powers to DAC, and people are being told that this will make things move quickly, but it is predicated on a number of lies. It is better to say 'lies' than myths. Councils are not taking a long time—

The Hon. Diana Laidlaw: Did you say 'lying'?

The Hon. M.J. ELLIOTT: Anyone who says that is telling a lie.

The Hon. Diana Laidlaw: Nobody said it, so you are not attributing it to anybody.

The Hon. M.J. ELLIOTT: I will not be so ungenerous right now. If anyone says it, then they can stand accused.

The Hon. Diana Laidlaw: I hope you are not accusing the Minister of lying.

The Hon. T.G. Cameron: If you think it applies to you.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: There is a cap that people can try on. There is that mythology, there is that lie, that councils are taking a long time to process applications. That used to be true: it is no longer true. The LGA is already putting in train processes to try to encourage those councils it knows to be slow to speed up their processes. One thing that might possibly come out of amalgamations will be that councils will be able to afford more professional staff. Smaller country councils that currently do not tend to have professional staff will probably end up with such staff. The next mythology is that these delays are caused by the councils, but the facts are that most often the delays, when they do occur, are after the council has referred it off to an agency and are waiting for responses. Some agencies, such as the Health Commission, are absolutely impossible.

The Hon. T.G. Cameron: That is another lie. That is not a myth: it is just another lie being perpetrated.

The Hon. M.J. ELLIOTT: Yes. The Health Commission takes an inordinate amount of time, and again I have failed to bring in the numbers, but I will bring them in during Committee. There is then a suggestion that if we give these things to DAC it will somehow handle them more rapidly, but the figures again show that DAC is even slower than local government; yet we have this notion that if we can only refer these things onto DAC it will hurry things up. I do not know whether the Minister thinks it will actually bypass local government. Local government does have a view; it will express that view to DAC and it will find other ways of exercising its view. At this stage the Government has not sought to remove appeal rights under this division of the Act. I am sure that if councils feel that something inappropriate is happening or if citizens feel that something inappropriate is happening the appropriate course will be taken. Of course, the Government could choose to remove those rights but, if it does that, it will have Condous and others under bulldozers.

As I understand it, local government deals with about 90 per cent of all applications, and that equates to about 45 000 applications a year, with a further 5 000 being dealt with by the Development Assessment Commission (DAC). This Parliament has given a significant task to local government but with no resourcing beyond its general rating power, and I am puzzled and concerned to see the Premier, the Minister and this Government coming to this Parliament with a general criticism of local government's role and performance yet, as I understand it, no-one in the Government has conveyed any concern about its performance either to councils or the Local Government Association. Does the Premier give no value to the notion that State and local government might cooperate, that problems might be addressed in a variety of ways and that—

The Hon. Diana Laidlaw: Just look at Partnership 21. We are cooperating—

The Hon. M.J. ELLIOTT: Excuse my laughing—not simply by legislative amendment people might be able to work together to solve problems—

Members interjecting:

The PRESIDENT: If the Minister wants to comment, she should do so through the Chair.

The Hon. M.J. ELLIOTT: Thank you for your protection, Mr President. Does the Premier believe that people might be able to work together to solve problems if they know what they are? It seems an outrageous waste of this Parliament's time to bring supposed problems here when there has been no attempt at negotiation or conciliation. Perhaps we should require a compulsory conference between the Government and local government before we consider such matters, just as many courts do before they consider matters. Does the Premier really believe that the best way to discuss development matters with local government is via the pages of the *Sunday Mail*? Does he really think that portrays an image that will attract developers to South Australia? We are considering a Bill that is designed to address problems which have not been substantiated statistically and which have not been raised with the primary planning authority in this State.

I have read the *Hansard* from the debate of this Bill in another place and have noted the considerable statistics which the LGA has compiled—and many of those I have brought forward today—with councils on this subject. As I understand it, the Minister has these statistics but clearly has not talked to the Premier but, rather, the Premier has sought to manufacture statistics by asking developers to telephone his office. I look forward to hearing from the Premier on the thousands of calls he has received. I also look forward to the same sort of analysis as that provided by the LGA. I add that I wrote to the Minister several weeks ago requesting the examples that he considered demonstrated the problems in this State and I have not received a response.

The Hon. T.G. Cameron: They're still looking for some.

The Hon. M.J. ELLIOTT: They are still trying to find them! How many of the thousands of calls to the Premier's office relate to developments considered under the current Act? How many were delayed by State agency referrals? How many were non-complying developments? How many involved appeals? How many of these appeals were upheld? I look forward to a detailed analysis—the sort of analysis that I know the development sector would expect of good government in this State. I would also like to raise serious questions of the Government which were not responded to in another place. Those questions relate to the performance of State agencies under the Development Act.

The LGA statistics, compiled by independent consultation with Commonwealth funding, suggest that if a State agency touches an application an average of 3½ weeks goes out the window. What should be of great concern to the country and regional development work in this State is that agencies take double the time to respond to country developments as they do to metropolitan ones. I have not seen any response to these questions by the State Government, and I think that they need answering.

What statistics does the State have on its performance? Does it even monitor its performance? What is it doing about them? I should like to raise an example of these concerns that happens to relate to the Premier's own electorate. I have a letter from the District Council of Yankalilla to the President of the LGA, Councillor John Ross. I appreciate Councillor Ross and the council's support in providing me with a copy of the letter, which reads:

> I refer to your letter of 1 July 1996 commenting on the Development Act Amendment Bill currently before State Government and the efficiency of councils in processing planning applications. Your letter indicates councils average approval time is 18.3 working days. It is interesting to compare this approval time with that of the Government's own agency, i.e., the Development Assessment Corporation. Council recently submitted a development application of a minor nature to the commission which did not require advertising and the approval took 44 working days. If further research was undertaken, I am sure we could find other examples of a similar nature. The council suggests, therefore, that there is room for the Government to improve its own efficiency in this area before imposing further controls over councils designed to speed up the process.

A copy of that letter was sent to the Premier. We have to ask from where the Premier's advice is coming for the Government to go ahead with the notions that we are seeing here. Where is that advice coming from? Where is the backup for the legislation that has come forward in this way? I suggest that the Government is not capable of talking other than in general terms about developments being stymied, progress being held up and about the State's having a bad reputation and using that as a justification for legislation.

However, when it comes to justifying the actual content of the Bill, I do not believe the Government can produce a shred of evidence to support what the Bill contains. As I have argued in this place, the answer is in the way in which development applications are handled. We need to look at it in two parts. In relation to local government, the problem is being addressed by it: local government has got its act into gear. The few councils that have not done so have significant pressure on them right now.

But what is the Government doing about its own departments? With minor projects more often than not it is the Government's own departments that are causing the major delays. The Government needs to get its house in order and does not need to come into this place seeking legislative change. In relation to the reputation of the State being a difficult place for development, that has emerged largely out of major projects. It is an issue that I have addressed at some length on a number of occasions in this place. I have argued that we need to amend the assessment process in such a way that developers get much clearer signals early about what the problems are and that, if there are problems, a real attempt is made to address them.

We do not need legislation which simply empowers the Minister to crash developments through, where we do not have an independent assessment process or an environmental assessment process that gives good information to the developer. Good information is not, 'Look, you can go ahead.' Good information is, 'If you want to go ahead, here are the problems that need to be addressed.' Quite often the problems are capable of being easily resolved.

The Tandanya development, to which I referred earlier, had a significant problem regarding its location. The process should have worked in such a way that that problem was identified early, before a large amount of money was spent on the environmental assessment process. At the very beginning of the process they should have identified native vegetation as a potential problem. I have argued that a location as little as 300 or 400 metres away—bare farmland—would have solved the Country Fire Service's problems and at the same time would have solved the native vegetation problems that eventually killed that project.

We can look at major project after major project that has failed in South Australia and see that, more often than not, there was a flaw that was capable of being fixed. In some cases the flaw involved location: Collex has exactly that problem now. That was the problem in relation to Tandanya, and it was the problem in relation to development in the Flinders Ranges. Sometimes it relates to form. The major problem with the first Glenelg development, the Jubilee Point development proposed about 10 years ago, was the proposal to build significant breakwaters and interfere with sand movement. That was the biggest single crunchpoint, and it was never adequately addressed. There was not a problem in having a development at Glenelg—it was the form of the development that was the difficulty.

As to Mount Lofty, there was never any question that there would be a development there. The question was how to get an appropriate form. In more recent times the Government proved that it was possible to involve the community in determining a form that was acceptable and for development to proceed. In the first case the previous Government had adopted a crash-through approach, which was doomed to fail.

The Government has on file an amendment which seeks to change the way in which the environmental assessment process works. In particular, we now will have an independent panel which will be known as the Major Projects Panel and which will receive applications after it has been declared a major project and will involve the public early on. Members who have heard me debate in this place know that that is something for which I have been calling for a long time. If it is used properly and allowed to work, it will solve an awful lot of the problems.

The Hon. Diana Laidlaw: So, the Minister is not as bad as all that?

The Hon. M.J. ELLIOTT: I concede that he has got one thing right. If it is adequately resourced and if the Minister keeps at arm's distance from it and allows it to work in an impartial manner—

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: If the Minister ensures that he puts some impartial people on it, it will help the processes enormously. I will debate that more in Committee. It is unfortunate that the Minister did not take the whole environmental assessment process and put it under that panel. It will run a first public consultation and issue the guidelines. I understand from private communication with him that he will accept an amendment that it will also give further instruction to developers, when preparing an environmental assessment, on what are considered major and minor issues. That is important; otherwise, we have environmental assessments such as we had at Glenelg where they spent four pages looking at the impacts on the marine environment and four pages looking at the colour of knobs on doors somewhere. They take the trivial and major issues and spend two or three pages on all of them.

The Minister will now be allowing this panel to start the environmental assessment process, to set the guidelines and to make the decision on whether we will have an environment impact assessment, a PER or a DR. Having put that at arm's length, I think we can have a lot more confidence, provided that the composition of the panel is right, that it will work well. It is unfortunate that the Minister has not chosen to let the panel be in charge of the rest of the assessment process because there will be times when the developer will come back and say, 'Look, in response to what is being raised, I want to change the form of the application.' They should be able to do that, and again the Government has an amendment to allow that. Unfortunately, however, that part of the process is no longer under the panel. Having started the process and having set the guidelines, the panel should continue to be the independent umpire until the assessment process finishes.

It is appropriate for a political question to be asked as to whether or not there is a major project and, where we do have a genuine major project, a political decision is made on whether or not it proceeds. We must resist the political interference in the assessment process itself because that has gone on for years and is one of the reasons why projects have failed: Ministers have interfered and said, 'Don't worry, I'll get it through.'

If there is a flaw, rather than its being addressed they try to ride over the top of it. When officers working in the department wrote reports which pointed out flaws, they were told to rewrite them. I will move amendments to try to stop that sort of thing from happening. Instead of addressing the issues, hopefully up front (even at the time of issuing guidelines or soon after that), if we find a problem when addressing it and the Minister starts intervening, the process can be destroyed.

The flaw in this part of the process, aside from keeping the whole of the process under the panel rather than half way through (in other words, after guidelines shifting it back to the department under the Minister), is the removal of judicial review. That provides a capacity for abuse where a project that any reasonable person calls a minor project would be declared a major project and would not be capable of being tested. That is real white shoe brigade stuff. Ministers can say that they will not abuse it, but in reality if there is potential for abuse some Minister—if not this Minister then the next one—will be guilty of so doing.

They will have a favoured amendment and will declare it to be a major project when no reasonable person would say that it was. Having done that they have taken it away from council, away from DAC and away from any right of public appeal. The corner deli could almost be declared a major project and it would not be capable of being challenged as such. Therefore, it would not have to comply with the plan, and the Minister could say 'Yea' to it at the end.

The Minister also is seeking to include another clause which allows the Government not to require an EIS. The Government will not be able to require an EIS where the Minister has written a letter saying that he will not require one. This has shades of Lake Bonney. There was a time perhaps 40 years ago when people said, 'We will not worry about the environment.' Well, as the Hon. Terry Roberts knows, remembering the days when the lake used to be clean, before it was destroyed, that was a tragic decision, perhaps defended on the basis of ignorance. If we have a major project, for a developer to be told that we will not require an environmental impact assessment, even though it should fit into all the criteria—and once the Minister has written a letter the developer has a legal right to say that he will never be required to do one—is the most amazing giveaway that I have ever seen.

We have two clauses in this major projects section, one being clause 48D, which will allow the Minister to take quite trivial projects and run them through the major projects system, and the other amendment which will allow major projects not to go through the system but to go through council approvals and DAC. It is absolutely criminally absurd and makes an absolute farce of the whole major project

system. Yet I do not believe that the Government could produce a single case to demonstrate a need for doing either.

In relation to judicial review, I am told that in 15 years under the old Planning Act and the current Development Act there has been judicial review on one occasion. You could hardly say that judicial review—

The Hon. Diana Laidlaw: Projects haven't even been offered it so that we get to that stage.

The Hon. M.J. ELLIOTT: That is nonsense and the Minister should know so.

The Hon. Diana Laidlaw: No.

The Hon. M.J. ELLIOTT: The fact is that projects that have failed have not failed because of judicial review, and the Government simply will not be able to find a case where that has happened. They have failed for a host of other reasons—more often than not it has been for reasons of finance. They have been such half-baked ideas, as many ideas were not from genuine developers but from people who had ideas and who on-sold the project later. That happened in a host of developments that were approved and never happened.

The Hon. Diana Laidlaw: Ophix.

The Hon. M.J. ELLIOTT: Yes, Ophix is just one of them, and Tandanya is the same. Another site is now available, but at this stage no-one is prepared to spend the money. My plea to the Government is to address the real issues and not tilt at windmills. There are real issues and problems, but they are capable of being fixed. This legislation, with the exception of this late ministerial amendment, has not been addressing the real problems.

The Government is moving in a direction in terms of major projects and getting more independence into the assessment process and bringing in the public earlier so that many of our problems can be solved. The Government could have done it better if it had spent a little more time on it. Unfortunately, it chose not to do so. People were genuinely committed and prepared to spend the time with the Government to solve that. I conclude my remarks and in Committee I will raise a number of other issues.

[Sitting suspended from 6.4 to 7.45 p.m.]

The Hon. P. HOLLOWAY: When the Bill left the House of Assembly my colleague the shadow Minister, Annette Hurley, said:

> We are keen to see a consensus reached on this legislation. We are prepared to listen to the views of the Government, developers and interest groups and we would like to think that we can reach an agreed position on this.

The Opposition had many concerns with the legislation as it was presented to the other place and they were set out in some detail in the shadow Minister's speech. In the three or so weeks that have elapsed since that time, the shadow Minister has had a number of discussions involving developers, the Local Government Association, conservation groups, the Democrats and the Government about these matters. As a result, we are pleased that the Government is to introduce substantial amendments which will address many of the concerns which have been expressed not only by the Labor Opposition, but by a number of other interest groups.

I do not disagree with many of the comments made by the Hon. Mike Elliott before the tea break. For example, he said that this legislation will not address many of the problems that it is claimed to address. The problems of developments not happening in South Australia are due to a number of causes, one of which is lack of finance. Many projects which it is claimed did not get off the ground were the result not of bad planning laws, but of proposals which did not stack up financially or in other respects. This legislation appears to be aimed at dealing with perceptions about development rather than reality. I will not go through the 13 cases mentioned by the Hon. Mike Elliott that were put forward as the reasons why the Bill was necessary. Nevertheless, the Labor Opposition has always accepted the need for better planning laws.

There seems to be a perception in the community that in development laws we can get a magical formula that will solve all problems—a Holy Grail of planning. I do not believe that will ever exist. Planning and development issues, by their nature, will not please everyone all the time. There will always be controversy over development issues. We should be looking for a process in which the community has faith, which it believes serves its interests well, gives it a say in development and at the same time provides certainty and an environment in which developers can reasonably invest.

The former Labor Government had a major revision of planning laws prior to 1993 and produced the new Development Act. That was a recognition by that Government that we could do better with our planning laws. It did not claim that those laws would be perfect, and it believed that some revision would be needed at some time. I note that even the Hon. Mike Elliott conceded that we can and should consider doing better with our planning laws.

The proposals put forward by the Brown Government in 1995 were rejected by the Parliament, and now we have this latest version which, in its original form, was not acceptable to the Opposition. However, we are pleased that during the Committee stage the Government will extensively amend the original Bill.

As a member of the former Labor Government, I was involved through some of the backbench committees with some of the developments that were put forward. Indeed, I was aware that some of the projects folded not because of any problem with development laws, but because of finance or because those developments were put forward by entrepreneurs who were basically putting forward proposals which they wanted to sell on to others rather than be involved in the development themselves. I concede that and suspect that this Government will probably have much the same problem. It would have been better if some proposals which proceeded—some not far from this Chamber—had not proceeded, but I will not go into that.

The Opposition supports the creation of a stable and sympathetic environment for development. However, we also insist that there must be an effective community consultation process in development. During the period of the former Labor Government, the Liberals opposed many developments. Indeed, more than one of those members wanted to sit in front of bulldozers to prevent things going forward. As the Hon. Mike Elliott mentioned, Steve Condous, the member for Colton, also said that he would stand in front of the bulldozer if the Government insisted on cutting a channel through West Lakes. That indicates the basic point that it does not matter what planning laws we have: if there is substantial public opposition to a proposal, people will use whatever means they have to stop it. We should have a process in which the community has faith that it will have a good hearing, and it will then accept the decisions which are made.

The problem with many of our planning and development laws is that we seek to regulate a diverse range of development proposals. I should like to highlight some of the prominent projects which have been kicked around in the past

and used as criticisms of developments not proceeding. With shopping centre expansion there has to be orderly development; otherwise, economic activity might suffer. There might be some initial economic development by building a new shopping centre, but if it is built too close to another shopping centre it might destroy established businesses elsewhere for no real benefit.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: The Hon. Angus Redford says that that is a good interventionist approach. Presumably, he believes there should be market forces in this area and that, therefore, the only restraint should be the market.

The Hon. A.J. Redford: I didn't say that at all.

The Hon. P. HOLLOWAY: Perhaps the honourable member can explain himself later. He should not interject; otherwise I am quite entitled to interpret his remarks as I wish. We can see, for example, the impact on the central business district in the city. We now have the Brown Government's new proposal for a city forum. It seems to me that, if it is considering that matter, clearly the Government wants to have new development in the area, but perhaps it is not addressing some of the real causes of the problem.

The Hon. Anne Levy interjecting:

The Hon. P. HOLLOWAY: It is not only a question of no money, although that is certainly part of it, but also the fact that we have too many councils is probably a factor. With respect to shopping centres, a number of councils in regional areas are promoting their own regional shopping precincts. If we had fewer councils, we might have more rationality in the location of some of these regional centres. There is a classic case in an area that I used to represent where the Marion council is promoting a huge expansion of Westfield, but smaller councils, such as Glenelg, are desperately trying to promote and hang on to their strip shopping centre as a regional centre. Perhaps if there was only one council for the whole area it might be able to sort out some of these problems internally rather than their being pushed through to some other body that has to make the decisions.

The point I make in relation to marinas and shopping centres is that a number of different issues are involved: with respect to shopping centre development, clearly other developments in the area must be considered, whereas in relation to marinas and tourist resorts the concerns are more generally of an environmental nature. With our planning and development laws we need to consider a whole range of developments. I think it is inevitable, therefore, that those laws will struggle to deal with all the cases that might emerge.

The other comment that I wish to make in relation to general planning laws is that we need to be careful of the impact of unplanned growth if it manifests itself in the form of congestion or some sort of external cost to the community. I cite a case with which I am familiar in relation to urban consolidation. In the Committee stage of this Bill in the other place the Minister was particularly critical of Mitcham council, which he named, because of a number of development projects that it has knocked backed. Of course, many of those are in the area of urban consolidation. Developers or owners of properties, who now find them to be too big, wish to sell off part of their land for the purpose of erecting another dwelling. Mitcham is one council that vigorously opposes those sorts of developments. I used to represent an electorate which covered half of Mitcham and half of Marion, and the contrast between the two areas was dramatic.

In suburbs such as Ascot Park and Parkholme, the Marion council quite vigorously promoted urban consolidation. Some of the streets in those areas you would not now recognise because the changes have been so dramatic. A number of older houses on large properties have been replaced with blocks of five or six units. Those individual developments by themselves did not cause any problem, but they reached the stage where there were so many that in some suburbs drainage and electricity and sewerage services were being overloaded. There was a basic strain on the public infrastructure in those areas because of some of this growth. Whilst there may not be much of an impact when you look at those sorts of development projects on a one-by-one basis, over a number of years there might be a considerable impact on the community.

All these considerations reinforce the fact that good planning and development laws require a balance. They must provide certainty and an avenue through which affected groups can participate. The public must have confidence, otherwise, as Mr Hayes QC has pointed out in his celebrated comments, which have been quoted by my shadow colleague in another place and by Mike Elliott, if you lose the confidence of the public it will simply look at other means of showing its displeasure with the decisions that are taken. Examples have been given of people lying down in front of bulldozers instead of objecting in a more orderly way through the proper processes. Any move in development laws which seeks to expedite proposals to the exclusion of the public who will be affected, in my view and I think that of anyone who thinks about planning laws, is likely to be entirely counterproductive. Rather than assisting developers with certainty, it will have the reverse effect.

I turn now to the Bill before us. There are a number of smaller provisions in the Bill. First, under clause 4 of the Bill councils are given a further 12 months to review the extent in which the development plan for their area complements the planning strategy. The Opposition has no problem with supporting that provision. Under clause 5, councils can determine for themselves the majority of applications to be undertaken on council land. The purists might argue that this is a case of Caesar judging Caesar, but the Opposition believes that the restraints on this measure are adequate. The LGA and most others who are affected by this provision to whom the Opposition has spoken agree with it, and the Opposition supports this measure.

The substantial issue in this Bill relates to the call in powers of the Minister. This matter has been discussed at length by the Opposition, the Government, the Democrats and a number of other parties that have been involved. As a result, the Government will extensively amend this Bill as it left the House of Assembly to accommodate most of the concerns that have been put before it. Unfortunately, some of these provisions have been the subject of misinformation. I suspect from some of the letters that I have received that people believed when they read in the newspaper that the Opposition intends to support this Bill that it would support the Bill in its original form. I do not think that many of the people who made those comments understood the impact of the amendments which the Government is proposing and with which the Opposition will agree.

We accept that we need to have some call-in powers for the Government. These are the powers which allow the Minister to declare a project to be a major project so that it will then go to a panel and by-pass normal council procedures. It will then be subject to one of three measures: an

environmental impact statement, a public environmental report, or a development report. One of the novelties of this Bill is that the consideration of the environmental impact of major projects will now be able to be graded into three tiers to correspond with the particular requirements of the project. The Opposition supports that measure. In the past, with respect to major projects there has been one requirement for an environmental impact statement which has covered all projects regardless of their size and nature.

In any case, some of the reports have not necessarily addressed all the major concerns. Nevertheless, we believe that this new measure should give some greater flexibility in planning, and we hope it will lead to some better results. That is the first part. There will now be three levels at which major projects can be assessed. One of the reason for needing call-in powers is the impact of council size. Some of the smaller rural councils have been faced with very large development projects in their area. Small councils may simply lack the size, expertise, capacity and experience to assess large projects properly. The call-in powers are necessary in some of these cases. Indeed, they are already part of the Act. As I said, the main change really is that the amendments, as they will be moved by the Government, will seek to have these assessed, first, by a panel and, secondly, to have the three tiers of assessment. The guidelines under which they are done should be clearly set out first, and there are amendments to ensure that that is the case.

On behalf of the Opposition, I indicate that I will move an amendment during the Committee stage, the final form of which has only just been drafted by Parliamentary Counsel. Basically, the amendment will ensure that those developments that have been considered by existing measures will not be able to be called in by the Minister under the new Act to circumvent any problems that they might have been facing. This will be particularly important for developments such as the Collex waste disposal case about which a lot has been said in the paper recently. It has been claimed that, if the new amendments are passed, the Minister will still be able to call in this project and, therefore, get around any problems they may have had under assessment through the Development Assessment Commission. The view the Opposition has received is that that could not occur, that it could not be rated as a major project and that that would not happen, anyway. Nevertheless, because of some of the statements that have been made, to make the Opposition's position completely clear on this I will be moving an amendment in Committee to ensure that such a proposal being considered under the existing arrangements will not be able to be called in.

There is also the question of judicial review. There has been some criticism of the approach that the Opposition intends to take on this matter. We have agreed that the judicial review provisions relating to the major projects part will be removed under the amendments. As I understand it, these judicial review provisions have been used only once in the past 15 years. However, there seems to be a view among some sections of the community that, if this provision to remove the judicial review is put in the Act, the Government can somehow or other breach its own Act. Indeed, before dinner the Hon. Mike Elliott said that, if we inserted an amendment to remove the judicial review process, somehow or other the Government would be able to make every project a major project and basically breach its own Act. The Opposition's advice is that—

The Hon. A.J. Redford: He hasn't read the amendments, obviously.

The Hon. P. HOLLOWAY: I do not know whether he has read the amendments or whether it is a case of misunderstanding the impact. We really came across the same problem during the Local Government Bill, where the Opposition proposed amendments but did not pursue them. On that occasion, the advice we received was, 'Governments do have to be bound by their own legislation and, if they do not heed their legislation, legal action can be taken, anyway, regardless of any provision excluding judicial review.' Indeed, my colleague, the shadow Attorney-General—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: I am pleased about that. I am sure the shadow Attorney-General would be pleased to hear that the Hon. Angus Redford believes that his advice is good. He gave me some notes of some of the classic cases, and they relate to English case law. I will briefly read these, since they are quite short. In the case of *Reade v. Smith*, there was some debate on the clause 'which he thinks is necessary'. The summary of that decision was that it:

> Does not give an absolute discretion but allows the court to inquire as to whether the exercise of power could be regarded as necessary given the objects and purposes of the Act.

In the *Tameside* case, the clause under consideration was 'if he is satisfied that'. In that case, the Court of Appeal found:

> The decision to which he comes must be reasonable: that it is, or can be, supported with good reasons or at any rate be a decision which a reasonable person might reasonably reach.

The House of Lords said:

> If a judgment requires, before it can be made, the existence of some facts, then, although the evaluation of these facts is for the Secretary of State alone, the court must inquire whether those facts exist.

Finally, there was also the case of *Anisminic*. When Parliament tries to protect a decision or determination, it can only mean a valid decision or termination. The relevant part of the finding there was:

> A privative clause needs for its operation a valid determination, so that if the determination is a nullity there remains nothing for the privative clauses to protect.

What the courts are basically saying is that a Government really cannot, through a judicial review exclusion clause, be able to breach the provisions of an Act and expect people not to take action against the Government.

I am sure others of the legal fraternity in this Council can put it in better terms than that. Basically, that is the situation. As I said, we came across the same matter in relation to the Local Government Bill. The fact that there is no judicial review there has not meant that that body has gone out and breached the laws. I note that it is under the same Minister, so one can hope that that is the case. Some of the criticism which has been made in this matter and which has been given publicity recently is not fair criticism. It does not represent a true understanding of the Labor Opposition's position on this Bill.

How the Government operates these development laws will determine, in large part, the success of these new measures. The Opposition is prepared to accept the Government's amendments to these laws in the hope that we will have greater flexibility and certainty in parts of our development laws. The removal of the judicial review we were talking about earlier applies only in the case of major projects. It does not apply in relation to the normal stream of development which will go via a council to the Development Assessment Commission. In that case, the existing processes,

that is, through the Development Assessment Commission, will still be subject to full appeal and judicial review.

It certainly has been my experience from the cases I have seen that that is the area in which there has been more problems in relation to appeals, particularly with regard to shopping centres. It is in relation to those sorts of areas where the judicial system has been used not to get justice and not to achieve an outcome under planning laws in the community interest. The system is being used in rather the same way that Alan Bond used the legal system: to prevent justice rather than obtain it. Certainly in his speech, the Minister in another place quoted examples of shopping centre developments that have been opposed by a particular competitor—one in the Gawler area and one in the western areas—even though the council has promoted it. Residents have strongly supported the shopping centre development in the western suburbs.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: No, it is Burbridge Road, actually. That was the opposition in that particular case. My understanding is that, as those are really planning appeals and would normally go through the council, this Act will do nothing at all to address those problems, and I suspect we will still see plenty of those cases. Unfortunately, I think some development will still be delayed unnecessarily and capriciously through the judicial system because competitors will use the system to appeal against the procedures rather than against the merits of the project itself. That is a matter I suspect will probably ultimately need to be addressed. As I said, it is not part of this Bill.

If the Government uses the Bill as it will be amended from this place in the spirit which is indicated I believe we will get some improvements in planning, but it will certainly not be the panacea for all our problems. As I indicated earlier, at the end of the day, if any Government wishes to force through any development that is opposed by a substantial section of the community, whether or not it is in accord with the best planning laws, then it will be opposed one way or the other. Developers pushing such proposals against the force of public opinion will get themselves burnt, and so will any Government that supports them.

Democracy, I believe, is the ultimate check against bad development. I reiterate: there is no magic solution in planning laws, and certainly this Bill in its original form, or as we hope it will be amended, will not be a magical solution that will suddenly produce development for this State. Unfortunately, there is something of a cargo cult mentality out there, that, if somehow you can get your laws right, development will automatically follow. That is not the case. I make the warning that if the Government fails to act in good faith and seeks to try to avoid these particular provisions, then it will create a lot more problems for itself and for developers than we have at the moment. Nevertheless, given the amendments we expect to be moved during Committee, including the particular amendment I outlined earlier in relation to the judicial review process, the Opposition will support this Bill.

The Hon. A.J. REDFORD: I support the Bill and congratulate the Minister on grasping the nettle in relation to this very important issue. It is important that we note the extraordinary lengths to which this Government has gone through the previous Minister and the current Minister to liaise and consult with all major parties who will be affected as a consequence of this Bill. The Minister, when introducing this legislation in the other place, indicated that he had received 33 local government submissions, 10 private submissions and 10 submissions from State agencies. It is also important to note that the Minister went to some trouble to liaise and consult with the Local Government Association, and generally endeavoured to achieve a compromise before introducing this legislation into this Parliament.

As I understand it, and it has been referred to in the debate in another place—and I refer particularly to the contribution of Mr Scalzi, the member for Hartley—that the Local Government Association, having signed off and agreed to the bulk of the proposals put in this Bill, then went off and did its usual performance of going to the Democrats to see whether they could extract anything further, and that is the LGA's right. It has a right to consult with the Minister, agree and then wander out to the media and to other parties and change its tune. What it does by adopting that stance—and it is not an unprecedented stance so far as the LGA is concerned, and my memory goes back to the local government boundaries reform legislation—and if it continues to play those sorts of games with the Government, is to lock itself out of the consultative process.

In fact, in the future, if this sort of negotiation process conducted by the Local Government Association is adopted, we are likely to see ambit claims being put in by Ministers, lengthy parliamentary sittings, hasty amendments, hasty consideration of amendments, deadlock conferences, hastily drafted amendments as a consequence of deadlock conferences, and legislation that is hastily approved late in a session late at night, with a consequent revisiting of the legislation in the following session to fix up all the errors. One would have thought that, after the experience the Local Government Association had with the boundaries issue, it would perhaps take a consultation of the Government more seriously, identify the issues with which it disagrees with the Government, narrow them down and narrow the debate.

I will not go into the details of the legislation, except to say that there are a number of aspects to the legislation that I understand are not controversial. The first relates to the review of the development plans of various local councils and, in that regard, the time within which they are to be completed has been extended and, as I understand it, all parties agree with that proposal. The second and more controversial area relates to major developments, as they are described, and how they are to be dealt with. I have listened at length to the Hon. Michael Elliott, who seems to have adopted the stance of putting his head in the sand, and I have read in some detail the member for Napier's contribution in the other place where it is said that the lack of development in this State has little to do with development laws.

It never ceases to amaze me just how slow to learn are the Australian Democrats and the Australian Labor Party. One can go through a series of failed developments, and major failed developments, which quite clearly failed because of the planning process. It is all well and good for the Hon. Paul Holloway to say that they failed not because of development problems but because of financial problems. He indicated that he served on a backbench committee but, for the honourable member's benefit, I will give examples from where I sat during this ridiculous period during the late 1980s. I will start with the Wilpena development, because I had the opportunity to act for Ophix in relation to a number of aspects concerning that development, which, I might add, not through the ordinary development processes but through legislation, did not proceed. And it did not proceed for a very simple reason: the whole process in this State took three years longer than

the developers were originally told it would take. The holding costs became so expensive that Ophix believed South Australia was not a good State in which to do business, and it went off and developed two other major projects in the Victorian snowfields in the same time that it took Ophix to get planning approval for not a substantial development, comparably, in planning terms, in the Flinders Ranges. With all the goodwill of the Premier of the day—he had goodwill—and all the cooperation by the then Leader of the Opposition, although he did have a couple of—

The Hon. L.H. Davis: Recalcitrants!

The Hon. A.J. REDFORD:—recalcitrants—the developers took three years longer than they were originally advised to get their process developed. On my advice, the costs of getting all the approvals in place for the Ophix development in the Flinders Ranges cost $24 million, and not one stone was turned in anger. That is the message that Ophix tells everyone in Sydney, where Mr Slattery and Mr Morse, of Ophix, sit down and talk to people in the business community in the Eastern States. They talk to people in the business community overseas and say, 'Don't go to South Australia, because I will tell you what happens. They will tell you it will take only 12 to 18 months, but in reality at the wildest guesstimate it will take you five years, and it will cost you five times as much to get your development approval.' When they finally did get their approval, Australia went into recession.

Most developers plan the financial aspects of their developments within a reasonable timeframe, and there are not many business people, economists or Treasurers who can predict within two or three years what the economy will do. The process took so long that this company could not justify the investment and spent its money and raised its funds for developments outside South Australia. That is a stark example of what can happen. It is an example—and I had a bit to do with it—where an environmental impact study was promulgated and recognised by environmentalists throughout the national parks community of the world as a first-class and outstanding environmental impact statement. It was not even an environmental issue that stopped that project.

I have used that as an example before turning to other developments, but I am concerned that so many people, whether they be politicians or non-politicians who can so easily make a big name for themselves by opposing development or standing in front of bulldozers and the like.

The Hon. P. Holloway: And they are by no means all on this side.

The Hon. A.J. REDFORD: The honourable member claims that they are by no means all on his side, and I accept that. Perhaps one ought to look to the democratic process in dealing with a number of these issues as opposed to a legalistic process. The honourable member nods his head. As a lawyer, I did a bit of this sort of work, and I often recall going into court and listening to cases and not having a clue what anyone was talking about. Indeed, if you ever want to meet a set of nitpickers, 'i' dotters and 't' crossers, I will introduce you to four or five planning lawyers who will drive you crazy in half an hour because, essentially, that is what they do, with all due respect to them.

I will turn to another development in which I was involved in a small way until I was elected to this place, that is, the Hindmarsh Island bridge development. As I have said previously, I recall going into the office of the then Minister for Environment and meeting six or seven officers from the then Deputy Premier's staff. Mr and Mrs Chapman explained to Dr Hopgood what they intended and their planner indicated what was intended with the proposal. I recall Dr Hopgood advising that the Government had essentially looked at the project and said, 'This is a good project, which we want to go ahead. We do not see any great problems with it. All we want are these three or four aspects dealt with and you can go ahead with your project.' As would normally happen with developers, they went off to their financiers, based on the advice given to them by the then Deputy Premier, and said, 'The Deputy Premier has advised us that it will take a maximum of nine months for approval, and we anticipate construction of our project commencing in 12 months.'

I can tell the Council that six years later they were still mucking around with the project. Is it any wonder that when developers look across the border they say, 'Hang on, let's not go into South Australia.'? After I stopped being involved in the project the Aboriginal issue arose, and that was an issue that could well have been raised and debated during the course of the planning process. There was wide public consultation.

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: I will not go too much into that, but there was wide public consultation. It was widely advertised and there were at least four public meetings on Hindmarsh Island at the time. I attended two of those meetings, and not one Aboriginal heritage issue of the nature raised subsequently was raised. Is it any wonder that developers have little confidence in the planning process when they go through a particular phase in the process—whether it be some sort of consultation process or the like—and become frustrated when issues that should have been dealt with in that consultation process are raised subsequently and then given credence?

Is it any wonder that there is an enormous demand for an improved and speedier approval process in South Australia, particularly in relation to major developments? Through the late 1980s and early 1990s there was a litany of failed proposals and developments. As the Hon. Paul Holloway said, we had Kangaroo Island; we had Jubilee Point; and two or three other proposals were bandied around that never got off the ground. We also had the Mt Lofty Summit, the Le Cornu site and a whole range of major projects announced. We used to have a proposed marina announced every three or four weeks. Co-jointly with the sympathetic *Advertiser* and various anti-development groups, not one of those projects got off the ground.

I suspect that there are in our community elements of middle aged people who want Adelaide to be preserved as some sort of hybrid museum old folks' home. The fact is that younger generations and younger people have the right to develop their State and their environment as they see fit. The laws as they stand and have stood for some time prevent them from being able to do that.

Indeed, it is interesting to note the position in other States, particularly Victoria, which are competing aggressively for development proposals with South Australia. In Victoria the Labor Opposition supported changes proposed by the Kennett Government substantially similar to these. The Brumby Labor Opposition in Victoria does not have a great record for supporting business and development, but when one compares them with this motley group is it any wonder that this Government is having difficulty in endeavouring to generate the economic recovery that we all look for?

The Hon. P. Holloway: Well, you are supporting changes.

The Hon. A.J. REDFORD: The honourable member interjects, 'You are supporting some quite substantial changes.'

The Hon. Anne Levy: You opposed the Grand Prix.

The Hon. A.J. REDFORD: That is absolute rubbish. You were better off when you were asleep.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: I wonder about the establishment of a major developments board. I wonder in these terms: what the Opposition seeks to establish—and I understand that if forced the Government will support certain aspects of it—is almost a new bureaucracy in dealing with these developments which the properly elected Government of the day might seek to fast track for the benefit of South Australians. I have grave reservations about the ability of a body such as a major developments board, in the way in which it has been mooted by the Opposition, to improve our position much at all. However, it is, one would have to concede, albeit reluctantly, better than the system we have at the moment.

I would be most interested to know from the Minister, although this may be a difficult question to answer, what would be the estimated cost of this major development board. I would like to know whether or not there can be some mechanism so that we as members of Parliament can scrutinise its performance and whether or not the Minister could provide us with an annual report of its performance, costs and the like. I also note in relation to the Labor Party's amendments that there is nothing—

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: I am talking about your amendments. You have sought in your amendments to change it from an advisory council to a major development board that has some power. It does not simply seek to advise the Minister, and it can prevent and hinder the Minister from achieving the objective that the Government legitimately might seek, and there will be a cost to that.

The Hon. P. Holloway: The membership has not changed at all.

The Hon. A.J. REDFORD: Of course it has not changed at all, but the function has changed quite significantly and, because that function has changed significantly, you have had a number of other changes.

The Hon. P. Holloway: Do you think the Minister will be doing it all himself?

The Hon. A.J. REDFORD: I will give you a simple example. In one of its amendments, the Opposition wants to amend the membership of the major developments panel from 'the Presiding Member of the EPA' to 'a member of the EPA'; and the reason given that is that the Presiding Member of the EPA has indicated that his other commitments may preclude him from being a member of the panel. If ever there was a clearer statement that this major development board will be doing more work than that which was envisaged by the Government under its initial proposal, then you have your answer. The Presiding Member of the EPA clearly recognises that there will be an increased workload because of the additional responsibilities and powers that you give that body. That is a fact as clear as night follows day.

I draw a couple of other matters to members' attention before I close. I refer to some of the comments made by Mr Brian Hayes QC in the Messenger press earlier this month, as follows:

> What politicians always fail to appreciate is that when individual rights are taken away, particularly where there appears to have been a blatant breach of the law or process, the community resorts to informal and unorthodox methods of enforcing the law.

My response is that, generally speaking, the legal response is an expensive and slow one that does not always bring the right result. Le Cornu's is a classic case, as is the Burbridge Road case mentioned. Frankly, it is my view that this whole area of planning has become far too complex and legalistic.

I recall an occasion seven or eight years ago when I had a cup of coffee with a senior judge of the District Court. I asked him what he was doing at that time, and he gave me an expletive deletive and said that he had been on planning for the past two months. I said, 'What is that like?', and he said, 'It's a pain in the neck.' He said that you have to poke your judicial head out of the bunker and work out which way the wind is blowing, because next month it may be pro-development. If you do not make pro-development decisions you get a lot of criticism, and the month after that it may be anti-development, so if you do not make anti-development decisions you are criticised. His comment was that, frankly, politicians and Governments ought to govern and it is for them, and not the courts, tribunals and lawyers, to make those decisions. They are policy decisions that ought to be the subject of the democratic process, including, if a member of Parliament or anyone else sees fit, the ability to lie down in front of a bulldozer. The legal methods are not the best methods in dealing with these sorts of policy issues. Mr Hayes goes on to say:

> Controversial and failed developments were monuments to absence within the system of a structured and regulated method of challenge. The consequence was community and green bans, community picket lines and trade union intervention which not only caused lengthier delays but very often defeated the development.

I suggest that if the community feels strongly enough about a particular development and it leads to a green ban, community picket line or trade union intervention, that is a risk that all developers will take. Unfortunately, even with the set of complicated planning laws that we currently have in this State and with this extraordinary range of community consultancy that we go through, we still have a system of green bans, community picket lines and trade union intervention. These processes have done nothing to obviate those sort of community and democratic mechanisms.

With all due respect to Brian Hayes, the legal response and method of dealing with these issues has failed, simply because I do not believe that it is the role of the courts to make these sorts of policy decisions. It is the role of elected Governments and elected executives and not the role of courts to make those sort of policy decisions. It is not the role of the court to decide which school should open or which school should close.

The Hon. P. Holloway: Or pick our Olympic side.

The Hon. A.J. REDFORD: Or to pick our Olympic side, and they did not do a great job of that, did they? I endorse this legislation. I am not optimistic that it will solve all the problems as it will be amended. However, at least it is a small improvement on the position that we currently enjoy.

The Hon. R.D. LAWSON: I support this legislation. In my view, our development laws cannot be described as a success. The epitaph of Sir Christopher Wren is apt for our planning laws. His epitaph, reduced to English, is, 'If you seek my monument, gaze about.' Gaze about Adelaide and one sees much of which to be proud, but one also sees much of which this generation cannot be particularly proud. Most of the things of which we can be proud in Adelaide were

established by our forefathers, and our planning laws have not contributed to a city of which we can be truly proud.

For example, the southern side of North Terrace to the west of Parliament House, one of our principal boulevards, is a series of broken-down hoarded up buildings. Across the road, on the former railway site, there is the ASER project and the Hyatt building. They are perhaps wonderful buildings, but they ought not to have been located there: they ought to have been located in the centre of Adelaide. The Government of the day was anxious for development to go ahead, and I have no quarrel on that score. Unfortunately, the planning regime in force at that time did not enable the Minister of the day, if he had been so minded, to arrange affairs in such a way that the good of the greater city was taken into account and those buildings, good as they are, were located elsewhere.

Mention has been made of the fact that in Victoria, under the Kennett Government, the Minister has been given extensive powers in relation to planning matters. Those powers are far more extensive than those conferred on our Minister under the amendment now before the Council.

I believe that there should be greater capacity for ministerial influence over planning decisions. The lack of the capacity for ministerial influence over planning decisions in this State in the past has led to farcical situations. For example, the Bannon Government was keen to ensure that the REMM project, as it was called, now known as the Myer Centre, should go ahead. The Government, within the office of the Premier, had a major projects coordinator, Dr Bernie Lindner, and he, on behalf of the Premier, did a great deal of work to facilitate the project, but all the time the Minister would say, 'The Government and the Minister have no role in relation to this project.' It was a 'hands off' project. Therefore, we had the farcical situation of the Minister pretending not to be seeking to influence decisions and overcome planning and other delays that cost that project dearly. Ultimately, the project failed because the Government erred badly in urging the State Bank to throw financial caution to the wind and make investments in that project which, upon any objective assessment, should not have been made.

A Minister in certain circumstances ought to have the power, in an open way, to support particular projects. It seems to me that is one way of ensuring accountability. A regime under which a Minister has no ostensible powers but must rely upon back room dealing to endeavour to facilitate projects is unacceptable.

In recent years a number of projects in this State have, for various reasons, fallen over. Some have been financial, but many have been the result of the planning regime which has been in force. Reference has been made to the Kangaroo Island tourist development, the Wilpena Pound tourist development and innumerable marina developments along the coast of South Australia. For example, there was the Zhen Yun proposed hotel development on the site of Marineland. That development ultimately failed, with the developer leaving the State and swearing never to return. He did return briefly for the purpose of instituting an action which the former Government was happy to settle by paying out several million dollars.

The Hon. Anne Levy: What about Rod Abel running out of money?

The Hon. R.D. LAWSON: The Hon. Anne Levy talks about Mr Abel. I am talking about Zhen Yun, which came along after Mr Abel had not been able to bring his marine park to fruition. It was a stand alone hotel development by an overseas developer. The Le Cornu site on O'Connell Street, North Adelaide, was vacant and frustrated for years by the planning process.

The Hon. Anne Levy: They ran out of money.

The Hon. R.D. LAWSON: Who would not run out of money if they had to hold on to that site with its holding charges for years? I commend to members the speech by the member for Colton in the other place in which he explained what happened to the Oberdan family and the financial pain caused by that Le Cornu site.

Perceptions are very important in relation to planning and development. The Minister was entirely forthcoming about that in his second reading explanation when the Bill was introduced. He said that the Bill was about 'presenting a positive perception to the development industry that South Australia is a State to which developers can come and do business without fear of delays caused by bureaucratic red tape and unwarranted court actions.'

There is undoubtedly a widespread perception that South Australia is not a good place in which to undertake developments, and this State suffers because of that perception. We have a small economy and a small population. We do not present a naturally attractive locale for development when we compare the environment here for tourism and other industries with other places in Australia. South Australia must maximise its advantages and not place impediments in the way of development.

I am not in favour of tearing up the development and planning laws and allowing open slather in relation to development, but this Bill provides a modest and sensible form of relaxation of our planning laws. The essential components of the Bill should be emphasised and applauded. The first is that local government will retain its role as the principal decision-maker on development applications. The Bill does not propose to give the Minister open slather. The Bill will enable local councils to determine the majority of applications relating to developments to be undertaken by councils on council land. The Bill contains powers which will enable the Minister to call in some development applications. They are only limited applications. It is not envisaged that there will be many that will be covered by the call-in powers, and there are appropriate limitations and protections.

Finally, the Bill enables the Minister to declare a development or a project to be of major economic, social and environmental significance or of State interest for assessment under the new division of the Act. I commend all those measures and the principle underlying the amendments. I am glad to hear and to see that the Opposition will lend support to a number of the innovations. I think it important to say that, as the Minister mentioned, there was extensive consultation in relation to this legislation. I think the Minister is to be congratulated for undertaking that consultation.

Not all have been happy with all elements of the Bill. Mention has already been made of the provisions relating to judicial review. I am well aware of the criticism that has been levelled at these provisions of the Bill by my legal colleague Mr Brian Hayes QC. I do not agree with the views of Mr Hayes. I respect his opinions, but it is my view that legal processes are a very blunt instrument in planning matters. With respect to all my legal brethren, I do not consider that courts or tribunals provide a good forum for reaching satisfactory planning decisions. Courts and tribunals correctly adopt a legalistic approach to planning matters. We expect our courts and tribunals to be legalistic and to apply the law. Once again, courts and tribunals quite rightly are concerned

to base their decisions upon the strength of the evidence that is presented in a particular matter. The weight of expert and other evidence must be considered and duly applied. The judicial oath requires that that be done. Judges in this area are not entitled to follow their own prejudices.

In formal legal proceedings one finds that the courts will uphold challenges that are motivated purely by financial considerations: for example, challenges by commercial competitors brought not for the purpose of upholding good planning laws but for the purely self-interested purpose of maintaining a competitive advantage. The court will uphold such a challenge if the challenge is supported by appropriate evidence and legal argument. One finds in planning matters a very strong approach by what I might term black letter lawyers of the type one sees arguing cases in relation to taxation legislation. In planning matters, one finds lawyers engaged in the task are not so much finding loopholes to get a development through but rather finding technical points and loopholes to prevent developments occurring. Many appeals are determined on what might be termed technical grounds.

This Bill does not seek to do away with judicial review in all circumstances, nor does it seek to do away with rights of appeal in most cases. However, I say with the greatest respect to Mr Hayes and others who take a different view that the measures proposed in relation to limiting appeals are appropriate. Like other members, today I received from the Conservation Council of South Australia a letter in which it is claimed:

> . . . attempts in the. . . Bill to remove all rights of judicial review must be condemned as a serious threat to our democratic institutions.

In my view, that is a gross overstatement. The Conservation Council and others in the so-called environment movement often see the planning laws as an opportunity to prevent development occurring. They seek to use the development laws for the purpose of preventing development without having regard to the planning processes or the wider interests of the community. I was interested to note that in the Conservation Council's letter it is also stated:

> . . . when considered in tandem with the Federal proposal to re-enact the secondary boycotts provision. . . into the Trade Practices Act. It would appear that desperation to achieve cashflow from development projects could be translated into undemocratic legislation.

Once again, that statement is barely worthy of consideration. There is no conspiracy between the State and Federal Governments to achieve cashflow. What is sought is to reverse in South Australia the widespread perception that this is not a State in which to do business or develop property. The effect of that perception is that employment and job opportunities and also many other opportunities are denied to our community. I commend the second reading.

The Hon. DIANA LAIDLAW (Minister for Transport): I thank all members for their contribution to the debate on this important Bill. The Bill is about presenting, as a number of members have highlighted, to the development industry a positive perception that South Australia is a State where developers can come and do business without fear of delays caused by bureaucratic red tape and unwarranted court actions. With the passage of this Bill, the Government believes most strongly and trusts that the following will happen: that planning policies will be applied with consistency and fairness to the assessment of all planning applications. The Government is aware of a widespread view held by the development industry—and other members have referred to this—that some councils in South Australia do not always process development applications in accordance with the relevant policies in their development plan. Rather, applications are wrongly delayed or even refused for local political reasons rather than reference to the appropriate planning policies.

The Government is also aware of a negative mindset held especially within the interstate development industry that South Australian procedures for environmental impact assessment for major projects and developments are too complex and daunting. In particular, there is a perception that the preparation of an environmental impact statement is simply too expensive and too lengthy a process. On that basis, interstate companies do not consider it worth undertaking the process and therefore do not invest in this State. I know from a number of major projects in which the Department of Transport is involved, whether it be the Southern Expressway or the extensions to the Adelaide Airport, that the environmental impact statement is a most necessary part. It is a long and expensive one, and I suspect that it is only because the Government is funding those projects that we can afford to become involved with them and abide by all the procedures. If it were private enterprise, the burden may be too great and it could prevent such projects from proceeding. That is so when money is tight, as it is in this State at this time.

This Bill seeks to tackle the negative perceptions that I have highlighted, and to do so on two fronts. First, by giving the Minister the ability to transfer the decision on a particular development application from a council to an independent State planning authority, the Development Assessment Commission. Criteria are provided in the Bill for such a transfer so that special circumstances must apply before the Minister can act in this way. Secondly, it is proposed that the major developments and projects division of the Act be completely revamped in order to provide a more flexible three-tiered assessment process for major developments or projects. This will enable the environmental impact assessment process to be much better focused. Neither of these important changes seeks to take away the role of councils as a primary decision maker on development applications. However, they recognise that occasionally there will arise key applications of importance to this State where the usual assessment procedures are inadequate, and other situations where a State level decision would be preferable and sensible.

Prior to this Bill being introduced in the other place, the Minister undertook an extensive process of public consultation on an earlier draft of the Bill. Significant amendments were made to the Bill at that time; for example, I cite the proposed criteria of 'regional interest' for a ministerial discretion under the major developments and projects division. That reference was deleted.

Since the Minister introduced this Bill, there have been further ongoing discussions about its content between a range of interest parties, including members opposite. These discussions have been focused on clauses 5 and 6. Because of the importance of this Bill to the economic development of South Australia, the Government now proposes to move a series of amendments to the Bill in response to concerns raised during these discussions and the debate. The amendments are on file. In reference to clause 5, they will further clarify the criteria for the Government to transfer the determination of a development application from a council to the Development Assessment Commission.

The amendments to clause 6 are designed to give additional powers to the independent panel, to be named the Major Developments Panel, so that the panel will be given the responsibility of setting both the level of assessment and the guidelines for an EIS, a PER or DR, rather than the Minister. The panel will also be charged with the responsibility of seeking public comments on the significant issues relating to the assessment of a development or project at the very start of the process. This is intended to ensure that the assessment process concentrates on the significant issues and does not get bogged down by the unnecessary consideration of matters irrelevant to the proper assessment of the development or project. The proposed amendments also delete the 'State interest' criterion for the Minister to make a declaration, bringing a development or project into the ambit of the major developments and projects division. The Minister will now rely on the existing criterion in the Act.

I will conclude my remarks now; I will have more comments on clause 1 of the Bill in Committee. I want to acknowledge that the Government appreciates the contributions from all members during the debate, and the fruitful discussions that have been held in the interim. The Government considers that the amendments it now proposes will meet community concerns about elements of the Bill, while maintaining the key thrust and focus of the Bill. The amendments have been made in good faith, and I trust that the Bill will now receive considered support—possibly bipartisan support.

Bill read a second time.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1860.)

The Hon. A.J. REDFORD: I support this legislation. Prime Minister John Howard's strong support of strong and effective uniform gun laws in this country deserves the congratulation and acclamation of all ordinary Australians, of whatever age or sex and in all geographical areas. The support of the Federal Leader of the Opposition, Mr Beazley, is to be congratulated. Indeed, without the strong bipartisan support of the Liberal Party, the National Party and the Australian Labor Party I doubt whether uniform guns laws would ever be achieved in this country. Indeed, the incident at Port Arthur on 28 April 1996 shocked the nation and demanded a response, and the Prime Minister is to be congratulated for leading that response. I know there has been some criticism in another place about how this issue has been handled by the Federal Government and, indeed, this Government. As I understand the criticisms and the arguments, they go as follows:

1. That guns are a State issue;

2. The Parliament has been dragooned into this legislation by the action of Executive Government without proper consultation; and

3. The States, and particularly State Parliaments, have had little input into the process.

I want to deal with these arguments. First, guns are a State issue. However, the performance of the States on this issue has been lamentable, and I will go through that later. We have had calls for stronger uniform gun laws in this country on a regular basis since 1986. Despite those calls, the response of the States has been slow, full of obfuscation, inconsistent and ineffective. Indeed, without the strong leadership of the Federal Government and the Federal Prime Minister I doubt whether the process would change.

Indeed, I find that I am in strong agreement with the Hon. Robert Lawson when he made a couple of comments about inaction on the part of State Governments and the Federal response in the face of that inaction. In that regard he was talking about the racial vilification legislation. You might recall that I disagreed with the honourable member's viewpoint on that, but I agree very strongly with one of his sentients. He said on 19 March 1996 (*Hansard*, page 976):

> Moreover, if States do not have legislation on this matter, the claim of the Federal Government that it has some justification for imposing national legislation, whether pursuant to the foreign affairs power or any other power, is enhanced. I believe it is undesirable for States to abdicate their responsibility in so important an area to the Federal Parliament.

I have to say that in this case, in the face of any State inaction, it is quite clear that the Federal Government would assume that responsibility. In some cases, and upon reflection, it has been commented to me that perhaps that is what we should have done in the first place. I recall at a press interview it was strongly suggested to the Prime Minister by a journalist that he need not use his foreign affairs power but, given the nature and extent of the carnage at Port Arthur, he could reasonably have used his defence power to promulgate Federal legislation. Parliament may well have been dragooned into this legislation by the action of Executive Government, but that has occurred only because of the failure of Executive Government in the past to deal properly with this issue.

The time has come for us, as members of Parliament, to face up to the issues and deal with them firmly and sternly. It is time that we, as members of Parliament, look on the Executive Governments of today, both through the Prime Minister, the Federal Attorney-General and the Deputy Premier, and congratulate them for grasping the nettle, for taking up the issue on our behalf and providing us with an opportunity, as members of Parliament, to deal with this issue.

The Hon. G. Weatherill: And the Opposition.

The Hon. A.J. REDFORD: The honourable member makes quite a valid interjection 'And the Opposition', because, without that support, as I said earlier, we would not achieve what we look like achieving. I take members to some press articles that appeared in newspapers in 1991. I will go through this in more detail later, but in 1991 we had the Strathfield massacre. Members might recall that there was a great outpouring of anguish, demands for national uniform gun laws, and almost a sense of nationalism in dealing with this issue. The *Sunday Mail* of 15 September 1991 responded to that outpouring as follows:

> Gun lobby calls for a register of prohibited persons in the wake of the Strathfield massacre are likely to be rejected at next month's Police Ministers' conference. The Federal Justice Minister, Senator Tate, is opposed to the concept and will be discussing the situation with State Ministers in the lead up to the conference.

The article quotes Senator Tate as follows:

> Some 80 out of 100 murders carried out with a weapon in Australia are carried out by people with no previous psychiatric history—people snap at a moment of great stress or crisis, quite often in a domestic violence situation.

The article continues:

> Senator Tate has banned the import of military style semiautomatic weapons, despite opposition from the New South Wales Police Minister, Mr Pickering.

Mr Pickering features later in the article. On 6 September an article appeared in the *News*—and members will recall that South Australia had two newspapers in those days—which stated:

> As the war of words over automatic and semiautomatic gun ownership rages, SA remembers the twentieth anniversary of Australia's worst mass murder. Ironically, the events of 6 September 1971 were conducted with a single shot bolt action .22 rifle.

In the *Advertiser* on 6 September an article, under the heading 'Firearms—SA', quotes the then Emergency Services Minister, Mr Klunder, as follows:

> South Australia needs to review the ownership of ex-military semiautomatic weapons following events interstate. Recent shooting tragedies appeared to be breaking down resistance to uniform gun laws.

On 4 September 1991 a split in the conservative Parties started to appear when Nick Greiner was corrected on a couple of occasions by his Police Minister, Mr Pickering. Mr Greiner was reported in the *Advertiser* that day as follows:

> Most self-loading rifles and shotguns will be banned from sale in New South Wales after Premier, Mr Nick Greiner, declared last month's Strathfield shootings 'one massacre too many'.

The article further states:

> Former Balmain independent MP, Ms Dawn Fraser, told protesters she had asked Police Minister, Mr Ted Pickering, to ban semiautomatic weapons a year ago, but he had not responded. She said gun lobbyists had threatened to kill her and her daughter.

Some two days later the following quote appeared in the *News*:

> Premier Nick Greiner today stopped short of banning all firearms in New South Wales, but indicated that tough new gun laws would be in place within 24 hours.

Despite all that hype and hysteria in those days, we still have a gun problem in this country today, and even responsible shooting organisations recognise that. On 30 August Mr Ted Drane, who has achieved a lot of publicity of late, received some attention. An article by Bill Power states:

> President of the Sporting Shooters Association of Australia, Mr Ted Drane, in his first statement since the Strathfield massacre said 'Three million gun owners across Australia would be mobilised against calls to remove firearms from people.' Mr Drane said the Sporting Shooters Association had battled to have all State Governments establish a prohibited persons register, which would prevent people convicted of criminal behaviour and those receiving psychiatric treatment from being able to obtain firearms. 'Every massacre we have had in Australia could have been prevented if this had happened.'

The following day Justice Minister Tate condemned the New South Wales reluctance to join Victoria, Western Australia and Northern Territory in an outright ban on semiautomatic rifles. He went on to say:

> The Federal Government will push for a national firearms register at the 23 October summit of State and Federal Police Ministers.

One wonders why, with all these noises being made five years ago, nothing happened. Nothing really changed. We continued to have this carnage and these deaths. On 28 August this article appeared in the *News*:

> Registration of guns and a total ban on semiautomatic firearms may be achieved by a national summit of Police Ministers in October. Federal Justice Minister Michael Tate last week wrote to all Australian Police Ministers suggesting they meet in Melbourne on 23 October, ahead of the special Premiers' conference in November, to discuss a national system of gun laws. The move followed a suggestion by Prime Minister Bob Hawke nine days ago that uniform gun laws be placed on the agenda for the Premiers' conference.

When one looks at the issue in that context the achievements of the Prime Minister, John Howard, have been enormous, and again, to anticipate the interjection from the Hon. George Weatherill, with the assistance of the Federal Labor Opposition. An article appeared in the *Advertiser* on 24 August 1991 which horrified me. The article states:

> Semiautomatic rifles, similar to that used in the massacre of six people in Sydney last weekend, can be bought in South Australia with relative ease. In just a few hours, with a few thousand dollars and a firearms licence, an arsenal of high-powered weapons can be amassed. If money is no problem, there is no limit to the number of semiautomatic rifles that can be brought on one D-class firearms licence in this State.

I digress and note that changes were made to the South Australian laws at that time; but I think it puts some of these issues in context. The following article will really get to members:

> Of this week's classified ads, the men who advertised their guns for sale did not want to give their names but almost all said they were selling the guns because of the massacre. One advertisement offered an SKK rifle with five 30-round magazines and 200 rounds of ammunition for $600. An advertisement placed by 'Mark' from Modbury North was for an SKK with bayonet and 330 round magazines. 'I got the gun to go shooting for rabbits, but I do not go much any more and I didn't really need this (SKK) for it, anyway', he said.

We must remember that it is only a short time since these guns were readily available to the community in Australia. Indeed, some two days later a number of gun dealers were quoted as being in favour of a Federal prohibition on semiautomatic weapons. In that regard a Mr Ken Woodhouse, of Prospect Firearms, is quoted as being in agreement with that suggestion. Mr Klunder made a number of announcements at that time, as follows:

> Applicants for a gun licence will have to show cause for a gun licence. . . .New programs for people to voluntarily surrender their guns or the Government to buy the guns back. . . .Procedures to detect people who are likely to offend with guns. Nobody will be permitted to have a rifle magazine with a capacity of more than 10 shots.

He went on to say:

> Since the massacre the call for uniform gun laws across Australia has gained momentum and some retailers are now calling for semiautomatic rifles to be banned.

Later in the article (and this does highlight the rift that appeared between the then Minister for Police, Ted Pickering, and the then Premier), it states:

> In Sydney yesterday New South Wales Premier, Mr Greiner, banned the sale or resale of the SKS semiautomatic rifle type used by gunman John Wade Frankum until a national ban was conducted. But it is still legal to possess the SKS Chinese-made military weapon. Up to 60 other categories of weapons banned as prohibited imports by the Federal Government are still legally available in New South Wales gun stores. Mr Greiner announced yesterday all categories of weapons banned from import by the Commonwealth would immediately be banned from sale in New South Wales.

However, he would not be outdone, as the article continues:

> But just an hour later Police Minister, Mr Ted Pickering, corrected this, saying that the ban related only to the sale of the SKS and its SKK derivative.

There is no doubt that Mr Bannon received strong bipartisan support for the actions taken by Mr Klunder in giving South Australia some of the toughest gun laws. If one goes through letters to the Editor at the time one sees that it is clear that there was very strong support for uniform gun laws.

The Hon. T.G. Cameron: Only with your total support.

The Hon. A.J. REDFORD: Absolutely. I will read one letter to the Editor, and for reasons that will become obvious

at the end. Written to the *Advertiser* on 20 August 1991, it states:

> Of serious concern to families all over Australia is the growing crime rate, in particular the increase in the illegal use of firearms. One wonders how long it will be before Australia suffers from the malaise affecting the American society. While some States have adopted a positive approach towards the licensing of guns, gun owners and the introduction of strict safety standards, others are destroying their effectiveness by maintaining low standards. This leads to the situation where it is possible to buy powerful firearms in Tasmania and to have them illegally introduced into other States. In the positive spirit of unity that has come out of the Premiers' Conference, it is time that a cooperative approach between the States is taken towards this issue. On behalf of the Association of Apex Clubs of Australia, I would like to call on the Premier, Mr Bannon, to consider fully this matter so it can be introduced at the November Premiers' meeting to achieve agreement to the principle of uniform nationwide gun laws. It is only when each State works together in a cooperative manner that we will see a safer and healthier society for Australia.
>
> (signed) Angus Redford

At that time I was very clearly in favour of strong national uniform gun laws. Notwithstanding that, the process went off the rails.

Members interjecting:

The Hon. A.J. REDFORD: Absolutely. Every politician in Australia in that period from 1991 stands condemned for the inaction that occurred nationally: I am not criticising just South Australians.

Members interjecting:

The Hon. A.J. REDFORD: It was 1991. Certainly, it was before I was elected, and the Hon. Terry Cameron has a big smile on his face because it was well before he was elected. It is important that some of these issues be placed on the record and that I make clear that this was very much in the public mind in 1991. Certainly, the achievement of the Prime Minister in banging the States' heads together collectively and coming up with a national result can only be commended. It is certainly something that then Prime Minister Bob Hawke could not achieve.

It is interesting to see in an article of October 1991 that Professor Duncan Chappell, Director of the Canberra-based Australian Institute of Criminology, said:

> Ludicrous as it may sound, we do not know accurately how many firearms are out there, but we estimate between three million and four million, suggesting that one in five Australian households has a gun. About 809 000 have a shooter's licence but New South Wales, Queensland and Tasmania only require a licence for hand guns.

In the light of all the massacres of the time—and I will go through some of them in a moment—one wonders what went wrong. Why did nothing happen until that extraordinary incident at Port Arthur?

The Hon. Anne Levy: A tragedy.

The Hon. A.J. REDFORD: I agree. Since 1987 until January this year there were 26 killings involving indiscriminate use of guns. Each killer was a male aged between 15 and 55 years. Of the 26 men involved (the perpetrators), 13 committed suicide. I would have to say that punishment after the event is obviously not a deterrent factor when 50 per cent of perpetrators are going to put an end to their life in any event.

The Hon. T.G. Cameron: Do you blame the guns for that?

The Hon. A.J. REDFORD: I am not concerned about the suicide. I am trying to make the point that you can have tough laws and penalties in this area but it does not have any effect on the incidence of these killings. Of the 96 people killed, 50 were female and 46 were male, and 15 of the 96 were children. In that nine years Australia experienced about three gun massacres a year and, on average, four people died in each of those massacres.

The evidence indicated that psychiatrically disturbed people were not the main cause of those problems, because only two of the 26 killers had a criminal conviction and only two had recognised psychiatric problems. In fact, a substantial number were described as 'quite nice guys'.

The Hon. Anne Levy: By whom?

The Hon. A.J. REDFORD: By people who knew them before they committed these atrocities. I do not pretend to be a psychiatrist and I do not know whether the capacity to do these things is in each and every one of us. I do not know that and I am not qualified to say it. It was said by people who knew them. The first example is Clifford Bartholomew, who used a low-powered rifle to kill his wife, seven children and two other relatives at Hope Forest near Adelaide. I remember that: it was an extraordinary incident in the life of South Australia.

In June 1984 a John Brandon shot his wife, three children and his mother. In January 1987 four teenage girls were killed in West Pymble, New South Wales. Immediately following that the police indicated that the gun laws were okay. In fact, the New South Wales police said the only problem was the Queensland mail order system. In June 1987 five people were killed in the Northern Territory and the perpetrator suicided. He was a member of a gun club and had a gun licence in South Australia. He went to Queensland, where the laws were the easiest and bought four guns, including a semiautomatic rifle, over the counter, simply by giving his name, and he then went to the Northern Territory and shot these five people. The State Police Ministers and the Federal Government said that a thorough examination of violence and weapons in Australia was now a necessity.

Members interjecting:

The Hon. A.J. REDFORD: Am I disturbing the honourable member?

Members interjecting:

The ACTING PRESIDENT (Hon. T. Crothers): Order! I call members to order.

The Hon. A.J. REDFORD: In August 1987, seven people were killed in Hoddle Street in Victoria. The perpetrator—a Mr Knight—had been drinking and was depressed. He was licensed to use a military assault weapon—a pump action six-shot gun and a semiautomatic rim-fire gun. The guns could then be bought in Victoria. There was a media outcry and a Government statement that something would be done, but nothing occurred. In fact, when the Queen Street murder happened some four months later (and I will go into that in more detail), the then Minister for Police was forced to resign.

In October 1987 five people were killed in Canley Vale in New South Wales. The perpetrator suicided. He had a sawn-off former United States army rifle and killed the five people in five minutes. The media called for tougher gun laws. The then Premier, Mr Unsworth, promised tougher gun laws, but we all know what happened there. In December 1987 eight people were killed in Queen Street in Victoria. A Mr Frank Vitkovic—a 22 year old—shot Australia Post employees and then jumped to his death. He had seen Rambo-style videos. He had a sawn-off former US military rifle. He had a licence and a registered gun. He gave hunting as his reason, despite never having hunted, for having a gun. The moves by the Premier (Mr Cain) were opposed by the Firearms Consultative Committee and later blocked. The

Federal Government announced certain initiatives and they all came to nought.

In December 1987 three people were killed in Winkie in South Australia. Members may recall the incident when Mr Pangallo was found not guilty on the basis of his insanity. The then Minister (Hon. Dr Hopgood) said that there was a need for tougher gun laws, and it took some six years for the Act to be amended. In February 1988 three people were killed at Patterson Lakes in Victoria. A man shot his wife and two children because of debt, using a self-loading shotgun. In fact little comment was made at the time regarding whether or not there ought to be a banning of weapons.

In May 1989 two people were killed when a Mr Milloy walked into a service station and shot two attendants. He shot them in the back as they were on their knees and he was later discovered to have purchased the gun—a semiautomatic weapon—for $140. Again no comments were made about reform of gun laws.

In June 1989 a male police officer and an infant were killed and four people injured at Wynnum West in Queensland. The perpetrator stabbed his de facto wife, shot two others and his daughter and went around shooting in the street. The Minister in Queensland announced that he would change the laws. In November 1989 three people were killed in Evandale in Tasmania when a 15 year old boy murdered his parents because they would not let him go swimming. The Tasmanian Government made a number of comments about the need to change the law. In the short term it was acknowledged that they had the weakest of the six Australian State laws. It was a Tasmanian Government with Robin Gray leading it that prevented the post-Queen Street national summit on gun control from agreeing on uniform gun laws. In fact, despite the media and the public in Tasmania being told at the time that there was no need for laws of this type in Tasmania, Tasmania had twice the national average of this sort of incident and death through the use of firearms.

The Hon. Anne Levy: Per capita.

The Hon. A.J. REDFORD: Yes. The response of the Tasmanian Government in the light of that took some four years. In March 1993 three people were killed in Western Australia when a Mr Clemensha went on a rampage because of problems with his former wife. He was a member of a pistol club, had no psychiatric problems and subsequently killed himself. He owned 10 weapons. The media demanded better laws and the Government announced that it would review them. Indeed, it led to some of the toughest gun laws in this country. In my view it was certainly a much better model than that which existed in South Australia prior to these amendments.

In March 1990 two children were killed in Wynnum in Queensland when a man murdered his two children and suicided. There was no record of instability or psychiatric problems. He brought the gun for $140 the day before the shooting and no questions were asked as to why he needed a gun. Two weeks later seven people were involved in an incident with one woman being killed and six injured at Burleigh Heads. A Mr Dale shot randomly for an hour. He was later arrested. He painted Satan on the walls and had a pump action shotgun and a military-style, high-powered semi-automatic weapon. He shot and missed the arresting officer and, in the description I have read of the incident, the arresting officer deserved a medal. The then Premier (Mr Goss) announced that he would change the laws. I am not sure how the difficulty arose in a one House system of Parliament, but he claimed, after not doing it properly, that he was lobbied heavily and decided to include in the legislation a grandfather clause which meant that if one owned a gun at the time the legislation was passed one could keep it and continue to operate it.

In August 1990—only four months later—five people were killed in Surrey Hills in New South Wales when a Mr Evers shot his fellow residents in a Housing Commission area. Mr Evers was mentally ill and had a criminal record. Notwithstanding that, he walked into a gun shop two weeks before the incident, bought a gun, said that he required it for self-defence and, no questions asked, he got that gun. Following that, Mr Pickering introduced new gun laws in New South Wales and claimed that from there on that State would be a safer place. He said that the gun laws were the best to be introduced in mainland Australia. He gave the gun lobby a role in determining who was to be licensed, and it was allowed to charge fees for that purpose. Guns were allowed for self-defence; that was a legitimate reason.

Two months later three people were killed in Camp Hill in Queensland when a man shot his wife, his father-in-law, his mother-in-law and 11 month old daughter and then suicided, all with a semiautomatic, low-powered gun. Notwithstanding Mr Pickering's claim of strong gun laws, in August 1991 seven people were killed at Strathfield and six injured when a Mr Frankum shot people in a mall. He had no criminal record and no mental health problem. A movie devotee, he had been wearing fatigues and acting strangely, but not illegally, for some time. He used a former Chinese army military assault rifle, which he claimed he had purchased for the purpose of pig shooting, notwithstanding the fact that he had never been pig shooting. The public outrage was high and pressure was mounted on Governments.

The Police Ministers Council to which I referred earlier resolved to:

1. Ban the importation and sale of military-style semi-automatic weapons.

2. Place strict limits on the availability of centre-fire semiautomatics.

3. Introduce tough new licensing measures with nation-wide character checks and issued only after appropriate qualification and training.

4. A cooling off period of 28 days for gun purchase.

5. Guns and ammunition to be stored separately.

6. A ban on a detachable magazines with a capacity of more than five rounds.

7. Guns to be confiscated when people come to the attention of police and domestic violence or criminal matters.

Despite that agreement, not all States acted on those recommendations.

There was no agreement about registration of all guns; there was nothing about the minimum age at which a person could have a gun; there was nothing about the keeping of guns; there was nothing about the period for which licences were given; and the range of reasons as to why one might require a gun were very broad.

Nearly 12 months after Strathfield, in 1992 three people were killed at Burwood in Victoria when a Mr Coulston bound, gagged and shot his victims. There were no witnesses, but he was arrested when he tried to use the same gun in a robbery.

In October 1992 six people were killed in Terrigal, New South Wales. A Mr Baker, the subject of a restraining order, went to his wife's place where others were staying, principally for the purpose of protecting her, and he killed her, the rest of the family and the people there. Some weeks earlier he had

six guns confiscated. Notwithstanding that, he managed to keep one back. That indicates the failure of not having a proper registration system for guns.

In March 1993 five people were killed at Hanging Rock, New South Wales, when a Mr Leadbetter and two others went on a killing spree. Members may recall that that event received substantial publicity when Mike Willesee did his telephone interview while they were under siege. In fact, notwithstanding the fact that Mr Leadbetter had a number of guns, he had been diagnosed as a psychopath.

In August 1993 three people were killed at Springvale, Victoria, when a Mr Lascano, who had a deep interest in guns, got into a dispute with a gun shop owner and shot the gun shop owner and two witnesses and then set fire to the shop. The reaction from the Sporting Shooters Association was to call for gun shop owners to be armed.

In August 1993 three people were killed at Burwood, New South Wales, when a Mr Jankovec shot his landlord and his two boarders with a shotgun. Following that, a gun battle ensued in which he used a semiautomatic rifle. In that regard, the coroner called for stronger gun laws but nothing was done.

In December 1994 two women were killed at Fawkner, Victoria, when the perpetrator randomly shot up and down the street. He was ultimately killed by the police. He had been in trouble previously with guns, but, for some unknown reason, the guns had not been confiscated. At the time the Victorian Police Minister decided to put the review of Victorian gun laws into the hands of the Victorian Firearms Consultative Committee, which was comprised substantially of firearm owners. That committee did not make any criticism of the then laws.

In March 1996 two people were killed at Cairns, Queensland, when a Mr Prince fired his pump action shotgun at fellow employees and then took his own life. He shot them because he failed an exam. The gun was obtained from his parents, who had a farm.

In May 1995 seven people were killed in the Belangelo Forest—that was Mr Milat—but only two were the result of a firearm. In July last year two policemen were shot at Crescent Head, New South Wales. The police attended a domestic violence situation and a Mr McGowan fired at them with a semiautomatic weapon killing them, and he then shot himself. The gun was unregistered and the police had no idea that he owned a gun. It was only then that the Police Association started to call for stronger laws. In fact, the secretary of the New South Wales Police Association was joined by the secretary of the Victorian Police Association in calling for the removal of guns from residential premises in the metropolitan area and for all guns to be registered upon records available to the police. In fact, Mr Walsh, the Victorian secretary, said:

> There should be a central gun repository from which sporting shooters could sign out their guns when they required them for sporting purposes.

It is not common for a Police Association secretary to be so aggressive in criticism of a Minister, but he said:

> I accuse the Victorian Police Minister of not standing up to the gun lobby. It is amazing that you can have a Government that can overnight abolish annual leave loading and impose a $100 levy on every householder in the State, announce tolls for those living in the western suburbs to use freeways, but is lacking when it comes to protecting the lives of innocent people.

The New South Wales Premier, Mr Carr, asked the State Coroner to look into the investigation and consider whether tighter gun laws, stricter enforcement or better physical protection would have prevented the shooting.

The Victorian Government announced a gun amnesty. Notwithstanding that, six months later, at Hillcrest in Queensland, six people were killed. Mr May killed his estranged wife, his children and his parents-in-law. He had pre-planned the event. He was the subject of a restraining order which was in place. Notwithstanding that, he managed to obtain a hunting rifle. Indeed, the *Australian* on 27 January this year stated:

> Calls for stricter gun laws were fuelled yesterday by confirmation from police that the Brisbane man who murdered six family members before turning the gun on himself had obtained a high power rifle less than a month after his own guns had been seized.

It is in the context of all that that I think it is not before time that we addressed this important issue of stronger national uniform gun laws. When I was national secretary of the Association of Apex Clubs, I recall going to a national convention in Dubbo. The national president at the time was the member for Davenport, Mr Iain Evans. I sat next to him. As we were going through the agenda, we saw a motion from the Apex Club of Dubbo—one does not get much more west in New South Wales than Dubbo—first, calling for a ban on all automatic and semiautomatic weapons and, secondly, calling for national uniform gun laws.

I recall leaning across to Iain Evans and saying, 'God, with this lot this has Buckley's chance of getting through.' There were 140 delegates at the convention, about 100 from country areas, and we were in the middle of Dubbo which, in some quarters, has been claimed as the redneck capital of Australia. It was interesting, when the vote came, that the Apex members, comprising men aged between 18 and 40 years, of which about 85 per cent came from country areas, voted 123 to eight in support of the motion.

The Hon. T.G. Roberts: Did you get a vote?

The Hon. A.J. REDFORD: No, we did not get a vote. We are a bit like the leadership group: we sit in the middle occasionally. We sat and listened to the debate and let them vote.

The Hon. L.H. Davis: Which way were you inclined to vote?

The Hon. A.J. REDFORD: I was very much in favour of the motion. That motion was passed after Hoddle Street and Queen Street, but before the Strathfield event. The Strathfield event occurred about 18 months later. I was national president of Apex at that time and I wrote a series of letters to editors and made a number of comments to various media outlets. I recall that some responsible representatives of gun lobby groups approached me and made some reasonable suggestions, but there were also some real loonies.

I recall going on a trip to Queensland and receiving a phone call from my home and my former wife told me that she and the children had received death threats which had come in the mail from Queensland. There was a series of threats. I recall staying at a place in Townsville where I did a radio interview on ABC in which I made the comments of Apex members known. About 15 minutes after I got back to my friend's place from that radio interview I received four death threats on his telephone from various people in north Queensland. The sort of material put out by the Firearm Owners' Association was absolutely disgraceful.

I recall an article in one magazine that was sent to me about what to do in the event of a gun ban being imposed by the Left Wing idealists and the people who are part of this world's scheme to take over governments, where to bury your

guns, how to hide them, and on what occasions to bring them out for use. In that same magazine put out by the Firearm Owners' Association there was an article about how to make your own antitank gun.

Members interjecting:

The Hon. A.J. REDFORD: Members might laugh at this—and I must admit that I looked at it with some amusement—but these are the sorts of people who are promoting the use of guns in Australia. Frankly, if these are the sort of people who can get their hands on guns, then a pox on all guns, because I do not feel safe in a community where they do those sorts of things.

The most amusing correspondence that I have received was, I think, from the Firearm Owners' Association, which wrote to me saying that Ray Martin had been No. 1 on their most wanted list for a period of five years in a row. He was very hard to knock off. I got to No. 2 on the most wanted list for a fortnight. I suppose that is my main claim to fame.

The Hon. L.H. Davis: Did you ever tell Ray Martin about it?

The Hon. A.J. REDFORD: No. We actually had a number of conversations about the issue, though. I have some strong views on this topic. There are legitimate occasions when guns are required and necessary, but I do not accept that Australians have the right to use a gun. This so-called right shows the lack of intellectual capacity of the gun lobby, because the right to bear arms is enshrined in the Constitution of the United States. That right arose out of a dispute between North American settlers and the then English Government which sought to disarm the population in the period leading up to the American Revolution. When they promulgated their Constitution they did so in that context and enshrined the right to bear arms. One must remember that that right was enshrined in a period shortly before a revolution and the declaration of war on the United States Government by the British colonisers. So, it must be looked at in that context. There is certainly no right to bear arms and have a gun in any Constitution in Australia and there never has been; it is a privilege that has been granted by the community through the Parliament and legislation.

The second thing that I wish to deal with in relation to the gun lobby is threats against members of losing preselection or their seat because of the position they take. I think those politicians who take too much notice of such threats seriously misjudge the mood of Australians who are supportive of the position that John Howard takes. I have far more to fear from my electoral colleagues who support the John Howard position than those few who oppose it—

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: I'll come to that in a minute—or who seek to have someone disendorsed or not elected. The third point is the myth that the gun lobby is powerful. In my view, the gun lobby has created almost a legend in relation to the New South Wales election in which Nick Greiner beat Barry Unsworth. For years, the gun lobby has claimed that Nick Greiner won that election because of Barry Unsworth's suggested changes to the gun laws. I am sure the Hon. Terry Cameron will correct me if I am wrong, because he is an expert in this area, but on any analysis of those election results, Mr Unsworth—

The Hon. T.G. Cameron: How many seats do you reckon the gun lobby got?

The Hon. A.J. REDFORD: You tell me.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: As I said, I will bow to your superior knowledge.

The Hon. T.G. Cameron: If you want to know, it was five or six.

The Hon. A.J. REDFORD: That certainly would not have saved Barry Unsworth, because Greiner had a significant election result and Unsworth had difficulties in terms of economic performance. It was a longstanding Government. There had been a resignation with all sorts of difficulties associated with the then leader, and Mr Unsworth certainly could not be said to have a great television personality.

The Hon. R.R. Roberts interjecting:

The Hon. A.J. REDFORD: The honourable member says that he has charisma. I suggest that it went straight past him. The gun lobby's influence in that regard has achieved far greater recognition than it should.

Finally, on the topic of the gun lobby's tactics, the tactic of seeking to swamp Liberal Party branches by joining as members at large and then threatening to hover over particular members—

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: I'll come to that in a minute.

The Hon. T.G. Cameron: Wouldn't you welcome all and sundry to your organisation?

The Hon. A.J. REDFORD: I understand that the ALP has only about 1 500 members left in this State. If I wrote a letter to all Liberal Party members and said to those 1 500 or 2 000—and we have that many, and we probably would not miss many of them—'Let's go and join the ALP and take it over', would it let that happen? Would the ALP allow the Australian Democrats to take it over? Not on your nellie! When the Hon. Terry Cameron seeks to take the high moral ground, and that is a place to which he is not very accustomed, I might add—

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: Well, you started it. When the Hon. Terry Cameron seeks to take the high moral ground—

The ACTING PRESIDENT (Hon. T. Crothers): Order! We are dealing with the Firearms (Miscellaneous) Amendment Bill, not the constitution of any political Party. The interjections are becoming very personal. I ask the interjectors to cease and desist from making that sort of interjection.

The Hon. A.J. REDFORD: I thank you for your protection, Mr Acting President.

The ACTING PRESIDENT: I ask the Hon. Mr Redford not to reply to the interjections.

The Hon. A.J. REDFORD: The Liberal Party was entirely reasonable in rejecting this so-called takeover by the gun lobby.

The Hon. T.G. Cameron interjecting:

The ACTING PRESIDENT: I have asked the Hon. Mr Cameron on two occasions not to interject on a personal level. I will not ask him again. The Hon. Mr Redford.

The Hon. A.J. REDFORD: Prior to the Port Arthur massacre, it is interesting to note that a survey was published in the *Advertiser* on Monday 23 October. The poll, written by Mr Phillip Coorey, asked this question:

> Do you think it should be made easier or more difficult to obtain a gun licence or do you think the present laws are adequate?

It is important to remember that this survey was taken before the Port Arthur massacre in October last year. I will quote the article:

More than two-thirds of South Australians think it should be more difficult to obtain a gun licence, a survey has shown. An *Advertiser* poll conducted last week surveyed 500 people in metropolitan and country areas. It showed 72 per cent thought it should be more difficult to obtain a licence, 22 per cent were happy with the existing laws and just 1 per cent thought it should be made easier.

It goes on and quotes Mr Keith Tidswell, who is the Executive Director of the Sporting Shooters Association of Australia. In dismissing the findings, he said:

This type of survey is not very helpful as most people do not know what the firearms laws are.

I must say that the Leader of the Opposition could probably take a leaf out of his book when the ALP get its next bad poll, it will probably go something like this: 'This type of survey is not very helpful as most people do not know what the ALP stands for.' The article continues:

The survey was conducted following a rash of shooting incidents in South Australia this year, with two deaths this month.

It continues:

On Saturday, the *Advertiser* reported claims South Australia had up to 700 000 firearms—one for every two residents—boosted by 'gun running' from other States. It is believed the interstate importation of guns, usually through mail order catalogues, has contributed to up to 300 000 unregistered firearms in South Australia. There are 414 000 registered firearms.

Clearly, we have reached almost epidemic proportions. I sought some information from the Minister about exactly how many guns we have in this State, and I am told that in 1980 we had 11 000 guns registered. We now have 87 000 registered guns, which is an extraordinary growth in the number of guns in South Australia. I am told that there are—

The Hon. T.G. Cameron: What's the point you're making?

The Hon. A.J. REDFORD: The point I am making, if the honourable member cares to listen, is that there has been an extraordinary growth in the number of guns in South Australia since 1980, according to the figures given to me by the Deputy Premier.

The Hon. T.G. Cameron: What is the percentage growth?

The Hon. A.J. REDFORD: Well, there were 11 000 in 1980, as opposed to 400 000 registered firearms today. The honourable member can work that out for himself. However, that is an extraordinary growth in a 16 year period. In terms of weapons that are covered by this legislation, there are 77 000 automatic and semiautomatic. The figures in relation to these guns are quite interesting. Of those 77 000 guns, the owners of some 30 000 of them have only one gun. We have 16 people in this State with more than 50 registered guns falling into the category of semiautomatic and automatic weapons. One wonders why people would need so many of these guns.

The Hon. T.G. Cameron: Who are they?

The Hon. A.J. REDFORD: The honourable member interjects, 'Who are they?' If he thinks that I can go down to the Deputy Premier—

The ACTING PRESIDENT: Order! Mr Cameron, you are pre-empting some of the contents of what the speaker might say by your interjections. I ask you to desist from that; it does not further the cause of this debate one iota.

The Hon. A.J. REDFORD: We have some 8 620 people with two guns, 2 500 with three guns, 818 with four guns, and 740 with more than four guns. These are all guns that will be in the prohibited category. I am told that the police are not prepared to give any estimate of the numbers of guns they believe are unregistered in this State. It is clear that a substantial number of guns fall into this category. I would have to say that I query the need for so many automatic and semiautomatic weapons in this State. I am sure that some armies in this world would be quite happy with an arsenal of that size.

The Hon. T.G. Cameron: You do this to me.

The Hon. A.J. REDFORD: The honourable member says that I do it to him. There is a big difference; some interjections are more intelligent than others. I commend to members some of the *Advertiser* articles—and I am happy to give them—relating to the issues that were raised in October last year concerning guns. However, it is certainly clear that the then Emergency Services Minister (Mr Matthew) was clearly focused on that issue. In an article in the *Advertiser* of 21 October, he said:

The real problem with guns in this State arose from the interstate gun trade.

He went on:

Queensland and New South Wales do not require registration of guns, and Tasmania only requires it for pistols.

He said:

Tasmania also allows the purchase of weapons prohibited on the mainland, such as fully automatics.

He went on:

The bottom line is, it doesn't matter how tough we make the legislation here, unless other States get their act together, we've got a problem in controlling the movement of firearms in our community.

John Quirke was quoted as saying that it is his view that there were just as many unregistered weapons—or nearly as many—as there are registered. He said:

I know if I wanted a gun I can just get one from any sports store in Sydney.

I have to say that it is the gun lobby that has spent the last 15 years ensuring that places such as Tasmania, New South Wales and Queensland have weak gun laws. The gun lobby ought to look at itself—and frankly blame itself—if it now gets national uniform legislation, parts of which do not suit the gun lobby. If the gun lobby had taken a more constructive approach, following the Queen Street and Hoddle Street massacres—or, most importantly, following the Strathfield massacre—we then might have had a set of uniform gun laws in which the gun lobby might have been able to achieve greater concessions. However, it did not choose to do that. It played individual State politics. It played its card in New South Wales individually from playing its card in Tasmania, and we finished up with great gaping holes in the legislation. If anyone wants to analyse the issue politically, that led to a decision where the Prime Minister, in my view, had no choice but to make a decision and say to the States, 'Well, we've sat back for eight or nine years waiting for you people to do something about this, and you haven't done anything. If you don't do anything now—

The Hon. T.G. Cameron: Are you actually blaming the gun lobby for the massacre?

The Hon. A.J. REDFORD: No, I am not blaming the gun lobby. I am saying that the gun lobby has made itself politically impotent and irrelevant because of the attitudes it has taken when these issues have come up in the past. You can hardly point to anything constructive coming from the gun lobby in dealing with this very difficult issue in the past 10 years. The best the gun lobby came up with—if the

honourable member had been listening and in this Chamber when I started this contribution—in 1991 was that we have a register of psychiatrically disturbed people. That is why I went through the 26-odd incidents to show that most of the people who engaged in this sort of activity were not psychiatrically disturbed. There was nothing unusual about these people. They were ordinary people who suddenly went over the top, for some reason known only to them, and embarked upon these shooting sprees. The only constructive and positive suggestion made by the gun lobby in the past 10 years was one that simply was silly. It did not stack up against the known facts.

Is it any wonder that the gun lobby has been excluded, to a large extent, from this debate, because it has chosen not to be constructive in any way, shape or form. It has chosen to play politics; it has chosen to divide and conquer; and it has chosen to inflict upon Australia the lowest common denominator which was, until recently, the Tasmanian gun laws. The fact is that the gun lobby has sown its own crop in terms of this legislation. It has made itself irrelevant.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: The honourable member wants to make a banal interjection—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! The Hon. Angus Redford would be wise to ignore the interjections because we must finish tonight.

The Hon. A.J. REDFORD: In any event, it is the gun lobby that has taken the attitude that it will use every means possible to have a lowest common denominator and, until recently, that was the Tasmanian gun laws. The fact is that because of the gun lobby's failure to provide a constructive and positive response to massacres such as Strathfield it has been substantially excluded from this process and, in my view, quite rightly so. In closing, I congratulate the Prime Minister, the Deputy Premier and the Premier for their positive, strong and constructive approach to this very important and difficult issue.

The Hon. R.R. ROBERTS: I rise to support this legislation. I confine my remarks to what the legislation is about and some of its history. It is not my intention to go through the rhetoric and the arguments of convenience that have been used far too much in this debate. Too much emphasis has been placed on the emotional and not enough on the factual. We are debating this State's legislation. It needs to be remembered that this is a State's rights issue as much as anything else. That has probably been one failing. We are not debating the South Australian legislation because it has failed, because clearly the legislation that applies in South Australia has been very effective. It has been the best legislation, despite other States coming in at the late stage of the debate and claiming they have better laws than South Australia.

The truth is that South Australia has the best and safest gun laws in Australia, brought about by John Klunder, when he was the Minister for Emergency Services, introducing legislation in response to many issues, and not just the incidents at Strathfield and Hoddle Street but because the laws were the right thing to do at that stage of the State's development. We must look at this package of legislation to see how it affects South Australian gun owners. The effect on South Australian gun owners, in comparison with gun owners in other States, is very little.

South Australia has a proud history of very good legislation but some other States, such as Tasmania, New South Wales, Queensland and the Northern Territory have an appalling history. These States are in a state of some guilt, and rightly so because South Australia for years has been saying to Emergency Service Ministers and Police Ministers in all States that there should be uniform legislation across Australia; that there should be universal registration; that there should be universal licensing; and that there should be testing for licences. There is no problem with having a photographic licence. South Australia has all those things.

The only real difference in this legislation with what already exists is the banning of Army-style, or SK rifles, and I have no problem with that because I make it clear from the outset, I am a gun owner. I have had guns since I was 16. I have automatic low-powered rim-fire automatic rifles; I have centre-fire rifles, and I also own shotguns. I am not absolutely ignorant when it comes to the handling of guns. I have had some experience with guns. I know their capabilities and I will never be convinced that there is any need in a shooting or sporting capacity for Army-style centre-fire fully automatic rifles. I do not have a real problem with that. Constituents have approached me who do have a problem with that. People believe that if they buy a gun legally they ought to be able to have whatever they like.

If a person legally acquires something and it is in compliance with the law, then that is a principle I would generally support. There is no justification for automatic military-style rifles. People have said to me that such guns are needed for shooting pigs in certain situations, and that professional shooters ought to have them. That is rubbish. Professional kangaroo shooters—and, Mr President, you would know from experience—do not use automatic rifles; they are inaccurate, for a start. A professional shooter uses a bolt action 243 or a 222 because they are more accurate and more effective in the long term.

I do not have a real problem with getting rid of Army-style rifles, but during discussions on the present South Australian gun laws a question was raised with respect to low-powered .22 automatic rifles. These matters were discussed and it was determined that people in South Australia would be able to keep their low-powered rim-fire automatic rifles. Quite clearly, over the three to five years, or whatever it is, that the legislation has been in place we have not experienced a situation in South Australia where that has been a problem. People may say that, given our proud history, the Port Arthur massacre could not occur in South Australia. That is not true because other people in other States have not introduced appropriate laws, and no attempt has been made to have uniform gun laws which would stop someone of a mind who wants to perpetrate these offences, who can still get guns from interstate.

Quite clearly the South Australian Labor Party has supported uniform gun laws in Australia for many years—not because of the Port Arthur massacre, which was a tragedy, but because it is necessary. It has always been necessary. Sensible controls ought to have been put in place, and the Hon. Mr Angus Redford is quite right: many people have used all sorts of arguments of convenience to avoid uniform gun laws. What has occurred in this instance is not John Howard grabbing people and banging their heads together. The horror of Port Arthur has been the trigger to the intense focus by the media and the creation of the perception that something must be done. I am not condemning that because it suits my purpose as a supporter of uniform gun laws across

Australia and we ought to utilise any opportunity to see that that occurs. It is my view that the proposed package goes further than it necessarily has to. I direct that remark basically to the ownership of low-powered automatic rim-fire rifles.

At the end of the day, I will vote for this package, although I think the measures go further than they have to. However, it is only by supporting this legislation that we will achieve what has been unachievable for many years, that is, uniform gun laws across Australia, and that has to be a good thing.

One of the tragedies is that licensed shooters and gun owners in South Australia have done the right thing. The Hon. Angus Redford referred to the increase in rifle registrations. That is a good thing, because all the other rifles out there are unregistered. People in Tasmania did not have to register their rifles. I listened to the debate in New South Wales and the argument that we need licensing but not registration. People in South Australia have accepted the basis of the legislation and have done the right thing. South Australians have been law-abiding citizens in every sense in relation to what the law required of them. They bought and registered their guns, did the test for their licence and became fully licensed.

Until a few weeks ago these people were law-abiding citizens of South Australia, and they now feel offended because suddenly someone says, 'You are now a danger to society.' People like myself have had guns for 40 years and, having complied with every law, registration and licensing requirement, and having permission to go on, are now being told, 'You are a danger to society.'

The Hon. R.I. Lucas: Who is saying that?

The Hon. R.R. ROBERTS: That is what people who want to take the rifles away are saying. I am not saying that, but the legislation indicates that that is the position, and these law-abiding citizens are offended. I feel for those people but, at the end of the day, this legislation has to be supported because, if we do not support it, we will miss the opportunity to achieve uniform gun laws. In listening to the New South Wales debate, I realise that they recognised—and sensibly so—that there needs to be a package of regulations as well. A number of people in New South Wales wanted to move amendments, but it was consistently argued that we had to have a uniform package. It was pointed out that we would be revisiting this legislation from time to time and, when the regulations came in, further discussion could take place.

I only hope that as the legislation is enacted universally across Australia from time to time we will look at the matter positively, without the emotion. Certainly, I can understand the emotion that is generated by 36 Australians losing their lives. It was a traumatic incident, and it is a shame and an indictment on most Governments in other States that it takes something like this to achieve uniform gun laws in Australia.

At the end of the day some people will suffer more than others. There is no question that the legal and legitimate gun owners in South Australia are giving up much more than the rest of us. We can say that we will all pay the levy for the buyback of the guns. There have been a couple of heroes in South Australia on this issue. One has been John Quirke, from the Australian Labor Party, who has been involved in gun laws in South Australia for five or six years and who has taken the view, 'Yes, we must have gun laws.' He has worked with the Government to look at matters such as compensation and the structure of the committee to oversee those who want to apply for licences. We have been absolutely cooperative in order to get the best results for all South Australians.

However, John Quirke was not on his own with that: Mr Sam Bass and the Speaker in another place were also involved, and this is a good example of what cooperation can do in relation to a public issue. They did something that the people in South Australia accepted. Indeed, South Australia has a proud history in relation to its gun laws and, unfortunately, in order to maintain or seize the opportunity for uniform gun laws, we have had to go further than I believe was necessary.

I am prepared to give up my automatic rifles, which may be the first two to go over the counter after the legislation is enacted, to ensure we get the best possible uniform gun laws. In future, when people buy a gun there will be a record and, if there is a disturbance at a house, the police can go to the house and know with some confidence that there will be X number of rifles or more there.

It has been put to me that some people such as farmers must have automatic rifles. I do not believe that farmers need military style automatic rifles. Most injured cattle are put down with a single shot .22. They do not need a high powered rifle for such things. This has become the debate of the cliche. Many people have said, 'Guns don't kill people: people kill people.' Both sides argue about this, but the truth is that someone does pull the trigger. At the end of the day, what matters is if you are at the wrong end of the gun.

I promised not to go too deeply into the rhetoric in this debate, but it is difficult when we are proselytised by both sides for their own convenience. We have here an opportunity to get the best we can at this time and, as we say in the trade union movement, we want to get the best deal we can on the day. The best deal we can get on the day is to support the legislation. The Labor Party will support the amendment which is to be moved by the Hon. Terry Roberts and which was drafted by Mr John Quirke, our spokesman on these matters, on the composition of the committee, which will go from three to seven members, thus giving a broader cross-section so that people can have some rights of appeal.

I conclude by prevailing on legitimate gun owners of .22 low powered rifles and pump action shotguns to bear with the rest of the community. I understand their dilemma when they are being harassed by people who know absolutely nothing about rifles. Their only experience with guns is watching television.

South Australian gun owners have done everything right and do not deserve to be kicked around as they are, but I am asking them to support the legislation because the one thing that John Quirke has been able to work through is the principle of allowing people still to own guns. There are people who would have us own no guns whatsoever. I do not support that. People will still have the opportunity to participate in their sport of hunting, range shooting or whatever. However, they will have a narrower range of sporting utensils to work with. This legislation allows the legitimate gun owner to own a gun but it limits the scope of the guns held. I therefore ask legitimate and legal gun owners and shooters to bear with the rest of the community and accept this extra impost in the best interest of all South Australians. I support the second reading.

The Hon. BERNICE PFITZNER: I, too, support the Bill. In doing so, I must say that I am amazed at the tremendous uproar that such meritorious legislation can stimulate. I suppose that, coming from Singapore, where the law prohibits any sort of firearms being possessed personally and not seeing any necessity for such an implement, particularly

semiautomatic and pump action firearms, to be owned in this most civilised country of Australia, I am not a little surprised at the antagonism against this legislation, especially when it is in the name of democracy and the protection of women.

With regard to democracy, I agree that the ownership of firearms is not a right but a conditional privilege. This legislation, put in democratically and responded to democratically, has this principle as its underlying framework. I support each person's right to demonstrate against an issue, but the pro-gun lobby's demonstration and its method of trying to infiltrate the Liberal Party in particular leaves me rather cold. I have some documents that identify the pro-gun lobby's political program and I will quote some paragraphs from these documents, as follows:

> The objectives of their political program:
>
> To put forcefully to MPs/candidates the view of members and to make it clear that if they support the view then in turn they will receive support—if not, they will face strong challenge at the next preselection as per the democratic process.

In its political program, under the heading, 'Method', it states:

> Identify and encourage existing members of political Parties and/or unions who have common interests or sympathies [that is, for the program lobby], to register at a selected central office.

It further states:

> Having established a network in each arena advise those members of how they may act to protect and advance their interests within their particular sphere of influence.

In the area of advising and placing membership it states:

> In each Party and arena there is a need for a list of branches and number of members in each branch. Membership needs to target specific branches. This could be done by identifying an existing member or enrolling one selected member in each branch who would be entitled to details of membership numbers, etc.

Further it states:

> From central recording office persons can then be allocated to selected branches and this can be used to support MPs/candidates who openly support our position. This can be used to put pressure on MPs/candidates to retain their seats or further determine which MPs/candidates are sympathetic or at least concerned with the current proposed action and open minded to seriously consider alternatives. Support these MPs/candidates, but make it clear subterfuge and treachery will be countered with strong opposition at the next preselection.

This seems to be a very intimidating scenario. The pro-gun lobby also looked at the Liberal Party Constitution which provides:

> Membership shall commence one month after State Director received application unless:
>
> (1) State Executive (on recommendation of a branch) may decline a person's membership without reason being given.

The comment which the pro-gun lobby has put is as follows:

> This would probably not survive a challenge under anti-discriminatory legislation if action were taken against the Liberal Party (Executive).

We know that this refusal by the executive has taken place. Further, the Liberal Party's constitution says:

> State Executive may resolve to terminate or suspend any membership who, in the opinion of the State Executive, is guilty of any act or conduct detrimental to the interests of the Party.

The program comment says:

> This would have to be approached with extreme care by the Liberal Executive of the Liberal Conservative Party in a democracy for it would easily be challenged and tie them up in court for long periods.

To me such a ploy of rigging the system for one purpose and one purpose only and not for the good of the whole seems to be abhorrent. Further, I observe via the media the radical actions of the pro-gun groups. It makes me even more resolved that this legislation is a very sensible move for us legislators. As a medical doctor, I have seen gunshot wounds, mostly accidental, and they leave an indelible mark on one's memory. Just imagine how much more intolerable a deliberate and non-accidental shot at a person would be.

I note an article entitled 'Women demand tough gun laws' from the publication *Stating Women's Health* in May 1996. This article provides strong support for tough gun laws across Australia and makes certain observations, some of which I will quote, as follows:

> The largest single category of homicide is domestic, and guns are even more commonly used in domestic killings than in homicides in general. . . 75 per cent of all female homicide victims are killed by family members or sexual partners and guns are frequently used by domestic violence offenders either to threaten women and children directly or as a warning, for example, by shooting the family dog. . . The overwhelming majority of bank and building society tellers are women, and they are the main victims of armed hold-ups. Last year over 780 tellers in banks alone were threatened, taken hostage or injured in armed attacks. They say tough gun laws have been recommended by the National Committee on Violence, the National Committee on Violence Against Women and by virtually every State report on domestic violence. . . We are particularly disgusted by the hypocritical comments from opponents of the gun laws attempting to use women's safety to prop up their flimsy arguments. We recognise that a gun in the home only increases the danger of both homicide and suicide. . . Anyone who is genuinely concerned for women's safety will unreservedly back the Prime Minister's national plan. It represents a minimum standard of safety. . . it is at least a major step forward as a starting point for Australia's gun laws.

Let us now look at the actual legislation. Particular points to note are that: it provides national uniformity on the granting or refusal of a licence, on classifications on A, B, C, D and H. It is the C and D classifications that are controversial, and in those classifications there is a prohibition of sale, resale, transfer, ownership, possession and manufacture of self-loading automatics and pump action shotguns, except where authorised.

In the legislation there are stricter controls and increased penalties, with photographs and proof of age being required, and a prohibition for those under the influence of alcohol. There are specific exemptions on these restrictions for primary producers, officers of the law, genuine collectors of antique guns, professional shooters and the Clay Target Shooting Association of Australia, which is the only body that is recognised as being eligible to participate in the Olympic discipline.

Compensation is envisaged. Amnesty is given for owners of illegal firearms. There is a reporting obligation for medical practitioners for a person suffering from a physical or mental illness, disability or deficiency which is likely to make unsafe the possession of a firearm by the person. Those who have handled guns frequently may feel restricted and consider that their rights have been imposed upon. However, following the Port Arthur massacre, which was the catalyst to proceed again in our resolve to restrict these firearms which produce rapid repeat fire and are meant to produce death and destruction, this remedy is necessary.

An article in last weekend's *Weekend Australian* entitled, 'Will Australia Disarm?', states that our Prime Minister, Mr John Howard, has won his bid for uniform gun laws, and I applaud Mr Howard for his strong and consistent stance. The article states:

> The key will be in how the measures are interpreted and how they are enforced, and the most important ingredient in that will be community attitudes and public pressure.

We have all felt the pressure of the pro-gun lobby, but we

represent the whole community. Apart from my personal feeling that guns are to be treated with caution, the community of South Australia generally supports greater restriction. I support the Bill.

The Hon. ANNE LEVY: I support the second reading of this legislation, and I do so with wholehearted enthusiasm. I do not wish to reiterate all the arguments advanced by others in both this and the other place, so I will keep my remarks brief.

There has been considerable comment on the Prime Minister's reaction to the Port Arthur massacre and his immediate proposals for gun control. I applaud his actions as I applaud the actions of other political leaders, Mr Beazley in particular, who immediately supported John Howard's remarks. These remarks were also supported by Cheryl Kernot. Therefore, from the very first moment we had complete unanimity by political Parties in this country on gun control. The controversies which have arisen since concern a group of people, whom we may call the shooters, some of whom have been very influential in the Liberal Party and particularly the National Party in other States. However, I am glad that the political Parties as a whole have resisted their agitation and stuck firm in pressing forward for national laws on gun control.

Let us not forget, too, that the Leader of the Opposition in this State, Michael Rann, immediately put forward a 10-point plan for gun control. Many of his 10 points have been picked up in the national legislation, which is represented in this Bill. Plans for photographic licences and plans for a national register of licensees of guns were included in the proposals put forward by the Opposition Leader in this State.

I would not want any remarks on gun control to be regarded as stigmatising responsible gun owners, and I am sure that there are many such people. It is unfair that the remarks and activities of some shooters should have been used to denigrate responsible gun owners, of whom there are many in our community. This is certainly borne out by the public opinion surveys which have been carried out and which show that many gun owners support this legislation. However, it must be acknowledged that there is overwhelming support throughout our community for this gun control legislation, and there is overwhelming support for gun laws which would be a great deal tougher than those which are before us. This latter group includes me.

Guns have one purpose only, and that is to kill. While there is obviously a necessity for a weapon for killing in certain circumstances, particularly in some rural pursuits or activities, there is the potential for a great deal of damage to be done to members of the community by the irresponsible use of guns. In this I include both homicide and suicide. It is understandable that there will be occasions when people will feel utterly depressed and suicidal. If guns are available, they can be used to commit suicide or homicide followed by suicide, as often seems to occur. If guns are not available in these situations, other means of suicide exist, but they may not be so readily to hand, they may be more difficult to obtain and carry out the suicide or homicide which a temporary aberration has caused someone to wish to undertake, and by the time another method of suicide or homicide has been located the mood may have passed and the taking of life does not occur.

It is interesting that a recent poll in the United Kingdom showed an overwhelming proportion of the population supported a complete ban on hand guns. The United Kingdom Government has not yet indicated its attitude. It is waiting for the report of the royal commission which it established after the Dunblane massacre a few months ago before deciding what legislative measures should be introduced. There has never been a legislative proposal to ban hand guns in this country, so I shall watch with great interest whether legislation to that effect is brought in in the United Kingdom after the royal commission report.

Polls in this country show overwhelming support for the banning of automatic and semiautomatic weapons. This overwhelming support occurs in both metropolitan and rural areas. The poll shows that in metropolitan areas 90 per cent of the population supports the proposed legislation and in rural areas it is over 80 per cent. While not as great as in the metropolitan area, an overwhelming proportion of the Australian population supports this legislation. The shooters who have been waging such an aggressive campaign do not represent the voice of the majority in Australia. I am quite convinced of that, not only because of the polls but also because of numerous conversations that I have had with many people since the terrible tragedy at Port Arthur and, indeed, long before that.

There has been a great deal of hysteria and misinterpretation or misinformation on the part of the gun lobby which opposes the legislation before us. I say 'misinformation' quite deliberately. I am not quite sure whether this misinformation is deliberate or unintentional, but it certainly is misinformation. This is evident from many of the letters which I and other members of Parliament have received from people who state with the greatest sincerity that the proposed laws will remove their capacity to have a gun at all—which is certainly not true—and that it will mean that they will have to hand in heirloom guns which have been in their family for generations—and that also is not true. The nineteenth century weapons which they quite rightly respect for family reasons and which they wish to keep are not automatic or semiautomatic weapons. It is clear that they have been given the wrong information about what the legislation contains. In my response to some of these letters, I have pointed out this misinformation, and in some cases I have received in reply quite reasonable, rational and calm letters from the same people indicating that they had been given wrong information as to what the legislation contains. When they knew that it would not deprive them of all their weapons, they were quite happy with the legislation as it has been brought to this Parliament.

Two further points need to be made. The introduction of this legislation will mean that new and greater responsibilities will be placed on the police force. This must mean the provision of extra resources for our police force to be able to cope with the added workload. In this State, of course, there will not be as great an increase in resources required as there will in other States. We have a licensing and a registration system, so that the extra work required for our police force will be much less than in States where there has never been either a licensing and/or a registration system. Nevertheless, there will be extra work for our police force, and I sincerely hope that the Government will acknowledge this and provide the extra resources which it will require.

One further point that I wish to make very strongly is the relationship between gun ownership and domestic violence.

Domestic violence is now recognised as a major problem in our community. Despite a great deal of publicity, it continues. As the Hon. Bernice Pfitzner mentioned, 75 per cent of all female homicides in this country occur in a domestic setting. Women are being killed by their husband, lover, partner or others close to them in a domestic setting. Two-thirds of these female domestic violence homicides occur by the use of firearms. Again, it involves a situation of a gun being available and a violent individual using that gun to vent his frustration and anger by killing the woman with whom he lives. If the gun were not available, it is true that other weapons could be used in these situations, but it is easier to escape from a knife than from a gun. A distance of two metres will keep one from a knife, whereas obviously that will be useless where a gun is concerned.

I am sure that, in many cases, the perpetrator of the homicide regrets it later, but one cannot undo the effects of a gun. I strongly support the laws that we have regarding the removal of guns from perpetrators of domestic violence whether or not the gun has been used in a particular incident. People who are capable of inflicting violence on their partner are not to be trusted with a gun for the sake of the safety of the woman concerned. I would be more than happy to see a great reduction in the number of guns of all types that are held in private dwellings, as I am sure this would reduce the rate of homicide of women in the community and would add greatly to their safety. I endorse the remarks of the Hon. Bernice Pfitzner regarding the hypocrisy of those people who say they need to have a gun in order to protect their women. Far too often, these guns are used against those women rather than protecting them. The incidence of women who need to be protected by guns is infinitesimal compared with the incidence of women who are killed or maimed by their partner's gun.

I will not deal with many of the other arguments which have been raised. I acknowledge there is a great deal of intense feeling on this matter. In some respects, it is quite surprising that people should be so attached to guns which, to me, are just a piece of metal which can be used for a lethal purpose. However, I recognise that, apparently, people do become emotionally involved with these weapons and have misunderstood what the legislation intends. I am amused too by some of the letters which I have seen where people with guns which are not automatic or semiautomatic complain that they will have to pay towards compensation for those who have guns which will become illegal.

They do not seem to realise a very great number of us have no guns at all and would not wish ever to own a gun, yet we will have to pay towards the compensation of those who will receive remuneration for their automatic and semiautomatic weapons. It is ironic that the people with these non-illegal guns feel more put upon than people like me who do not own a gun and who will be happy to put my money where my mouth is and contribute towards removing some of these dangerous lethal weapons from our society, so making it a safer place than it has been to now. I support the second reading.

The Hon. R.D. LAWSON: I, too, support the legislation. With others, I join in congratulating the Prime Minister for leading the charge for strong gun laws in Australia, and I commend the South Australian Police Minister for his role in this difficult matter. I happen to be one of those who do not claim that uniform legislation is a particularly commendable thing. I, myself, would prefer laws to be strong and effective rather than uniform. I do not regard the fact that we have national uniform legislation as being of overwhelming significance. However, in my view, it is important that we have, in Australia and in all States of Australia, high minimum standards for firearms ownership. It seems to me that those high standards were more important than achieving uniformity. However, uniformity has been achieved by reason of recent events and by reason of the strong leadership shown by the Prime Minister in this matter.

It has been said by some speakers that this is a measure which is unanimously supported by the major political Parties. Whilst that is gratifying, unanimity is not necessarily a good thing. I can often be suspicious—and most people are suspicious—when everybody stands up to say they agree with a particular proposition. The important thing here is not so much the political unanimity on the matter, rather it is the large majority support within the community for this measure that commends it to me.

I applaud the ban on automatic and semiautomatic weapons. I am reinforced in that view by the fact that it has been strongly supported by the Farmers Federation and by many rural people to whom I have spoken and who have written on this subject. This measure is also supported by many responsible gun owners. I do not wish to suggest that gun owners as a class are irresponsible or given to violence. Clearly they are not. There are many responsible gun owners—indeed, most gun owners in our community are responsible.

In her speech just made in support of the second reading, the Hon. Anne Levy expressed surprise at the intense feeling that has been expressed by some gun owners who are strongly opposed to this legislation. She expressed, as I detected, mild amusement at the emotional attachment of some gun owners to their weapons. This is somewhat surprising. I am not at all amazed that gun owners should be attached to their guns. In most cases, it is wrong to describe that attachment as an emotional attachment. True it is that many emotional arguments will be raised against the legislation. Let it be said, emotional arguments have also been raised in favour of this legislation. There has been hysteria on both sides of the argument. However, there are valid and legitimate objections to some of the propositions that have been put forward by the proponents of the legislation.

Many responsible firearms owners have had legitimate objections. Given the way these proposals unfolded and the manner in which the proposals were promulgated, it is reasonable that some people would have been gravely concerned about them. The original proposals were vague. In those proposals language was used that came out of national meetings which excited suspicion. It was vague, open to interpretation and open to misconstruction. In these circumstances, it is not surprising that a great deal of concern was expressed.

The Hon. J.F. Stefani interjecting:

The Hon. R.D. LAWSON: Indeed, as the Hon. Mr Julian Stefani says, there was a great deal of confusion, and it is to be deprecated that there was that confusion. However, given the nature of events and the nature of political process, it is understandable that there would have been some confusion. I strongly support a fair compensation scheme for gun owners who are required to surrender their guns. It is most important that the compensation scheme be fair and reasonable. It is most important that the community, which wishes to impose this measure on some members of the community, should be prepared to pay. I am also in favour of sensible provisions to

enable *bona fide* sporting shooters, with a current membership of approved clubs, to engage in their sport, which is a perfectly legitimate pastime and sport. It is also appropriate that the legislation should contain protection for *bona fide* collectors of weapons. I am confident that, in the fullness of time, the protections built into this legislation will be seen to be entirely reasonable.

My view is that this national initiative is a very important symbolic initiative. Its symbolism cannot be overstated. This legislation signals a retreat from the perception of violence and violent solution to problems. This legislation will not eradicate violence. It will not prevent crime or the misuse of firearms. It will not prevent massacres of the type that occurred at Port Arthur. However, in the long term, this legislation will change the climate in this country and will reduce the level of violent perceptions about the way in which the country is conducted. If it achieves that purpose, it will have achieved a very significant purpose for the benefit of the whole community.

Comment has been made by a number of speakers about the written communications which have been received by all members, from both opponents and supporters of the legislation. Some of the complaints about the legislation have, in my view, been entirely unreasonable. I take, by way of example, a communication, which I am sure was received by all members, from Mr Richard Lutz of Seacliff. He claims to be a civil rights advocate and a firearms enthusiast. In his paper, Mr Lutz poses the question:

> Is the public interest served by mean-spirited, paranoid Governments discriminating against the poor, and many working class people, by making it prohibitively expensive to own a handgun? These citizens may well ask themselves why they should respect the rule of law if in obeying the law their families (but not the rich and politically connected) would be left to the mercy of illegally armed criminals. Do we want to create a society where thousands of people. . . are left defenceless by draconian laws—laws that seek to disarm law-abiding people on the basis of their income?

These claims are well wide of the mark. This legislation does not discriminate against the poor; the community will not be left at the mercy of illegally-armed criminals; the community will not be left defenceless by this legislation; and this Parliament does not seek to disarm law-abiding people on the basis of their income at all. This Parliament, by adopting this legislation will, it seems to me, be sending an important signal to the community, and, as significantly, by participating in this national initiative the Parliament of South Australia will be saying in effect, notwithstanding the fact that the South Australian firearms laws were in many respects adequate, 'We acknowledge that the problems of the control of firearms are national problems and it was appropriate in the circumstances and in the climate to adopt a national solution.' I support the second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank all members for their contributions this afternoon and this evening to the second reading debate on this important legislation. Mr Acting President, as you know, I am a very strong supporter of the role and function of the Legislative Council. I must say that my strength of feeling for the role of the Legislative Council is always made stronger when it debates controversial issues, such as the firearms legislation we have before us tonight. With respect to moral or conscience issues, I well remember the fiery debate we had in relation to the Casino legislation. I remember then that a number of members of another House, who had very strong personal views, wanted to support that legislation but who, in the end, voted against the legislation because of views certain groups within their electorate might have taken had they supported the Casino legislation.

There have been a number of other examples, over my 13 or 14 years in the Legislative Council, when controversial legislation has been debated in the House of Assembly. As I said, I am proud to be a member of the Legislative Council on occasions such as this because it demonstrates very clearly the important function of the Legislative Council in our bicameral system and the important role played by members of the Legislative Council in the proper consideration of controversial issues, such as the firearms legislation. There have been few observers of the debate. I have been present for the duration of the debate and listened to all members' speeches, and those who might read the *Hansard* record of this debate could not fail to be impressed at the way the debate has been conducted generally in the Legislative Council—

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: I am talking about the Legislative Council—and the way members on all sides, including the Australian Democrats, expressed their particular points of view. There were differing perspectives. People tackled the issue from different backgrounds but, nevertheless, the constant theme running through all members' contributions was that they supported broadly the package of legislation that is before this Council at the moment. I place on record, as the Leader of the Government in this Chamber, my thanks to all members of the Labor Party, the Australian Democrats and members of my own Party, the Liberal Party, for the way in which they conducted themselves during the second reading debate on this legislation.

I do not believe, having listened to all the speeches, that there is much to which I need respond in my reply to the second reading debate, and therefore I do not intend to make any detailed response to the various issues raised by members. I understand that the Deputy Leader of the Australian Democrats is to move some amendments which, as I understand from her perspective, might seek to increase the range of penalties that apply to certain offences under the legislation. Until all members, myself included, have had the opportunity to see those amendments then, of course, I am not in a position to make comment, at this stage anyway, on behalf of the Government as to the Government's response to those amendments.

Clearly, the Government will not want to see anything that might threaten a national agreement for uniform gun laws. The Deputy Leader of the Australian Democrats has the view, I think, that nothing she is doing will in any way threaten the national package or agreement and, again, the Government will need to reserve its position until it has had a chance to see—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: As will the Opposition, as the Hon. Ron Roberts has indicated—whether or not they are amendments worth supporting. I note that the Deputy Leader of the Australian Democrats does have a private member's Bill that she will be moving, and I understand that her proposed amendments to this Bill will seek to reflect the amendments in her own legislation. The only cautionary note I might issue to members is that, as the Leader of the Government, it is my political judgment that it would not be wise to find ourselves in a position where this particular legislation has to go to a conference of managers between the

two Houses in terms of having to resolve any differences there might be between this Chamber and another Chamber.

Certainly, as I understand from discussions I have had with representatives of all Parties, there is a view that we have had a long debate in the South Australian community and in the Parliament on the firearms legislation, and now is the time to in effect conclude the debate in a sensible and reasonable fashion. My judgment is that it would not be productive to have a conference of managers between the Houses to resolve the issues. I am advised that I will be moving some amendments on behalf of the Minister and on behalf of the Government. I will take more comprehensive instruction in the morning, but my understanding is that there is broad agreement between the Government and the Opposition, and I think also the Australian Democrats, although I will take advice on that in relation to the nature and structure of those amendments.

I also note that the spokesperson for the Labor Party on this issue, the Hon. Terry Roberts, has placed on file an amendment, and I will need to take instruction on that in the morning, again to see whether or not there is agreement from the Government's viewpoint to that amendment to be moved by the Hon. Terry Roberts. Again I would indicate that it is in all our interests to ensure that we do not have a conference of managers between both Houses to resolve any potential differences of opinion that might exist between the two Houses of Parliament on the firearms legislation.

I will conclude on that note and, as Leader of the Government, I congratulate all members for the way the debate has been conducted. It certainly encouraged me enormously in terms of the role and function of the Legislative Council to see the way members of this Chamber tackled the debate.

Bill read a second time.

STATUTES AMENDMENT (UNIVERSITY COUNCILS) BILL

Received from the House of Assembly and read a first time.

STATUTES AMENDMENT (SENTENCING OF YOUNG OFFENDERS) BILL

Returned from the House of Assembly with amendments.

CRIMINAL INJURIES COMPENSATION (LEVY) AMENDMENT BILL

Consideration in Committee of the House of Assembly's message—that it had disagreed to the Legislative Council's amendments.

The Hon. R.I. LUCAS: I move:

That the Council do not insist on its amendments.

Having been comprehensively briefed on the Bill and acting on behalf of the Attorney-General, I am advised that last week the Council dealt with the Bill and that the majority of members in this Chamber—the Labor Party and the Australian Democrats—moved amendments that were not acceptable to the Government. The House of Assembly has considered the matter and those amendments were opposed by the Government. As a result, the Bill has now been returned to the Legislative Council.

The Hon. ANNE LEVY: Being equally thoroughly well briefed on this matter, and no convincing reason whatsoever having been given why the Committee should change its mind from the opinions that it held a week ago, I do not support the motion.

Motion negatived.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Returned from the House of Assembly with amendments.

ADJOURNMENT

At 11.36 p.m. the Council adjourned until Wednesday 31 July at 2.15 p.m.