LEGISLATIVE COUNCIL

Thursday, 3 December 2015

The PRESIDENT (Hon. R.P. Wortley) took the chair at 10:17 and read prayers.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (10:17): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 December 2015.)

The Hon. J.A. DARLEY (10:19): At the outset I feel that I must put on the record my wholehearted support for other members in this place—particularly the Hon. Mark Parnell—who expressed their dismay at the government's insistence on pushing this bill through before the end of the year. With regard to this bill, on 22 July this year the Attorney said:

I have been speaking to these gentlemen either side of me and I have told them that I want it in here next week, you see. They keep saying, 'Yes, no worries, we will do it.' If it does not happen next week, just take a good look at them…They are the people who, when you see them in the street, you will be able to say, 'Why didn't the bill turn up when he said so?'

That was said during estimates this year, and the gentlemen the Attorney was referring to were Stuart Moseley, General Manager, Information and Strategy, and Andrew McKeegan, Chief Development Officer from DPTI. The Attorney had put on the record that he expected the bill would be introduced to the House of Assembly on 29 July. If that had happened we would all have had the winter break to consider the bill, which is perhaps the most significant piece of legislation which has been presented to our parliament for the last few years.

However, the bill was not introduced to the House of Assembly until 8 September, about one and a half months later. This meant that members lost six weeks in which they could have been considering this substantially-sized bill and consulting with stakeholders. I would be interested to know if the Attorney, when he crosses the paths of these aforementioned DPTI employees, asks, 'Why didn't the bill turn up when I said so?' If the bill was introduced when the Attorney said it should have been I doubt very much that the government would be rushing this through and asking the Legislative Council to just pass the bill without proper consideration or consultation. This is completely unacceptable and I will be supporting the Hon. Mark Parnell when he moves to have this matter dealt with in the new year.

In the same vein, this house has had very little time to consider the final plans for the urban growth boundary. The minister only released the final plans yesterday, yet here we are, just a little over 24 hours later, pressured to make a decision on it. I cannot support something when I have been given such little opportunity for thorough consideration.

The bill aims to establish environmental and food production areas which would be protected and surround Greater Adelaide. I agree that prime agricultural environmental land should be protected; however, what the government is proposing is too inflexible. The bill will enshrine these

environmental and food production areas in law and require agreement of both houses of parliament before any changes to these areas can be made. Whilst I understand the rationale behind this is to ensure that backroom deals are not made and that these decisions are held to public scrutiny, I hold concerns that this is a threshold that will be difficult to meet.

Experience from major cities around the world have seen an increase in land prices wherever an urban growth boundary is put in place. This decreases housing affordability and penalises those who are already struggling to gain a foothold in the housing market. Normal supply and demand principles should apply, however. They will not if the supply is limited.

The minister's vision is for new developments to come from infill supply. However, traditionally, this is not what is in demand. The Australian dream of owning a house on a quarter acre block is already one which is difficult to achieve due to the trend towards subdivision and redevelopment. Young families struggle to find properties with adequate space for children to play and a small vegetable patch. Limiting supply will only make these properties rarer and increase the demand as well as the price.

In 1974, the land commission had access to information with regard to the number of vacant residentially zoned allotments in the metropolitan planning area or within any local government area and an estimate as to how many of these may be available. I doubt the government still has access to this information and would appreciate further details on this from the minister.

The minister stated that the bill creates new protection for farmlands and environmental areas around Adelaide. Whilst these objectives are admirable, it is also important to protect the farmers who often devote their lives to farming. Inevitably, farms become economically unviable and farmers should be given the ability to dispose of unviable land to be used for other purposes. I am not saying that farmers should be given the right to subdivide and create new allotments carte blanche; however, many issues could be resolved if farmers are given the ability to undertake a boundary realignment of existing allotments.

Farms are usually comprised of a number of lots, sections and titles, which can be placed seemingly randomly. Giving farmers the ability to realign the boundaries to create allotments which could be sold to another party, whilst still retaining the valuable farming land, would give much comfort to farmers who see their superannuation in the land they own. I understand this is currently allowed. However, many farmers face difficulties when submitting a development application, as allotments have unrealistic minimum allotment size requirements for the building of a house, as set out by council development plans.

I had sought to draft an amendment addressing the issue. However, in discussion with the minister's office, I understand the minister is willing to consult on this and deal with this as a matter of policy. I would appreciate the minister putting on the record that he will do this in order to help our farmers.

The bill sets new standards for professional qualifications required for members of development assessment panels and precludes members of councils and parliament from sitting on panels. I support this move, as I have previously thought that some members of DAPs were flying blind and making decisions which were politically motivated rather than what was in the best interests of the community, or against development plans. However, I do not believe the bill goes far enough and yesterday I filed amendments which would preclude councillors and parliamentarians from being a member of a DAP for two years after their term has ended. My amendments also preclude current and former council staff for a period of two years from DAP membership.

The new infrastructure fund is also a matter of great concern to me. The details of this fund are very limited, and I was only briefed yesterday by the minister's office on the government's own amendments to this aspect of the bill. I understand there will now be two schemes: a basic scheme and a general scheme.

Again given these amendments were only filed two days ago, it is unreasonable to expect that these will be supported. Details on the schemes are lacking and it just serves as another example of the government wanting blind agreement to their proposals. Whilst I do not entirely disagree with spreading the cost of augmentation charges across a period of time rather than requiring the

developer to pay these charges as a lump sum before development begins, I am unwilling to sign a blank cheque.

More details on how it will work need to be provided before I can even think about supporting this measure. Infrastructure charges for new roads, sewerage, water connections and electricity are one thing, but the responsibility to pay for transport, education and infrastructure should remain the responsibility of the government.

Any promise of a decrease in the cost of housing may be negated by the anticipated spike in land prices due to an urban growth boundary and other matters. Whilst the developer will save on the outlay of augmentation charges, I doubt that all these savings will be passed on to homebuyers.

I again echo the sentiments expressed by the Hon. Mark Parnell with regard to the e-planning portal and cost for this service. Under the current planning system, there are already fees that are imposed on applications which I believe are unnecessary. For example, there is a fee in the order of about $20 from councils to provide a copy of the title. This fee should not apply if an owner already has the duplicate title for a freehold property.

Access to information and applications made through the portal should not attract any costs additional to what already applies, and I will oppose any measures which will increase fees. I would be grateful if the minister could provide more details on this and give an undertaking that there will not be a fee to access information through the portal.

I hold concerns about the efficiency and effectiveness of the new planning commission, given my recent experience with DPTI. In early 2014, the minister announced that he was prepared to consider an extension of the township of Roseworthy and advised the council to prepare a development plan amendment. In March 2014, the minister signed a statement of intent and indicated that the council should get on with preparing a draft DPA. This draft was presented to the minister and DPTI in December 2014 for consideration.

Now, 12 months later, DPTI have finally released the draft DPA for consultation. In other words, it took DPTI 12 months to consider the draft DPA for Roseworthy township's expansion. This is nothing short of disgraceful and incompetent. If this is how DPTI currently operates, I am not convinced that a new planning commission will be as effective as what the government is spruiking. The irony of DPTI taking its time on this matter and delays to introducing this bill while pressuring this house to consider the bill in four sitting days is not lost on me, and I again urge the government not to force this issue and allow us all an opportunity to properly consider the bill.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (10:30): I believe that all second reading contributions have been made to this important bill, and I would like to thank all members for their contributions to the second reading debate. This bill is a product of an arms-length process conducted by the Expert Panel on Planning Reform, which handed down its final report to government in December last year.

Over two and a half years, this process involved more than 2,500 South Australians in 127 separate community events across more than 30 city and country locations throughout the state. Overall, the panel published 794 pages of information, including three major reports. The expert panel process was rigorous, detailed, evidence driven, transparent and thoroughly independent. There is a direct line of sight between the panel's recommendations for reform, the cabinet-endorsed government response released in March, and this bill.

The government recognises that reforming our planning system is a major economic opportunity that can help unlock a prosperous future for our state. The sooner we get this bill through the parliamentary process, the sooner we can commence the important task of implementation and see the benefits flow across South Australia.

Getting started on this long-awaited process cannot be understated as an economic priority for South Australia. Indeed, the overall economic benefits of this reform have been assessed in the published regulatory impact statement by national consultancy MacroPlan Dimasi as in the order of $2.3 billion over the next 20 years.

Because of this, the government has worked tirelessly to reach agreement on the limited number of outstanding issues that were not able to be resolved before the debate concluded in the other place. Since this bill was introduced on 8 September, the government has held more than 60 meetings and briefing sessions with stakeholders as well as receiving detailed written submissions. This is on top of the many meetings we have had prior to introduction of the bill, and, of course, the panel's extensive engagement program.

I would therefore like to place the government's thanks to everyone outside of this parliament who has engaged with us in good faith over recent weeks and months. In particular, I put on the record the government's thanks to the Local Government Association, the Property Council, the Urban Development Institute, the Community Alliance, the Conservation Council and the Environmental Defenders Office. The conversations we have had directly with these and other committed groups has been thoughtful, constructive and positive.

Already, we have made amendments in the other place in response to these discussions and feedback, and we will be moving further amendments in this chamber during committee stage which are the result of ongoing positive discussion with these interest groups. Importantly, we believe the good will that has been generated by these conversations will stand us in good stead as the new planning system is implemented over the coming years.

On this front, I indicate the government will be moving an amendment reflecting this collaborative approach during the implementation phase through two committees that can be used to engage local government, community groups and industry. This means these groups may have a seat at the table as we embark on implementation tasks, including the second bill, which will deal with transitional, consequential and staging matters. All of this is evidence of the government's genuineness in seeking to listen to all interests in designing our new planning system.

As the minister in the other place has stated all along, the government is open to reasonable suggestions that improve or enhance the bill at any and every stage of the parliamentary process and beyond. Matters which are raised with us will not be ignored and, in many cases, may be addressed in the second transitional bill or as part of the implementation process under the guidance of the proposed new state planning commission.

Importantly, the amendments that we will be moving have already been flagged directly with the opposition following a thorough committee debate in the other place. Prior to commencing the committee stage it is important that I make some general comments about these amendments, the commitments that we will be honouring during the implementation process, and other matters that have arisen.

Before moving to that detail I should make one final, overarching point: the government recognises that this bill sets out major reforms that will change the way we conduct the business of planning in this state for decades to come. Many of these will necessarily challenge existing practices that we have become accustomed to. We understand that even though they are the result of an extensive and independent consultation process, some will have difficulty accepting the need for all of these changes. In this respect I remind the chamber of the expert panel's own words:

> All of us must be open to new ideas and willing to set aside historic debates that have reached their use-by dates.

This is a challenge that we in this parliament must take up. We cannot afford to miss this opportunity for genuine and lasting reform. I now turn to matters of detail. The fundamental tenet of the expert panel's recommendations is the need to place a greater focus on policy setting processes. That is why the panel recommended the establishment of a state planning commission, an improved role for parliamentary scrutiny and, crucially, a shift in how we engage communities in planning decisions.

A key element of this bill is a new community engagement charter intended to lift the bar on community engagement across the system, focusing on early conversations, when it is most meaningful for communities, and not at the end when critical choices have already been taken. This approach should not be a surprise to anyone in this place. It was at the heart of the expert panel's recommendation and flagged in the government's response in March this year.

Since the bill has come into publication, a range of concerns about the details of the charter have been flagged. This is understandable and we have already moved, in the other place, to address these; for example, by subjecting the charter to parliamentary scrutiny. However, we will not sacrifice the fundamental principle that underlies this reform. It has been suggested by the Hon. Mark Parnell that an approach that favours up-front engagement sounds nice in principle, but in practice it is unrealistic and unachievable and because of this, so the argument goes, rights of consultation which apply downstream in the system should be maintained alongside the charter. With respect, this is a criticism founded in outdated thinking and not supported by the expert panel's recommendation. If we accept this argument the promise of this reform will be negated.

Indeed, the most important function for the new charter will be giving the community the opportunity to literally shape the new planning rulebook and, in doing so, help create something that is clear, simple, easy to understand yet sophisticated and innovative. It is precisely because of this that there is less need for bureaucracy in prescriptive consultation on individual development proposals. When the rules are clear about what is allowed people are far less likely to need to get a second bite at the cherry, and then there are those who are unlikely to ever accept the umpire's decision.

Of course it is reasonable to have the opportunity to comment on a development proposal that falls outside the expectations of the rules. This bill enshrines this right at a statutory level. However, as the panel itself observed, it is not appropriate for people to be involved in every planning decision, particularly where the issues are technical, private and in accord with settled planning rules. It is far better that we find ways to engage citizens in meaningful dialogue, and there have been a number of points raised by members here that suggest ways in which this charter can do just that, and I note comments made by the Hon. David Ridgway and the Hon. Mark Parnell about useful interstate and overseas models that could be applied in this situation.

Overseas cities, such as Vancouver, Dublin, Chicago, Copenhagen and Portland, have all successfully adopted sustained engagement programs that have helped shape urban renewal initiatives in ways that meet community needs and aspirations. Closer to home, the early engagement piloted in the design of the Bowden Village precinct, as well as work undertaken by a number of metropolitan councils, tells us we should pursue this thought when we hear this kind of criticism.

Many of these examples and the statutory systems that underpin them were looked at closely by the expert panel in coming to its conclusions. To say we can never get this up-front engagement right is one of those self-fulfilling prophesies that none of us in this place should uncritically accept, and it seems to fly in the face of the evidence that these and other examples illustrate.

The key point here is that we should not, as the Hon. Mark Parnell suggests, simply write legislation that describes human nature as it is. If we did that, after all, we would not have laws against discrimination, violence or theft. We should instead seek to design a system that will bring out the best in people. Our system cannot afford to simply default to old habits that we know push up the costs for everyone.

The role of local government will be enhanced. Some have suggested this bill will curtail the role of local councils in the planning system. This is a glass half empty perception. We are changing the role of local councils, but in ways that will enhance their ability to plan for their communities. Indeed, we have been working with the Local Government Association on amendments that put this beyond doubt, and these have been filed. I think the fact that the LGA is positive about these changes speaks volumes on this issue.

Local government has been in the past, is in the present, and will be into the future, central to the operation of the planning system. The government recognises councils as key partners in delivering effective, efficient and enabling planning to South Australians. That is why in this bill we are giving local councils the tools they do not currently have under our antiquated planning system to do their task better, faster, more efficiently and more effectively.

The current planning system has encumbered local government in the minutiae in processes instead of functioning as an empowering system. Limited ratepayer resources have become tied up with trivial matters which, in the overall scheme of things, do not warrant such attention or effort.

There are many examples, some of which have been put on the record during debate, and there are further examples to populate that list.

They may be anecdotal, but they clearly tell us where our current planning system is failing to properly channel important ratepayer resources. Whether it is inspecting rabbit hutches and umbrellas, or prosecuting fish and chip shop owners, there is little defensible about some of the more egregious examples that are widely known in the public domain. It is not just anecdotes; the data bears this out, as the report of the expert panel comprehensively details.

Do not, fellow members, buy the Hon. Mark Parnell's selective use of statistics in his earlier contribution. No prudent elected body could be satisfied with the type of inefficiency that we have seen in the planning system. I know elected members on council should be eager to find ways to avoid expenditure that pushes up rate on mum-and-dad home owners. We do not want councils at the centre of a slow and unresponsive administrative bureaucracy. We want them to be able to focus their attention on the genuine tasks of planning, engaging with communities, and planning for the future.

This bill acknowledges that councils will have an awareness of fine-grained local issues. This detailed knowledge is important in understanding the impacts a particular strategy or policy may have, and we want to tap into this. That is why this bill puts councils very much in the role of leading engagement and planning policies in their local communities and in having the capacity to influence those policy decisions. The amendments the government will move, with the support of the Local Government Association, will ensure this is the case, and reinforce the central role councils will have and should have in the planning task.

Getting the rule book right and leaving decisions to the umpire are a key tenet of this bill. This bill is focusing on getting the rule book right and then leaving downstream decisions to an independent umpire. Local government will have a central role in the task of shaping policies and setting rules with freedom to develop, maintain and amend all significant statutory instruments such as state planning policy, regional plans, infrastructure frameworks and design standards in the planning and design code.

This is a much wider role than they have under current arrangements. At the same time, the bill makes a logical next step in professionalising the development assessment system. This will free elected members from the retail politics that is so often the burden for them in the development assessment process as it stands. It was a key recommendation of the expert panel. The bulk of development assessment under this legislation will be assigned to accredited professionals, many of whom will be council employees, either working individually or on assessment panels. Professionals will be subject to stronger integrity controls and will no longer be subject to the second-guessing by elected officials that plagues our current system and creates so much uncertainty and conflict.

This is all about ensuring that we get the rule book right and leaving individual decisions on the field to the umpire who is trying to apply them correctly. This is a scenario which should not be foreign to any public policy maker. After all, many South Australian laws confer statutory powers on public sector professionals rather than elected officials. This is quite common in respect of laws which councils administer. Indeed, it is very common in respect of laws which the state government administers. Imagine if we had a sub-committee of parliament determining who gets a learner's permit, the conditions of a publican's liquor licence or the scientific basis on which groundwater extraction approval should be sought.

We have rightly conferred these powers on appropriately trained statutory office holders who perform their functions at arm's length from the political domain, so why should the development assessment process be any different? Elected councillors will retain their powers to choose what zones go where in ways that meet how their local communities want their neighbourhoods to look and feel but, like us in state parliament, they should not have a direct hand in deciding who gets an approval and who does not.

The government also notes the questions that have been raised concerning adaptive re-use. A variety of statutory instruments in the bill will attend to this subject. Indeed, adaptive re-use is highlighted in the principles of good planning. However, I note the opposition will be moving

amendments on this topic and I indicate the government welcomes these improvements and will be supporting them.

As to limiting urban sprawl to protect our environment and food production areas, a matter of contention in the public domain has been the proposed measure known as the environment and food production area which is designed to contain urban sprawl and promote transparent decision-making. The environment and food production areas will help protect the state's precious food bowl and environment from urban sprawl.

Much of the debate has been fevered and based on fundamental misconceptions, so it is important to address these while also flagging that the government will be moving some amendments which will clarify intended operation of this clause. Let's be clear: Adelaide has in effect had a limit on urban sprawl since the 1962 plan. These boundaries until now have set the strategic policy level by the minister of the day; in this bill, that role will be shared with the parliament.

The argument that has been put in agitated tones by some suggests this measure will push up housing prices. This argument is a furphy and reasonable people might query whether it is also self-serving in the mouths of those who raise it. It ignores the fact that fringe housing has hidden transport and other costs for home owners. It ignores the fact that fringe housing generates six times the cost in infrastructure for taxpayers compared to infill development. It ignores the fact that Adelaide is the lowest density capital city in Australia with plenty of potential for urban development to accommodate expected future growth. It ignores the fact that we already have more than 20 years zoned land supply within greater Adelaide right now as a result of the efforts of this government. It ignores the fact that more and more South Australians are opting to live in infill which suggests we have even less need for new greenfield developments that will extend urban sprawl even further.

In fact, over the last decade, 59 per cent of the population growth in Greater Adelaide has been in the inner and middle-ring suburbs. Infill houses are what the market demands. The proposed boundaries for the environment and food production area, which were lodged with the General Registry Office on Monday, preserve the limits established in the 30-Year Plan for Greater Adelaide, so they should come as no surprise to any council or developer. This fact is acknowledged in discussions the government has had with industry groups and the Local Government Association. The only exception to this is the long-term growth option that was tentatively pencilled in at Roseworthy in the 2010 version of the 30-year plan, and I will come to that in a moment.

In relation to councils, the minister has accepted the offer of the Local Government Association to arrange a special briefing for affected councils. We do not think there will be, as a result of that, any need to change the boundaries but, if there is, the government commits now to bringing those back to parliament. Importantly, I emphasise, as the minister did in the other place, that the environment and food production area will only affect residential subdivision. All other land use rights will be unaffected, included rural living rights. Indeed, we will be moving an amendment to clarify that owners of properties currently zoned as rural living or equivalent will retain their rights of subdivision. This is consistent with the approach this parliament took in the Barossa Valley character legislation.

In respect of Roseworthy, I make these points. Firstly, I remind members that this government made an election commitment not to expand Roseworthy beyond the first stage rezone. Secondly, I make the point that the second stage rezone was always flagged as a long-term growth option beyond the 15-year land supply target. In other words, any suggestion of sovereign risk that may be raised in this respect is frankly absurd. Thirdly, with building trends showing a much greater take-up of any inner-city locations, there is no need for the Roseworthy expansion any time soon.

Because of this, the government has decided we should set the boundary now rather than wait, so we will be moving an amendment that provides for a map lodged with the General Registry Office to be treated as the first defined environment and food production area. Responding to industry feedback, we will also be moving to ensure this boundary is subject to review every five years to ensure that we maintain land supply within the urban area that will assist with maintaining downward pressure on housing affordability. This will be the first time a land supply target has been included in legislation and is a matter which industry should see as a positive development.

For the government, the introduction of the environment and food production areas is a principle which we will not resile from. Parliament must have a role in shaping where this boundary lies and when it changes. The nub of industry concerns seems to be a lack of faith in the members of this chamber. They seem to think that parliamentarians will not be capable of making a decision to alter the boundary quickly enough. Apart from the insult to the democratic process, this view also ignores reality.

Many cities around the world have statutory green belts or urban growth boundaries and have proven themselves more than capable of adjusting them when needed. Portland in Oregon has had a boundary for 40-odd years and has managed to change it through the legislature over 30 times. Melbourne, a stone's throw away, has had green wedges that limit urban sprawl since 1971, when they were first introduced by the then Hamer Liberal government, and for all that time parliament has had a role in their oversight.

Here in our own parliament, we are more than capable of changing boundaries subject to statutory dedication. The changes to the boundaries of Government House to accommodate the ANZAC commemorative walk, for instance, currently before the other place, are but one example. For the government, this is a fundamental public integrity measure and one that the minister has talked to Commissioner Lander about in developing this bill. In this respect, I note the Hon. David Ridgway's comments reflecting on the Ombudsman's observation regarding the Mount Barker rezoning process.

It seems strange to me that the Hon. David Ridgway would criticise this process but not recognise that we are proposing a measure that will ensure this scenario will not happen again. As the minister has said in the other place, government should not be the insurer of last resort for land speculators. Changes to zone boundaries, which in the stroke of a pen deliver windfall profits to private interests, should not come at the whim of a minister. They should be considered, thoughtful and evidence based, and this bill will guarantee that that is the case.

In relation to getting infrastructure funded and delivered, much of the public debate has focused on the infrastructure funding regime that this bill will deliver. I make the point that the government has already moved in the other place to strengthen these provisions, including by making the schemes subject to parliamentary scrutiny. We have been engaging closely with the local government and industry groups in order to arrive at a workable set of amendments, which I will move later in proceedings.

However, I remind members that this infrastructure funding model was not only strongly recommended by the expert panel on planning reform and the Economic Development Board but genuinely reflects the demands made by industry itself before the last election. The fundamental issue is that a new development requires infrastructure. Unless funding for that infrastructure is locked in, taxpayers will pay or communities will miss out when rezoning occurs. The alternative is to delay rezoning, but this puts pressure on affordability or to do a 'Swiss cheese' style rezoning, which runs counter to the best practice planning approaches.

This bill puts in place mechanisms that will address this scenario with a simple tool that ensures that the cost of infrastructure can be fairly apportioned. For too long first home buyers have been burdened with the cost of providing new infrastructure, while subsequent owners reap the benefits. For too long taxpayers have been asked to bear the costs of significant new infrastructure, while others have been windfall beneficiaries; and, for too long major projects have been approved without the details of how major infrastructure is to be provided, when it will be provided and by whom.

This bill addresses these deficiencies and puts in place a fair and more efficient system for the provision of infrastructure. It enables the funds needed to provide new infrastructure and upgrades to existing infrastructure by distributing the cost fairly across the beneficiaries and not just the first home owner. This will ensure that costs are apportioned appropriately and that everyone, including government, pays their fair share. It means that windfall profits from the value uplift associated with rezoning or new infrastructure in the area can be partially captured to augment the capital that would otherwise be available for that infrastructure.

Historically in South Australia we have provided a type of value capture through joint venturing arrangements that we no longer have the opportunity to pursue. This will be increasingly problematic as we move towards a future which has urban renewal at its heart. With limits to what government can fund at any point in time, the scheme we propose will enable us to meet economic challenges of providing infrastructure by encouraging more private sector involvement in its provision and jump starting those important projects, which will boost productivity and underline economic growth.

At the same time, we do not want to repeat the mistakes made elsewhere in Australia with over-the-top developer contributions that add massive costs to new homes. This model does not make that mistake. What we are proposing here is new for Australia, but not new on the world stage. With that, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Motions

MALINAUSKAS, HON. PETER

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (10:59): It is with great pleasure that I move:

That this council welcomes the Hon. Peter Malinauskas, elected by an assembly of members of both houses to replace the Hon. Bernie Finnigan, resigned.

It is the intention of this motion to enable the new member to deliver his inaugural address, but it is also an opportunity for me and others to congratulate the Hon. Peter Malinauskas on this appointment. In common with his family and friends gathered in the gallery, I share in the pleasure of seeing this new member of the Legislative Council taking his place on these benches.

Peter's life experiences have prepared him well for his new career. I understand that in his teenage years, working in a supermarket, he was drawn to the role of shopfloor union representative. His sharp intelligence and drive resulted in a job visiting supermarket night-fill workers as an SDA union rep. Such jobs are the front line of the Labor movement, dealing one-on-one with the realities of modern working life, and they are a forge for the creation of strong Labor values.

Peter obviously embraced those values with passion and determination, and it is not surprising that he soon emerged as a young leader for the shoppies (the SDA) going on to become the union secretary for seven years. I have no doubt that Peter's conviction and clear sense of purpose will prove to be a powerful asset to the Weatherill government and I look forward to working with him, and today hearing his inaugural address.

The Hon. P. MALINAUSKAS (11:00): At some point in the late 1930s in regional Hungary a 20-year-old widowed mother named Eta was left little choice but to temporarily leave her daughter with extended family while she sought work at a nearby town. It was a fateful moment.

As World War II mercilessly engulfed Europe, Eta quickly found herself caught in the web of the war. Moved from camp to camp as forced labour for the Nazis, no parent could bear to imagine the pain, frustration and sense of desperation that Eta must have felt as every avenue to get back to her daughter was closed.

Despite multiple efforts to return to Hungary, by the war's end Eta had been stuck in a German munitions factory. As the Nazi regime collapsed and Eta closed that chapter of her life, her ambition for reunification with her daughter was again thwarted, this time by another peril in the form of communism. Having had her sole possession, a single bike, confiscated by the Russians at a key roadblock, Eta was again turned around and sent back to Germany.

Stuck in a foreign land, homeless, stateless, poor and with no prospect of seeing her daughter again, the Iron Curtain had fallen sharply and heavily on this young woman's hopes and aspirations. With literally nothing to lose, Eta put her hand up to participate in the Australian Displaced Persons' group resettlement scheme. On 20 February 1949, she boarded the US Army transport USS *General Omar Bundy*, bound for a young and free great southern land.

On the month-long journey with plenty to fuel thoughts of despair the only relief Eta could find from the heartache was in the form of work—and work she did—peeling potatoes all the way from Naples to Sydney. Soon after arriving at an immigration camp at Bathurst, she met another displaced person fleeing the tyranny of communism, a Lithuanian named Peter. Not one for inaction, Peter rapidly persuaded Eta that, at the first opportunity, she should get to South Australia where he was going to be working and they would marry. Peter was despatched to Woodside, South Australia, and disjointed communication between the pair ensued for nine months before an agreed meeting time and place was arranged.

Having acquired a small amount of savings from the potato peeling and the work performed on arrival, Eta was going to leave nothing to chance at her next encounter with the strapping Lithuanian, and decided to dress to impress. For the first time in years she lashed out and bought a brand-new outfit including a hat and furs. The rest of the savings went on the airfare to Adelaide.

Eta arrived in Adelaide at the agreed time in the said new outfit only to find no-one to greet her. The strapping Litho had stood her up. Now total despair sets in. She is at Parafield Airport, hours have passed and years of tragedy, toil and torment have now collided with heartbreak. Not able to speak English, stuck with nowhere to go, in utterly unfamiliar surroundings she sits on her suitcase and quietly weeps as hopelessness takes over.

Then, just as the young woman's instinct for perseverance was about to extinguish, Peter arrives at Parafield Airport in a taxi full of gladiolus. The actual meeting time had been temporarily lost in translation. The young couple who had fled tyranny with nothing to their name quickly got married and got to work building a new life.

This is not a story about my paternal grandparents. It is not a story about the 785 other people who boarded the *General Omar Bundy* with grandma. It is not even a story about the 170,000 other displaced people who arrived under the Chifley-Calwell initiated scheme. Indeed, this is a story about a young state in an even younger nation whose infectious optimism about the future gave it the courage to be open to new people looking for one thing above all else: opportunity, the same sort of opportunity our first resettlers sought 112 years earlier and the exact same sort of opportunity new arrivals to our shores seek today.

I distinctly remember as a young boy standing in the old fish and chip shop my grandfather built with his own bare hands on Trimmer Parade in Seaton as he told me about the importance of taking opportunities. An equally clear memory is of the time I inquired about him becoming an Australian citizen and grandpa quickly rushing off to retrieve his naturalisation certificate. I cannot picture the certificate but I can still feel the depth of meaning it had to him as a symbol of the opportunity this nation and this state had afforded Eta and himself.

The desire of my grandparents, including Bob and Ursula May from my mum's side, to seek, seize and share opportunity, even in the face of real hardship, has undoubtedly influenced my politics, although I do say this with some caution since I certainly cannot claim a long lineage of unwavering support for Labor—not at all. Instead, I only seek to hold true to the value of opportunity that my family has sought to instil in me, a high value that I am sure is shared by everyone who works in this place.

However, the role of government in providing opportunity is often the source of legitimate debate. Some argue that government should simply get out of the way and let hard work be the defining variable of who gets what opportunity—a virtuous notion, yes, but who defines what is hard work? Come knock off, has the architect really worked harder than the brickies labourer? Has the nurse been any less devoted than the doctor? Has the school principal actually inspired more students than the teacher?

I do not question differences in the monetary value of work performed; rather, I simply argue that monetary value is not the only test of the efficacy or virtue of the work. No matter how smart or simple, skilled or unskilled, well paid or low paid, no-one has a monopoly on hard work, least of all any one side of politics. Of course hard work must be key to getting ahead, but opportunity should not disproportionately elude those who do work hard, just at a lower rate of pay.

In Australia it has always been a balance between capital and labour that has driven our prosperity and relatively fair distribution of opportunity. It is a balance that I think most believe is worth preserving, yet it always seem to find itself under attack.

At a time when the Australian Bureau of Statistics tells us that labour productivity has had 24 consecutive quarters of growth, that real wages have never before been increasing at such low levels and that the profit share of our economy is at some of the highest levels ever recorded, I find it utterly astounding that conservatives argue that we should be cutting the wages of full-time workers earning less than $38,000 a year.

When I started working at Woolies, Mitcham as a 15 year old, I became a member of the Shop, Distributive and Allied Employees' Association. Back in 1995 closed shops (which I do not support) still existed so I became a member of the shoppies not really knowing what it meant.

When I filled out that membership card 20 years ago, I was no left-wing militant unionist who believed capital was evil, and I am pleased to inform the house that that has never changed. What I suspected as a 15 year old and know now is that working people do need a professional and strong voice to ensure their hard work provides the opportunity they have earned. Furthermore, this is more likely to be achieved through embracing the idea of free enterprise than opposing it.

Thankfully, when I joined the shoppies, I was signing up to an organisation that had been fighting for these ideals against both the left and the right long before I was born. So when Don Farrell offered me the chance to work at the SDA, he did not offer me a job, he offered me an opportunity to start a vocation at my natural political home. Don, to you, Nimfa and your adorable family, I simply say thank you for giving me that opportunity and your unwavering support ever since.

There are many others from the SDA I would like to thank, but none more so than the 28,000-plus members from South Australia, the Northern Territory and Broken Hill. There is enormous dignity in the work of retail, fast-food and DC workers, and the SDA members transcend order and virtue for signing up not because it is in their interests but because it is in the interests of others. The SDA has a great team working tirelessly for others more than themselves. I want to acknowledge the whole committee of management, including Harris Scarfe stalwart and SDA president Lyn Rivers; Donald Blairs and Aemon Bourke for their commitment; and Josh Peak for his tenacity and dynamism (he is one to watch).

Most significantly, I want to acknowledge Sonia Romeo. Sonia is one of life's great gems and simply one of the best people I know. I value her support, loyalty and friendship, as much as I admire her undying commitment to SDA members. I have always been better with Sonia by my side. Now retail workers will be better off with Sonia by theirs.

I would like to thank my parliamentary colleagues for your warm welcome in recent days. I particularly acknowledge my fellow caucus members. The privilege of being in the Australian parliamentary Labor Party team is not lost on me, and I look forward to working with you all. I would like to thank the Premier for his support and encouragement to take up this position. The Premier is doing an outstanding job leading our state in a challenging environment, and I admire his willingness to pursue bold reform.

The Treasurer, and my friend, Tom Koutsantonis, has been incredibly generous to me since I first waited on him at a party fundraiser back in 2001. While I regret admitting to Tom that I was nervous when I first met him, I certainly do not regret the meeting. Anastasios, thanks for all your guidance.

There are others who have been there from the start, including Amanda Rishworth MP, one of the hardest workers I know; Michael Brown, who I hope will make a significant contribution to the parliament in the future; and Reggie Martin, a great innovator in an important office, who understands geometry better than most, particularly the triangle. With his deep understanding of our great party and its history, Nick Champion has also been a steadfast source of advice and friendship. Other union leaders I would like to acknowledge include Ray Wyatt, John Camillo, John Adley, Jason Hall, Dave Gray, Dave Di Troia and Joe Szakacs. I enjoy working with all of you.

I have a great group of friends outside the labour movement, whose mateship is deeply valued and grounding. I would love to get all their names onto the record, but some of the nicknames

would be far too hard to explain to Hansard. However, Bob Neill obviously requires no such explanation.

There are a number of my extended family members present in the gallery whom I would like to thank for coming along, including my parents-in-law, Rob and Vickianne West, who are a great support. I do have to make a specific mention of Rob West: a very good man, but there is not a Labor bone in his body. Rob, this is the chamber where all the deals get done and the negotiations take place. In that spirit, I would like to make you an offer: I will never ask you to vote for Labor if you never ask your granddaughter to barrack for the Crows. Have a think about it.

I am not sure any child could be more indebted to their parents than I am to mine: Peter and Kate Malinauskas. With my beautiful sister Liz and ever-generous brother Rob, I grew up in what could only be described as the middle-class family dream. Mum has always had a commitment to us kids and a sense of compassion that knows no bounds.

My father worked at the Housing Trust for over 35 years. With a constant eye to the taxpayers' interests, Dad devoted himself to an organisation putting roofs over the heads of those who need it most. If my record of public service is as committed and honest as Dad's, then I will be proud to say so. I will be even prouder if I am as good a father as he has been to me. Mum, Dad, Liz and Rob: I love you deeply and thank God for the blessing of everything you have ever done for me.

Annabel Malinauskas, who I am lucky to call my wife, is the hardest working and smartest woman I know. With grace, class and poise, she takes everything in her stride. But, Bel, it is your enormous and tender heart, radiating warmth to all that you meet, that I love most. Like everything else I have done over the last seven years, I cannot imagine giving this speech without you in the room, which makes this moment as much yours as it is mine. I adore you and thank you.

The reason why anyone takes up elected office is because they want to make a contribution to the betterment of our society. It is a broad objective, but having a seven-month-old daughter sharpens that focus. Like any parent, I want my daughter Sophie to grow up in a community with a standard of living that is great and affords her as many opportunities as she deserves. South Australia is that place. Clearly, we are in some challenging times, but let us consider some known truths: gross state product is still growing, our population is still rising, and yesterday we learned that state final demand is up. There is still upside in our economy.

More than this, I do not know too many South Australians who are not quick to say how great a place it is to raise a family. Even the Economist Intelligence Unit has Adelaide as the fifth best city in the whole entire world to live. I am not denying the economic challenges we face. I have looked into the eyes of workers who have just had their hours cut, and few things are more gut-wrenching. So, of course we must do more and work hard to lower unemployment, but ambition has to start with belief. No-one has ever achieved great things without believing in themselves first. This state can offer as much opportunity to every young South Australian as it did to my grandparents 65 years ago, but none of that is possible until, as a community, we believe that any adversity will be overcome.

Understandably, with significant challenges comes an appetite for simple solutions, but we should acknowledge that, with capital becoming ever more mobile, our economy is far more complex now than it was only 30 years ago. Therefore, the necessary reforms are becoming more complex, requiring an elevation of the political discourse beyond the latest 'gotcha' moment and 140 characters in a tweet. The public rightly look to politicians for a higher standard, but each of us must remember that the highest office in any democracy is the office of citizen. Some cynicism is healthy, but apathy is never okay. If we are serious about wanting principled policy over popular politics, then more needs to be done to ensure all citizens see voting not just as a right but also a responsibility.

Friends, I understand convention has it that interjections from other honourable members are frowned upon during one's inaugural speech, so I must confess I am tempted to bask in the moment and unleash the fury with some thundering prose laden with ideology. If I were to engage in such an exercise, I would attempt to square up equally with the far-right Liberal Party as I would with the far-left Green party.

There is a reason why the Labor Party is now under full attack on both our political left and right flanks. It is because we now occupy the middle ground. I am a Labor man because I believe our grand old party understands that more of the right opportunities are created through a balance.

Markets are efficient, but not infallible; government is necessary, but rarely extraordinary; and free enterprise should flourish, as long as it is fair. I appreciate that what constitutes the right balance is often subjective, so I am more interested in outcomes than ideological purity. However, I do want to publicly commit myself to pursuing a balance that best creates opportunities for all and, more specifically, commit to this in the context of the words of Franklin Delano Roosevelt, who said:

> The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.

That is my test. That is our test. I hope we succeed.

Motion carried.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (11:22): To conclude my second reading summary in relation to this important bill, it is the approach I have been talking about that has been embraced in the United Kingdom, the United States and many other countries to effectively bring forward the economic windfall that typically accompanies this new infrastructure and other improvements. The new prime minister has established a Cities ministry, and it is very clear, from his public statements, that he has expressed keen interest in the innovative funding models this bill will allow.

The amendments we will be tabling in response to the issues raised by industry will further elaborate this principle by establishing a second category of value uplift for simpler development scenarios. This will sit alongside the existing provisions with common features across each. In short, this additional scheme type will allow for basic infrastructure—roads, sewer, water and power—to be funded by a one-off index charge on land which crystallises when land is subdivided or developed. This is alongside the rate-based value capture scheme (to be referred to as the general scheme), which will retain its flexibility to be used in more complex urban renewal contexts. Importantly, however, we will be amending this scheme to increase parliamentary scrutiny, with disallowance opportunities at two separate stages in the process.

In relation to e-planning, with lower costs for everyone in relation to the e-planning system, this bill contemplates that the cost of establishing e-planning will result in cheaper, quicker processing planning decisions outweighing, and indeed with the potential for recouping, the up-front costs involved. It will not involve shifting costs to councils.

The government expects that councils will still deal with the vast majority of development applications and receive the application fees for them. The system will allow for a certain amount of automated decision-making, and will be able to detect errors and provide prompts to decision-makers to verify, but it will still require an assessment authority to make the final approval. We believe this type of helpful automation, e-planning, will reduce administrative overheads that councils have to bear for archiving, storage, retrieval and processing, while at the same time making the new planning system more open and transparent.

Without going into detail of the modelling, we know there can be substantial savings to councils and ratepayers through e-planning. We know from the experience of one major suburban council which digitised its records, it has achieved concurrent savings in the vicinity of $120,000 per annum, not including staff hours. There is no reason other councils cannot achieve similar savings for ratepayers through the e-planning system this bill proposes.

If this bill passes, the government will look at a shared funding model, with the proportion of the costs recovered from users and beneficiaries of the system and the balances funded by the government. Indeed, we will be moving an amendment which will require the department to engage with councils in the developing of a fee structure for the new system. To minimise unnecessary costs,

councils will not be asked to replace existing council systems. Rather, the new e-planning system will be designed to enable councils and government to talk to each other and swap information.

In relation to access documents, members in the other place and here have raised concerns over the interaction of this bill and the Freedom of Information Act. In fact, under existing legislation, the Freedom of Information Act is already displaced by the Development Act, as is the State Records Act. This is because documents held in the planning system are often more sensitive and have to be retained for longer periods than other kinds of records.

For example, making building plans publicly available could compromise the integrity of a secure facility or result in unwarranted intrusion on the privacy of residents. This is why these matters are subject to statutory protection against release on a similar basis to the existing regulations. On that point, it should be noted that the foreshadowed e-planning portal is required to provide access to historical records, with the details of this to be governed by regulation. We expect that these will cover similar issues that feature in the Freedom of Information Act and the State Records Act.

In relation to this, I note that the opposition in the other place asked how material which has been removed from the portal will be retrieved and accessed. This will be a matter for the regulations in due course. I can confirm that the exclusion of the Freedom of Information Act only applies to material received, generated or held on the portal. Other documents which may provide advice or information to the minister are not subject to this exclusion, such as advice given by the commission to the minister that is otherwise not subject to publication.

This bill is the beginning, not the end. This bill is not, nor has it ever been intended to be, the final product of our reform process. There are many details which necessarily can only be settled once the architecture of the legislation has been agreed. To establish the e-planning system, replace the current 23,000 pages of planning rules with the new code, develop new design standards for the public realm, create a new charted, establish robust accreditation schemes, and address the many other detailed task envisaged for our new planning system will take time.

These are significant and major tasks which cannot be achieved overnight or in isolation. To successfully deliver these statutory bodies and instruments, two things are needed: time; and the involvement of the community, local government, relevant professional organisations, business and industry. That is why the bill creates a new state planning commission, which will have key responsibilities for taking these matters forward. It is also why we are moving to establish implementation committees, which I mentioned earlier.

The bill can only create the framework, the structures and the processes of a new planning system. Our task in this place is to debate whether the bill provides the right checks and balances, the right development mechanisms and pathways, and the right consultation processes. The government has brought forward this bill to lay down the building blocks of a new planning system. I emphasise again: we will consider any reasonable amendments that improve this bill at any stage in the parliamentary process.

Why is it important to pass this bill now? During the course of this debate, we have heard much about the so-called haste in which the government is seeking to press this bill forward to finalisation. This is after an exhaustive three-year consultation process by an independent panel, supported on a bipartisan basis. We have heard the Hon. Mark Parnell indicate he will be moving a motion to adjourn consideration of this bill further until February at the end of this second reading debate.

The Hon. Mark Parnell, who has by his own admission spoken more than 600 times on planning matters since he has been here, could perhaps be described as this parliament's planning tragic. And good on him for this passion—we admire it—but it does not mean that he is entitled to set the pace at which this parliament works or that his opinion on this bill is more legitimate than any other member's in this chamber. In fact, I note that of the 10 bills the Hon. Mr Parnell has introduced on planning matters since 2008, the chamber has supported but two, and on one of those the Liberals offered support that was ambivalent at best.

I think the Hon. Mark Parnell at times can be caught up in the detail and he is not able to see the wood for the trees. For example, he says the system of parliamentary scrutiny of development plans is broken because there have not been any disallowances in the last 20 years but, if I were to

put things in a wider context and tell this chamber that there have only been 10 disallowances across the whole statute book in the last decade, would this critique sound reasonable? Of course not.

The problem is the Hon. Mark Parnell and the Greens just do not agree with the key elements of the expert panel's report. No matter how long we debate this, they simply will never agree because that is the platform on which they stand and the principles that underpin their party framework. We, in this government, are willing to consider the 96 Greens amendments that were filed today. In the meantime, we have already engaged in discussions with the opposition, Family First, Dignity for the Disabled and the Hon. Mr Darley, all of whom—

The Hon. K.L. Vincent: Dignity for Disability.

The Hon. G.E. GAGO: I said Dignity for—

The Hon. K.L. Vincent: Dignity for Disability, not the Disabled.

The Hon. G.E. GAGO: I beg your pardon—Dignity for Disability and the Hon. Mr Darley, all of whom—

The Hon. K.L. Vincent: I've only been here six years, Gail.

The Hon. G.E. GAGO: Sorry?

The Hon. K.L. Vincent: I've only been here six years!

The PRESIDENT: Order! Minister, just do your response.

The Hon. G.E. GAGO: It is easy to slip when you are on your feet for so long, the Hon. Kelly Vincent—all of whom submitted their amendments earlier. For example, the Hon. Mr Darley and the government are already in discussions about ways in which realignment of agricultural properties could be enabled in the environment and food production area without increasing residential subdivision. Similarly, we are discussing with the Hon. Ms Vincent and her office how universal design concepts can be addressed as part of this reform package. I am hopeful that these discussions will bear fruit next year with the changes to the bill that are widely agreed.

But we cannot accept delaying this bill which is the product of such a robust and independent process as that conducted by the Expert Panel on Planning Reform because one member here does not agree with all of it. So, it is time to get on with delivering this very important reform, and I appeal to members to not allow this debate to be adjourned. I commend the bill to the house and look forward to the committee stage.

Bill read a second time.

STATUTES AMENDMENT (COMMONWEALTH REGISTERED ENTITIES) BILL

Introduction and First Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (11:34): Obtained leave and introduced a bill for an act to amend the Associations Incorporation Act 1985 and the Collections for Charitable Purposes Act 1939. Read a first time.

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (11:35): I move:

That this bill be now read a second time.

This bill proposes amendments to the Collections for Charitable Purposes Act 1939 and the Associations Incorporation Act 1985 to reduce administrative burden for charities registered under the Australian Charities and Not-for-profits Commission Act 2012 and collecting in South Australia.

The Collections for Charitable Purposes Act requires charities collecting or attempting to collect money or goods for defined charitable purposes in South Australia to be licensed. The bill

proposes to clarify the definition of 'charitable purposes' to make clear that 'charitable purpose' includes support, provision and research in connection with health services.

The amendments in this bill propose that any charity registered under the Australian Charities and Not-for-profits Commission Act 2012, that gives notice of its intention to act as a collector, will be allowed to conduct fundraising collections in South Australia without having to apply for a licence under the Collections for Charitable Purposes Act or report to the minister. Nevertheless, the conduct of fundraising collections by these charities will continue to be subject to the code of practice and other disclosure obligations.

These changes will significantly reduce regulatory duplication for charities registered under the Australian Charities and Not-for-profits Commission Act 2012. To facilitate these arrangements, the bill provides for information exchange to assist both the Australian Charities and Not-for-profits Commission and Consumer and Business Services fulfil their legislative functions. It also provides for removal of the collection agent licence (section 6A) and the entertainment licence (section 7) as there are no parallels with the Australian Charities and Not-for-profits Commission arrangements.

The bill also includes amendments to better address concerns about potential misuse of funds collected for charitable purposes. Specifically, the bill enables the minister to request criminal history information from the Commissioner of Police about an applicant for or a holder of a licence. It also includes improved information gathering powers.

Many of the South Australian charities registered under the Australian Charities and Not-for-profits Commission Act 2012 will be associations incorporated under the Associations Incorporation Act. These charities will still be regulated pursuant to the Associations Incorporation Act, but will not be required to lodge periodic returns under this act if certain information has been provided to the Commissioner of the Australian Charities and Not-for-profits Commission, and Corporate Affairs Commission, if required.

Prescribed associations that are registered under the commonwealth Australian Charities and Not-for-profits Commission Act 2012 will still be required to lay certain information before members of the association at the annual general meeting of the association as well as causing a report of the committee to be prepared, disclosing any benefits received. I commend the bill to members and seek leave to have the explanation of clauses inserted without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Associations Incorporation Act 1985*

4—Insertion of sections 33 to 34B

This clause inserts sections 33 to 34B:

33—Preliminary

Definitions are inserted for the purposes of the measure.

34—Application of Division to relevant prescribed associations

A relevant prescribed association (which is defined) is exempt from Part 4 Division 2 if the association has submitted specified information to the Australian Charities and Not-for-profits Commission. Despite the exemption from the Division, certain requirements are prescribed.

34A—Disclosure of information relating to relevant prescribed associations

An agreement may be made relating to information sharing between Commonwealth and State regulators.

34B—Commission may provide information to Commonwealth Commissioner

The Commission is authorised to provide information to the Commonwealth Commissioner for the purposes of the measure.

5—Amendment of section 39—Annual general meeting

This is a technical amendment to make the time period within which a relevant prescribed association must hold its annual general meeting consistent with the equivalent requirement in the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth.

6—Amendment of section 67—Regulations

The regulation making powers are amended to include a power to exempt incorporated associations that are registered under the *Australian Charities and Not-for-profits Commission Act 2012* from the application of the *Associations Incorporation Act 1985*.

Part 3—Amendment of *Collections for Charitable Purposes Act 1939*

7—Amendment of section 4—Interpretation

Definitions are inserted and amended for the purposes of the proposed amendments to the *Collections for Charitable Purposes Act 1939*.

In addition, the definition of *charitable purpose* is amended to include the provision of, or assistance or support to the provision of, health services (within the meaning of the *Health Care Act 2008*) or research in the field of health or such health services as a charitable purpose. Another amendment is made to the definition.

8—Amendment of section 6—Collectors must be authorised by licence

Provision is made for a Commonwealth registered entity to be deemed to hold a section 6 licence for the purposes of the Act while the entity remains a Commonwealth registered entity. Requirements and other matters relating to such licences are provided for.

9—Repeal of section 6A

Section 6A is repealed.

10—Amendment of section 6B—Disclosure requirements for collectors—unattended collection boxes

This amendment is consequential on the repeal of section 6A.

11—Amendment of section 6C—Disclosure requirements for collectors—other collections

The amendment to section 6C(1)(a) is related to the amendments that recognise Commonwealth registered entities (by providing for such entities to hold 'deemed' licences).

The repeal of section 6C(7) is consequential on the repeal of section 6A.

12—Amendment of section 7—Disclosure requirements for collectors—entertainments

The repeal of section 7(2) removes the requirement for a person who conducts an entertainment or sells a ticket for 1 to hold a section 7 licence. Instead, the requirements in section 7(3) and (5) relating to entertainments are imposed on section 6 licence holders. Other amendments are consequential.

13—Amendment of section 8—Grant of authority by licensee

14—Amendment of section 9—Revocation of authority by society etc

These amendments are consequential on the repeal of section 7.

15—Amendment of section 11—Application for licence

Currently, section 11(2) requires the Minister, in considering an application for a section 6 or 7 licence, to take into account any matter the Minister thinks fit and consider whether, having regard to the objects of the applicant, those objects would be more effectively or economically carried out by any other person, society, body, or association being the holder of or an applicant for a licence under the Act.

The amendment proposes the repeal of subsection (2) so that the Minister is not expressly required to consider those matters in considering applications.

16—Amendment of section 12—Conditions of licence etc

Proposed new subsection (1) provides for licences to specify the period for which they apply.

The amendment relating to codes of practice reflects the insertion of a definition of code of practice into the Act.

Other amendments require the giving of notice before certain action is taken.

Other amendments provide for suspension of licences.

17—Insertion of sections 14A and 14B

This clause inserts sections 14A and 14B:

14A—Provision of information to Minister by Commissioner of Police

The Commissioner of Police must provide criminal history information to the Minister about a licence holder or applicant.

14B—Minister may require production of documents, records etc

The Minister may require production of documents, records or other information in a person's possession connected with an activity for which a licence is required under the Act.

18—Amendment of section 15—Accounts, statements and audit

The first amendment allows the Minister to require the holder of the licence to provide to the Minister a statement setting out specified information relating to money or property collected or received by the holder of the licence for charitable purposes.

Another amendment allows the Minister to publish on a website maintained by the Minister any information provided by the holder of a licence and requires the Minister to publish certain information.

Another amendment exempts Commonwealth registered entities from certain provisions of the section in certain circumstances. The Minister may impose requirements about the manner of provision of documents or information under the section.

19—Amendment of section 15B—Powers of inspectors

An inspector may require that the answer to a question under the section be verified by statutory declaration or given under oath.

20—Insertion of section 17A

This clause inserts sections 17A and 17B:

17A—Disclosure of information relating to Commonwealth registered entities

The Minister may enter into an agreement with the Commonwealth Commissioner as to the manner and provision of information for the purposes of the Act.

17B—Disclosure of information—general

The Minister is authorised to disclose certain information to certain persons or bodies.

21—Amendment of section 18C—Evidentiary

Some technical and consequential amendments are made to section 18C.

Schedule 1—Transitional provisions

This Schedule provides for transitional provisions for the purposes of the measure.

Schedule 2—Statute law revision amendments

This Schedule makes various amendments of a statute law revision nature to the principal Act.

Debate adjourned on motion of Hon T.J. Stephens.

TATTOOING INDUSTRY CONTROL BILL

Committee Stage

In committee.

Clause 1.

The Hon. A.L. McLACHLAN: I rise to inform the chamber that the Liberal opposition will not be seeking to amend the provisions of this bill. Whilst the Liberal opposition is not seeking amendments at this juncture, and whilst I thank the Leader of the Government in the chamber for her responses to my questions, I would say that it has not satiated my own personal concern for this bill. I still think that we should be awaiting the outcomes of the Queensland experiment.

I note that the government has not complied with the provisions of the Police Act in relation to reviews of criminal intelligence so, from a personal perspective, I still retain my deep reservations about this regulatory approach and state my preferred course, that we adopt a licensing approach.

Nevertheless, I represent on this bill the views of the Liberal opposition and we will not be moving amendments.

Clause passed.

Remaining clauses (2 to 30), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (11:42): I move:

That this bill be now read a third time.

Bill read a third time and passed.

FIREARMS BILL

Second Reading

Adjourned debate on second reading.

(Continued from 19 November 2015.)

The Hon. T.J. STEPHENS (11:43): I rise on behalf of the Liberal opposition to speak to the Firearms Bill. At the outset, I acknowledge the hard work of the member for Morialta in another place as our shadow minister for police in putting together all the opposition's amendments and the Liberal Party's position in regard to this bill. Mr Gardner, the member for Morialta, has done an outstanding job with what is, I believe, a very difficult bill. In putting the interests of all and keeping them together, John Gardner has done an outstanding job and I put that on the record at the outset. He has shown that he is a very capable fellow.

I note that many of our constituents, particularly in regional pastoral areas of the state, have serious concerns about the new restrictions on firearms, given that they rely on them so heavily for their livelihood. Concerns of farmers and law-abiding gun owners have been worked into the opposition's amendments, and it seems that the government has been willing to accept many of them. However, there remain a number, which I will move in the committee stage of the debate.

The introduction of this bill has six goals, as per the minister's introductory comments and the police briefing. They are: to improve public safety and prevent crime, reduce red tape, overcome deficiencies, facilitate a nationally consistent approach to firearm control, increase functionality of the act, and modernise the act. I find it a touch ironic that we are meant to be streamlining firearms regulation, yet this bill is longer than the act it replaces.

From the outset, I should state on the record that the opposition agrees in principle with the government's intentions in regard to the bill. Those six goals are commendable; our concerns lie in how we achieve them. As I mentioned, there is a real concern that many of the new provisions are heavy handed and will adversely affect law-abiding firearms owners. The Liberal Party, we hope, has done enough via our amendments to appease those concerns whilst also helping to achieve the government's goals.

This is a complex piece of legislation and perhaps it would be worth not rushing it through this place before the end of the sitting year. I acknowledge that some of my crossbench colleagues, particularly the Hon. Mr Brokenshire, who I believe not only has amendments but also a number of questions for the government during the committee stage of the debate. I am interested to hear these comments also.

As I mentioned, the opposition has a number of amendments which are filed in my name and which, I believe, have already been circulated. These amendments are similar to those moved in the other place by the member for Morialta which the government, at the time, refused to agree to, for whatever reason. However, there were a number that we agreed to and I congratulate the member for Morialta on his work already to date in improving this bill.

It is important that the bill improves public safety. Any safety measures which are in place in the current act we will not seek to scale back. However, in terms of new measures to be in place as a result of this bill, it is the opposition's view that they should be clearly laid out in this bill rather than in future regulations. The rules should be clearly defined and hard to change for the peace of mind of the legitimate firearms owner.

These rules should not be in the hands of one person, nor should they be easy to change on a whim. I note that the bill keeps the general defence which exists under the current act. This is a win for legitimate firearms owners, especially when many of these rules are new. However, I will be moving to remove the exemptions to the general defence which the government has introduced in this bill.

This bill has gone from 20 pages, in 1977, to 85 pages today. It is not a seamless document and many of the amendments are tacked on. The opposition welcomes that a new streamlined act is being written; however, we are a bit suspicious of the many powers and rules left to ministerial regulations. The government will be conducting a working group, to be chaired by the Hon. Rob Kerin, which will include a number of groups, but it goes to show how lengthy this process is—but this process and this bill we must get right for the sake of the 65,473 South Australian responsible firearm licensees.

In terms of a specific explanation of each clause, the minister has entered that into *Hansard* and many of the practical changes to the enforcement and licence system will be dealt with via regulation but I will briefly attempt to go over some of the clauses here. Public safety notices will now be available to senior police officers to issue the owner-occupier of a regulated business, such as a dealership or range, requiring them to take action where there is a public safety concern. This will remain in force for 72 hours.

In relation to firearms prohibition orders, the registrar may issue a prohibition order against members of criminal organisations or against people who are subject to a control order under the Serious and Organised Crime (Control) Act. This is clearly to stamp out gun violence amongst bikie gangs. Sadly, when people are determined to break the law, or operate outside it, not much can be done except to remove them from society.

Self-audits are a new part of the regulatory system which force gun owners to audit firearms in their possession, to assume everything is accounted for before licences are removed. This is to prevent the ever-increasing number of stolen firearms entering the black market. I am informed that the number is between 230 and 250 firearms per year that are stolen. In many cases, under the current system firearms licence holders may renew their licences without checking if all firearms are currently in the licensee's possession.

New disqualifications have been introduced for those wishing to be employees of dealers. These provisions fit into the oft-used legal threshold of a fit and proper person, which is one of the tenets of both the current act and this bill. However, the registrar is given investigative powers under this bill to determine whether someone is a fit and proper person to hold a licence.

The opposition opposed clause 54 in the other place but was obviously defeated. I indicate that I will be moving an amendment to delete clause 54, but my understanding is that the government also has an amendment to clause 54 which seeks to reinstate the common law right to silence (and against self-incrimination) which may go a way towards ameliorating our concerns. However, there remains a fear that farms may not be considered residential for the purposes of being exempt from the need for a police warrant for property searches, which is extraordinary. This will be explored in the committee stage of the bill.

In relation to the red tape reduction goal, the act and this bill as it stands currently ban sound moderators or silencers. I believe there are practical examples where sound moderators should be used, such as the culling of feral pests close to built-up areas. I am also interested as to why moderators on .22 calibre rifles cannot be used for the culling of rabbits, especially in a rural situation. They are such an environmental pest and anybody who has had any experience with shooting rabbits would understand that a silencer is a very effective tool.

This is what we should be working at with this bill: adapting provisions to allow for the legitimate use of firearms and firearm-related equipment whilst also stamping out the misuse of

firearms. I inform the council that I have a couple of amendments to this end, namely to allow for the use of sound moderators, which I will detail at the committee stage.

There are sweeping changes to the permit system, with more generic licensing being introduced and the requirement to link a licence to a serial number being removed. This is very straightforward and allows market fluidity for the legitimate acquisition of firearms whilst also reducing red tape.

Other classes of licence have been added to ease the acquisition of firearms for theatrical, artistic and ornamental reasons. However, so-called deactivated firearms will require a licence under the new system, as they currently do not. It is my understanding that many are very easily reactivated, and this exact thing occurred with 4,000 deactivated firearms in Queensland that were distributed throughout the criminal underworld, compromising public safety.

I acknowledge that the government has adopted the opposition's amendment that there be no charge for the registration of a deactivated firearm. There will be a category for regulated imitation firearms but this detail remains to be seen. Perhaps this also could be explored at the committee stage.

The bill introduces a code of practice in regard to transportation, which may affect farmers, and I hope the government can strike a compromise between community safety and practicality. New provisions in the bill will enable maintenance and interstate transmission of data between jurisdictions. This will assist in determining and identifying those who should be disqualified from holding a licence.

I note that there is currently an amnesty in place for those who have unauthorised access to a firearm to hand it in to a police station. I would certainly encourage those affected to take up the offer. I believe this is a very good outcome.

The modernisation of the act can be seen through a number of reforms, including the additional licence categories of professional shooter, commercial range and shooting gallery. Communication by fax and email are now allowable under the new bill. Expiation notices will now be issued for minor offences; that is, those that would not result in disqualification. I believe that this is a very good outcome.

Finally, police offered examples of red tape reduction or exemptions for farmers, which seemed common sense to me. They were the allowing of licensed farm employees to have access to a farm safe for joint storage and also relaxed regulations in regard to transportation, especially between paddocks.

There are a number of amendments that I have not mentioned, but I will detail all of them at the appropriate point during the committee stage. There were a few issues that were basically practical concerns of farmers, those who have a legitimate commercial need for firearms. Many of these were brought to my attention by constituents of the many farmers within our parliamentary party room. I can say that almost all of them have been addressed by the member for Morialta's amendments, which were agreed to in the other place. The remaining issues should be addressed by my amendments in this place, and I encourage all honourable members to have a close look at them.

There is just one question that I am hoping the minister will be able to address before we commence the committee stage and that is, again, my concern that we always look to regulate and be very tough on licensed firearm owners. What I would like to know is how many licensed firearm owners have actually committed offences, perhaps in the last five years, all of them with regard to firearms misuse, and how many of them have presented to actually be a danger to the community?

My understanding is that it is almost never the legitimate firearms owner who causes a problem in our community. It is almost invariably criminal people and criminal gangs who operate outside the law. I am not sure that any amount of regulation and change is going to have any effect on the way those particular people operate, but again we will ensure that we have tight controls on those people who consistently do the right thing. With these words, I commend the bill to the council. I look forward to the committee stage and I look forward to a very sensible outcome for registered firearms owners.

The Hon. T.T. NGO (11:56): I rise to support the Firearms Amendment Bill 2015. The bill will replace the Firearms Act 1977 and make related changes to other acts. Over the years, many changes have been made to this act. In fact, 11 sets of changes, resulting in hundreds of individual amendments, have been made to the act. The time has come to replace it.

Gun ownership is a privilege, not a right. It comes with responsibilities. Gun owners have a responsibility to ensure that said ownership does not endanger public safety. The bill before us puts this principle front and centre, where it belongs. There are around 309,000 registered firearms and around 17,000 registered handguns in South Australia. Around 250 are stolen each year, and more are reported missing. The Australian Crime Commission (ACC) estimates that around 250,000 unregistered firearms and 10,000 handguns are in circulation in Australia. The ACC has stated that theft is the main way of new firearms entering the black market.

The bill aims to help prevent firearms entering the black market through theft by improving gun control requirements placed on licensed owners. A code of practice provision will clearly set out the security, storage and transportation of firearms and ammunition. The level of security required will be proportionate to the risk associated with the firearms that the owner has.

It is not only firearms on the black market that pose a risk to community safety. Firearms that are owned by licence holders also involve a level of risk. At the same time, firearms are necessary in certain occupations, including farming and pest control. It is important how we manage this risk to ensure that the community is safe and firearms can be used where they are necessary.

This balance will be met through a requirement that applicants have a genuine reason to possess or acquire a firearm licence. To grant a firearm licence, the registrar must be satisfied that the applicant has a genuine reason to acquire a particular firearm—except for a firearm with an A classification—and that that genuine need is not already met by a firearm the applicant already has.

Broadening whom the register may issue a firearms prohibition order against will also help to protect the community. The bill will allow the registrar to issue a firearm prohibition order against members of criminal organisations. This is important, as once a person is subjected to a firearms prohibition order, they must surrender their firearms and there are penalties in place if they do not do so. Whilst subject to a firearm prohibition order, it is also an offence to acquire, possess or use a firearm.

The bill also adds new offences to help reduce the level of firearm-related crime. These include the following offences, amongst others. It will be an offence to unlawfully possess or assemble ammunition and an aggravated offence if an unlicensed person possesses a firearm and has committed a certain offence in the Controlled Substances Act 1984.

I have been told that these firearm reforms have undergone extensive consultation, beginning with seven round tables over a 12-month period between September 2014 and August 2015. The community and a number of other stakeholders participated or were invited to participate, including the Adelaide Pistol and Shooting Club and the Law Society of South Australia, just to name a few. Following the initial consultation, a draft of the bill was also released for comment. After receiving feedback on the draft bill, around 40 amendments were made to the draft and are reflected in the bill before the council today. It is time to make these changes to our firearms controls which centre on community safety.

The Hon. J.A. DARLEY (12:01): I rise very briefly to add my contribution to the Firearms Bill. The Firearms Bill seeks to completely rewrite the current Firearms Act, which was first introduced in 1977. Undoubtedly, much has changed in terms of gun control since 1977 and as a result of Port Arthur and other similar events. On the same note, firearms themselves have changed since 1977 and it is only right that acts are periodically reviewed and amendments made as necessary.

I understand from the government's second reading that there are six key issues that the bill seeks to address, namely to improve public safety, reduce red tape, overcome deficiencies, adopt a national approach, increase useability and modernise the act. I do not intend to go through each of the objectives of the bill and analyse the matters that address each of the aforementioned issues as they have already been done by both the government and the opposition in another place. However, broadly speaking, I am supportive of this bill. SAPOL have often been criticised for their lack of

consultation or of failing to listen and compromise following consultation, and it seems that this has not been the case in this instance. It is good to see a more collaborative approach has been taken.

I think that Australia is a world leader in gun control, and am pleased that, since 1996, we have not had to face many of the atrocities that others face overseas, especially in America with regard to mass shootings. We need to ensure that any changes made to firearms legislation have the balance right in terms of recognising the needs of legitimate firearms owners, be they farmers or recreational shooters, and protecting the public.

The current act has been adequate, but I had been beginning to hear complaints from firearms owners about complexities of the law. I am glad these are now being addressed. However, improvements can always be made and I am glad that one of the focus points of the bill was to ensure that the act will be made more user friendly so that there is less ambiguity and obligations of firearms owners are made clearer. Unlike some in this chamber, I have not had the privilege of undertaking a law degree and can relate to frustrations experienced when trying to trawl through legislation which is written in legalese.

I have been contacted by the Combined Firearms Council of South Australia who have raised a number of issues, particularly surrounding non-handheld items. I understand that they have been working closely with the opposition and with the Hon. Robert Brokenshire, who have both filed amendments to this bill, and I look forward to considering those at a later stage. With that, I commend the second reading of the bill.

The Hon. J.S.L. DAWKINS: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

The Hon. R.L. BROKENSHIRE (12:07): I rise to speak to the Firearms Bill on behalf of Family First. This is a bill that has been a long time in the making, and first and foremost I want to put on the public record our appreciation of the work done by hundreds of volunteers—legitimate, law-abiding firearms owners—who have been working cooperatively with the government for several years now. In fact, well before minister Piccolo was appointed to the position of police minister a group called FLAG had been working with previous police ministers, their advisers and also with SAPOL to proactively work in a balanced way, they hoped, for a new firearms bill. Today we are now debating, and I believe will finish, the Firearms Bill—or I hope so, if there is agreement with the government on a series of amendments to try to get more balance and fairness into this piece of legislation.

The intent of the legislation—and I think everyone in the state would agree, with firearms legislation—is that it needs to ensure we keep firearms away from criminals, we keep firearms away from people who are in a situation where they should not have firearms. However, law-abiding people who are licensed and registered have an entitlement to the use of firearms, whether it be for sport (including Commonwealth Games, Olympic Games, and also events like the World Police and Fire Games, which are international and are sometimes even held in Australia) or in cases like mine.

I again declare, as I have been doing for most of the time anyway—I see that with the new code of practice that is going to come in for members of parliament that we will be declaring all of our interests, so I will get into the habit—that I am a firearms owner, and my son and I are both licensed to operate certain classes of firearms.

I am not in a sporting shooters club or anything like that, because that is not where my interests lie, but, when you have a farm, you do at times get feral animals to dispose of, and you get a permit. Also, sadly, you have to euthanise animals from time to time. My point is that, for many of us who are farmers, it is a tool within the toolbox that you require to operate your business.

The background is that the current Firearms Act 1977, which was proclaimed on 1 January 1980, has since been modified 11 times. Over my 20-odd years in this parliament, I have had to speak on this bill quite a few of those 11 times. I would like to think that if we can get this bill sorted out—hopefully by tonight, or certainly by next week, if it has to go to that—we will not have to debate another firearms bill.

I think there would be a lot of hardworking police officers who would be delighted if they could have some consistency on a piece of firearms legislation that they could work with and devote their time focusing on getting unregistered firearms away from criminals and people who put the community at risk. I just want to say that the legislation we already have, and this legislation that we are now debating, is probably some of the leading legislation for a balance when it comes to firearms of any nation.

Tragically, right at this point in time, police in California are dealing with another massacre involving firearms. When you have a look at the situation in the United States, they would only have to have a look at what we do in South Australia and Australia to see that there is a better, more balanced way of managing the whole issue of firearms. I am sure there will be more pressure applied over there. One day, the President will show some real leadership, and perhaps have a look at what we do here. I say that from the point of view that I think what we have in South Australia and Australia works pretty well.

The Firearms Act was widely complained about by many. It is difficult to read, it is difficult to interpret, and often raises more questions than it answers. In fact, some of my friends in policing who are not in the firearms section and studying it all have said they struggle to understand what they should be doing with the existing Firearms Act from time to time.

The people who I think know the legislation better than most are probably the Combined Firearms Council of South Australia. Some of those people are very active. I put on the public record, because I have worked with them in their roles for a very long period of time, the commitment of Mr Ray Carn and Mr Mike Hudson, on behalf of many of the close to 65,000 licensed firearms owners in this state.

It is important that changes occur to the Firearms Act. There have been numerous roundtable events and consultation, and representation from most stakeholders has occurred. Previously, changes to firearms legislation arose from public concern after tragic events—obviously, the most high-profile sadly being Port Arthur and the Tonic nightclub. Changes have been largely geared towards dealing with illegal criminal behaviour; however, there has been significant concern shown by licensed firearms owners that they are losing some rights and privileges as a result of illegal behaviour.

I think that is the challenge for the parliament, for police and for the minister to get that balance right, and I advise the house now that we will be supporting the amendments of the Hon. Terry Stephens. With those and the amendments that I have put up—and I think they are the only other amendments being tabled—and with what is being sorted out by the government, if we can fix that we will have something that is pretty good for the police, good for the community and also fair and reasonable for law abiding citizens who have a right to own firearms.

We recognise that there is a genuine need to balance the public safety requirements with the needs of the law abiding firearms owners. The government has advised that the main purposes of the bill are to: (1) improve public safety and prevent crime; (2) reduce red tape—that would be good to see for a change some reduction in red tape somewhere. You only have to pick up the paper today to see it looks like we are becoming more of a nanny state with more red tape about to be introduced by the government, so it is good to see some reduced red tape. The other purposes of the bill are to: (3) overcome deficiencies; (4) facilitate a nationally consistent approach to firearm control—and just on that, there is criticism from time to time that police may be arguing that something is needed for national consistency and yet in other states the legislation is such that we are perhaps leading the way.

I put on the public record that that is always going to be the case because different jurisdictions, different police commissioners through their senior officers group meetings, and also different ministers through the Australian Police Ministerial Council are going to take a lead role, as will the commonwealth from time to time through the Attorney-General and/or the Prime Minister as we have seen, whereby one state has to get ahead of other states. You cannot expect them all to bring in the same consistent legislation at once. I do not personally have a concern if we happen to be ahead on some of those areas because I am sure that other states will be ahead on other areas as well.

The goal, wherever possible, is to get that national consistency approach to firearm control. The fifth aim of the government is to increase functionality of the act, the sixth to modernise the act, and seventh to improve public safety and prevent crime. There were submissions made and much has been said about the proposed bill by a variation of firearms owners. Our own party Family First received 79 written submissions, stacks of emails and quite a lot of phone calls, and I attended a meeting myself and also had my policy adviser attend all the roundtable meetings that the minister held, so we were certainly engaged in what was happening with the consultation.

Probably the most complained about issue was the inclusion of firearm ownership being a privilege. Most firearms owners feel that in using the word 'privilege' the government has removed what has always been a lawful right to own firearms. I personally think it is a motherhood statement. I am not hung up on it myself. I know the minister is very keen to have some focus on the factors around privilege.

I have tabled an amendment that could be a middle meeting point to address where the minister wants to go with this and where the law abiding firearms owners want to go but I believe that if you are a law abiding firearms owner, then personally I do not see the word 'privilege' being the right word. I think it is a democratic right in a democratic nation to be able to have it but, be that as it may, with a little bit of fine tuning, I think we can still achieve the intent that the minister has with that wording.

Another strongly held view is that this bill will affect legal firearms owners more so than illegal firearms owners. The law and regulation will have no impact on criminal activity. Concern is also that too much is left to regulation and that the registrar has far too much power. I would have to say that I am concerned about the fact that there is a lot of this that is going to be taken out of the hands of the parliament.

If one day we could actually get an agreement in parliament that you can disallow parts of regulations and not have to move to disallow the whole lot of the regulations, I think that would be something sensible. I have tried to put up a bill on that before, and I would hope the government might lead the way on that; it would be more effective and efficient for everybody.

Right at this point in time, all the hard work is done by volunteers and the minister's office. The minister's adviser has done a good job on this, and I put that on the public record. He has been very cooperative, and the senior police officers within firearms have also done a very good job, so there has been a lot of effort there.

If these regulations are too draconian, if these regulations actually go outside of the areas of intent within the legislation, then I put on the record right now that I will have no problem whatsoever in moving disallowance because that will be the only tool available. That would be unfortunate, but, with this, the government is asking us to trust that they are going to get these regulations fairly and equitably in place commensurate with the actual intent of this piece of legislation.

Because of the complexity of this piece of legislation, of all the work I always loved doing as a legislator when I was minister with responsibility for police, the only piece of legislation I never enjoyed was the Firearms Act. I have not seen too many people actually excited about it because it is so complicated and complex but, in trying to simplify this act and get it modernised, we are, as a parliament, if we pass this legislation, putting a lot of good faith into those people who are going to do the regulations.

I try to be as fair as I can, but there are times when I have had to challenge minister Piccolo. There may be more times in the future but, on the issue of the round table, I said to the minister, 'What are you going to do because, with these regulations, we do need to have a round table like you had in the development of the act because, otherwise, all hell will break loose?'

To be fair to the minister, he said, 'Yes, I agree with that.' He said there will be a round table on all of the regulation development. What he has also done, as has already been highlighted but I will put it on the record again just to complete this point, is appoint the Hon. Rob Kerin to be the independent chair of that round table. I would encourage—

The Hon. T.J. Stephens: You trust him, don't you?

The Hon. R.L. BROKENSHIRE: I worked with him. He was my boss for some time, so I know him well. I trust the Hon. Rob Kerin will look at the balance. He is a country person himself, and he understands the issues, so I hope that there will be a very collaborative and cooperative approach to how the regulations are developed, because I would much prefer it all to be done and dusted and we get on with other things and do not have to be in here moving disallowance because that would be the last thing the police would need when they are trying to manage a new piece of legislation.

There were concerns about search and seizure provisions being highly objectionable with the potential to impact sporting shooting, especially if regulations are set to limit the amount of ammunition a person can have. For example, 5,000 rounds would easily be used in a short period of time by an Olympic athlete in training for the Commonwealth Games, the Olympics or any other major competitions.

One of the biggest issues will take a little bit of debate. I have already been talking to the minister's adviser and chief of staff, cooperatively, and also the shadow minister for police about this issue, but everybody who has spoken to me was furious about the issues around general defence. They just do not understand why there has been such a change there with this legislation. I put on the record that I will be asking some questions on that when we get to the committee stage. I will probably ask the question in clause 1 because that then gives us a bit of a chance to work through that area.

Non-handheld memorial pieces have to be licensed, whereas this does not occur in other countries. I have put an amendment up about that. Sir, I know we are not able to display material in this house without your approval, but I do have some photographs of former military—

The PRESIDENT: The Hon. Mr Brokenshire, if—

The Hon. R.L. BROKENSHIRE: Can I table them, sir?

The PRESIDENT: The Hon. Mr Brokenshire, if you know that you need my approval, why don't you just ask for my approval instead of doing it?

The Hon. R.L. BROKENSHIRE: I am seeking your approval, sir, to display these. Am I able to table them?

The PRESIDENT: You can table them, but they cannot be printed.

The Hon. R.L. BROKENSHIRE: Thank you, sir. I table them so that colleagues can have a look. When you look at them, they are heavy military guns that were used by the Australian defence forces in peace time and probably in conflict. Before they are allowed to be sold, they have to be deactivated, but the reality is that they cost tens of thousands of dollars. There are a few people, not many (most probably could not afford to put the money, time and effort into them) in this state who own a range of tanks as well.

The Hon. J.A. Darley: At Echunga.

The Hon. R.L. BROKENSHIRE: Yes, cannons, guns, yes. The fact is that these were legally held and are legal to own. But, if they are to be registered (and I can understand why the police would perhaps want them to be registered), that should be the only requirement in my opinion, and there should be no cost to those people for that registration. They are used as military memorabilia. Some are at RSL sub-branches, including my own sub-branch, of which I am a member. We have a tank at the Vietnam veterans memorial grounds. As the Hon. John Darley said, you will see one at Echunga, and there are quite a lot of them around.

Even police officers that I know collect some of this stuff because they are very interested in military history, and they put that stuff in parades. I know one in the country who puts it in the parade when the RSL march, and it is very much appreciated. Just across the road at His Excellency the Governor's residence, I have photographs on my computer of a lot of this stuff there as part of a parade and an open day on the military and highlighting that. They are really not where the risks are. There is a lot more risk in the black market with handhelds, automatics and all the other problems we come across. They are some of the key concerns that were put to me in deliberating on this bill.

I would like to go through some of the questions now, because it would assist the minister (and I always like to assist our minister, as I explained last night, and make her life easier and also that of her adviser). Non-handheld items, a ministerial undertaking: my advice is that non-handheld items, such as firearms that require vehicle mounting (for example .50 calibre guns, 25 PDRs, etc.) and are used ceremonially at military events, having both a significant historic and monetary value, these guns are rendered, by the federal government, unable to fire projectiles, and the advice I have received is that they are never able to be used again to fire projectiles.

Due to the military nature of the ceremonies in which these guns are used, they do fire either blanks or gas. There are significant concerns held by genuine collectors that these items may have to be deactivated upon registration (fully deactivated so that they will not even be able to fire a blank or gas—that is the point, as I understand it). We understand, although I have no confirmation at this point, that via regulation the intention is to require these items to be registered to provide a special licence to possess and display the items, and I presume to use them as well, and that deactivation then may not be required. So, we need some clarification.

Will the minister give an undertaking to create what I would suggest is a miscellaneous licence or other such licence for these non-handheld items so that they can continue to be owned, transported and displayed ceremonially at historical and military events, and that these items will not have to be deactivated? Will the minister give an additional undertaking that these items will not become prohibited firearms?

The second one is the potential for non-handheld items to be prohibited. The advice that we have received is that under the current drafting of the bill, bringing non-handheld items under the definition of 'firearms' technically renders them a machine gun in accordance with the legislation and regulation. Therefore, these items, by virtue of being included in the Firearms Bill, will become prohibited items. Can the minister confirm if this is the case?

The third one is compensation. In instances where items were once legal but, under this bill or any other change in legislation into the future, become illegal, will the minister commit to either providing compensation for the loss of the firearm or the cost of deactivating? We have an amendment which allows for compensation for a surrendered firearm. I understand that the Liberals will support this compensation clause and I have sent that out to the crossbench members so I trust that they have had a chance to look at and deliberate on it as well.

I have a personal opinion that if you buy anything that is legal to buy and, all of a sudden, a government and a parliament decide that it is no longer legal to have it, under a democracy there should be a right for you to be reimbursed for the financial investment that you have made because you bought something in good faith that was legal. Sometimes we are not talking about a few dollars. I know it cannot come out of the police budget, and I would never expect that, but if there happens to be a case where there is a buyback or a specific item becomes illegal then out of general revenue there should be, in my opinion, money available for compensation.

The fourth one is ammunition. Can the government confirm that the 12-month supply of ammunition is intended to be interpreted as a 12-month supply of ammunition on any given day? That is, regardless of whether the licence has two months left or 11 months left the licensee is allowed to possess the amount of ammunition that they would reasonably need in the forward 12-month period. There is concern that members of clubs who buy bulk stock to last for a year could, for various reasons—perhaps they are ill, too busy to use their firearms, overseas on holidays or whatever—not use a portion of their supply and be required to hand the unused portion in to SAPOL for destruction.

Having spoken to parliamentary counsel, the advice is that this 12-month supply is a rolling supply and that the provision should be interpreted that a person, on any given day, is allowed to have a 12-month supply of ammunition regardless of how many months are left on their licence. I would ask that the government clarify the intention of the provision and how it will be interpreted.

The next one is manufactured firearms. Concern has been raised about whether or not a licensed owner of a firearm will be taken to manufacture a firearm if they use spare parts to repair their gun. As I understand it, the provision in the bill is substantially the same as is the current law. Can the government please confirm whether they intend the repair of guns by licensed owners to be

covered by manufacturing provisions within the bill? Can the government please confirm whether SAPOL considers repair to be the same as manufacture?

There is another one on ammunition. Under the bill, the individual components of ammunition are listed separately. We are advised that under regulation there is consideration being given to limiting the amount of ammunition someone can store to 5,000 rounds, rather than the discretionary 12-month supply which is drafted under the bill. Constituents have raised concerns that, given the bill speaks of ammunition in terms of the four components that make up ammunition—and those four components are the live primer, the propellant, the cartridges and the projectiles—that when considering a cap of 5,000 rounds of ammunition, SAPOL might interpret that to be 5,000 components of ammunition or items which can be used to make ammunition, rather than 5,000 complete rounds.

To illustrate the point, if someone was to have 2,500 live primers, 1,000 cartridges, 1,450 projectiles and propellant equivalent to be used in making 50 rounds, the total of those individual components would equal 5,000. However, when put together they would fall far short of the intended maximum of 5,000 rounds.

Can the minister confirm that, should a cap of 5,000 or some other arbitrary number be determined by regulation, it is the parliament's intention that SAPOL monitors the complete rounds that are stored as per the definition of 'round' under the bill, so in no way is SAPOL to monitor the total number of individual components of ammunition? I seek clarification on that.

The transfer of possession. Currently under the bill, the transfer of possession of a firearm to another person can only occur if the person is a licensed dealer. Will the government consider an amendment to allow possession to be transferred to a holder of a firearm refurbishment permit also? They are the key questions. I do have other questions that I will probably go into in clause 1 although, if time permits, I could actually help the adviser by asking them now. I will ask them now.

Regarding ammunition, can the government please confirm why live primers and propellants have been included in the definition of 'ammunition'? Because, as I have already explained, they form components of ammunition but either combined or alone they simply cannot be ammunition?

My second question relates to firing and loading mechanisms. Can the government please confirm that the definition of 'firing mechanism' is intended to be the complete mechanism and not parts thereof? If the definition is not the complete firing and loading mechanism, can the government indicate why?

With refurbishing, can the government indicate why chroming has been used in the definition of 'refurbishing' because, on advice, it appears that chroming does not in fact occur? The more correct terminology would be electroplating or chemical coding. Additionally, this refurbishment process occurs with firearms parts as well. Can the government indicate why they have not included 'firearms parts' within this definition?

Regarding 'restricted firearm mechanism', can the government confirm whether muzzle blast deflectors, flash suppressors or muzzle brakes are intended to fall within the definition of 'restricted firearms' and, if so, why? There is concern that these items may be interpreted to be sound moderators; however, they are not. I am advised by experts in the shooting fraternity that they are not sound moderators.

My fifth question relates to 'fit and proper person'. Can the government indicate whether a minor offence, if this bill passes, will be expiated for the first time? It is an initiative that I think has a lot of good sense behind it, but I hope that there is discretion and consideration within the general orders of police when it comes to how they expiate. Nevertheless, under this bill they will be able to issue expiations for minor offences. Would it be counted against someone when determining whether they are a fit and proper person to hold a licence, because it could have unintended consequences? I think we need to have this clarified for the public record, and that is what I am trying to do here now: get on the public record through the second reading certain issues where there is some grey so that we know into the future, when the regulations are developed, exactly what is really meant.

I want to talk about possession and use of firearms. Concern has been raised that a licensed collector could fall foul of section 9(8)(b), as it is possible to have two different weapons to which a

magazine that has capacity for greater than 10 rounds can be fitted. This has previously been discussed with the minister, representatives from the firearms branch and the former police commissioner, Mr Gary Burns.

During that meeting, a meeting arranged by myself, it was agreed that there was a genuine reason to exempt licensed collectors from this requirement which came about via regulation approximately 18 months ago. There was agreement that the operation of that regulatory provision created an unintended consequence for genuine licensed collectors. I ask the government to advise why licensed collectors are not exempt here, and will the government commit to exempting collectors either by legislation or regulation?

Question 7 relates to permits to acquire firearms. Can the government confirm whether the registrar is required to give reasons for denying a permit to acquire a firearm, excluding, of course, situations where criminal intelligence would prevent a permit from being granted; if not, can the government explain why this is not required.

Registered firearms are to have identifying marks: in many of the submissions we have received concern was raised that antique firearms, or firearms of historic significance, will be required to have identifying marks, which will cause a significant loss in the monetary value of the item. Will the government consider an alternative for historic items, such as tagging; if not, why not? It is a bit like having a mint $20 note: it is worth a lot in pristine condition; if it is soiled, it is probably only worth $20.

Medical assessment: is it intended that the registrar will give reasons for requiring someone to undergo a medical examination or provide a report when determining whether someone is a fit and proper person to have a firearms licence? If not, we would like an answer as to why not.

I want to put on the record some further concerns on the bill regarding drafting. I will put them on now during my second reading. In clause 37, Manufacture of firearms, firearm parts or sound moderators, of part 7, Prohibited practices relating to firearms and ammunition, subclause (7) states:

> For the purposes of this section, a licensed dealer who assembles, from separate, prefabricated parts, a firearm that is designed to be so assembled, or that is designed to be disassembled for the purpose of transport or storage, will not be taken to have manufactured the firearm.

The concern of many sporting shooters is that they purchase a frame—it might be a barrel, a slide and a receiver—which is required to have a serial number attached. The shooters then register that frame with SAPOL. The frame allows for various components to be fitted or added to the gun. Sporting shooters frequently do this for competition, whereby they add components to the frame. They disassemble the gun and add a different component according to the type of competition or practice they are engaging in—sometimes, I understand, even according to the weather conditions and other technicalities.

In relation to adding additional material onto a frame, parliamentary counsel and I agree that that would be assembly and not manufacture. 'Manufacture' is not specifically defined in the bill, meaning that it would be given its ordinary meaning; its meaning is therefore to create. Adding parts to a frame, I would argue, is not creating. I would consider a late filing of another draft amendment, but I would like to see what the government's intention is prior to considering that late filing, so I ask the government to let us know just how that is to be interpreted. If the government can satisfy us based on what I have just put on the public record, there may be no need to look at that.

This has been a long drawn-out process, as I have said. It is important that we modernise the Firearms Act. It is important that we keep South Australia as a safe community. It is very important that we certainly do not see firearms in the wrong hands, that is, those of criminals and people who just want to make black money out of dealing in firearms. We all agree with that, but on behalf of 65,000 law-abiding South Australian citizens we also need to ensure that fairness occurs. I said that at the beginning of my remarks.

I know it is not an easy job out there for South Australian police. I have often said to people that if I were a police officer, there is only one person I would want to have a firearm, and that would be me, the police officer. I would feel much more comfortable out there if I were the only one. But the reality is that in a democratic society it is a democratic right to own firearms; I have said that before.

We need therefore to ensure that we do not impede and work against those decent, law-abiding citizens who come from all sectors of society and all different workplaces. I have spent a very long period of time with those people, and they are very decent people.

Some of us go and watch the football and the netball, and that is our sport; some people work in the garden, and that is their recreation; others enjoy sporting shooters clubs and going out with permits and shooting; and some people are athletes, and that is their form of sport. It is a good thing, and it is actually quite a strong economic business base for a sector of this state. There are a lot of jobs involved there as well, and even from a tourism point of view you get value-adding. We do need to be balanced in the way we go about this.

When we were last in this chamber debating firearms, I said to one of the senior police officers, through the public record, at the time that it was paramount that, when this bill came through, the consultation and the work had been done so that we had, hopefully, no amendments to put up, but that realistically, if we were to have to put up amendments, they would be amendments that were sensible, balanced and would allow for the completion of this bill to pass both houses and then go on to work on the regulations so that by the middle of next year, I understand, the regulations would be completed and the police could get on with their work as administrators—

The Hon. J.S.L. Dawkins: You wouldn't want to hold your breath on it, the way this government does regulations.

The PRESIDENT: Order! No debate in the chamber, please.

The Hon. R.L. BROKENSHIRE: I thank the Hon. John Dawkins for those comments, but the police will handle these regulations, so I probably could hold my breath and I would be alright for 1 July having the whole thing finalised. I reckon they have been holding their breath for a fair few years, too, and so have the shooters, but I do take your point, Mr Dawkins.

I will finish with this point. There some amendments there now, and there is a bit of work to be done as we debate those. Having had a look at the Liberal amendments, I do not believe that they are unreasonable, and that is why Family First will be supporting the seven amendments the Hon. Terry Stephens is putting up. The government has already had lots of time to consider them, and I have been working with the government on the amendments I have put up. I know that the government is very carefully considering the amendments, and I want to put on the public record my appreciation of minister Piccolo's chief of staff and adviser, who have worked very cooperatively with me on them.

I know that some people will be disappointed that I have not been able to put up some of the amendments they wanted me to, but the reasons for that are twofold: firstly, some of the legal advice to us was that we just could not put them up or that they were already covered in the act; the other reality is that, just like the democratic rights I spoke about earlier, there are democratic rights in the parliament, and it is the art of being able to get up what you can achieve and not put up a heap of amendments the government have clearly indicated they would not accept. I think the crossbenchers and opposition would not accept some of the other ones that were put up either.

With those words, I hope that the Firearms Bill is passed and completed as soon as possible so that we can then get on with other work and that we do end up achieving our goals in modernising the Firearms Bill 2015.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

MOTOR VEHICLES (TRIALS OF AUTOMOTIVE TECHNOLOGIES) AMENDMENT BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (12:50): 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.

I am pleased to introduce the *Motor Vehicles (Trials of Automotive Technologies) Amendment Bill 2015*.

At the opening of Parliament earlier this year, the Governor announced that the Government would *'legislate for driverless vehicles which will revolutionise transportation in South Australia'*.

This Bill establishes a legislative framework to allow for trials of driverless vehicle technology on our roads. This not only places South Australia ahead of the technological curve but gives this Government the privilege of being the lead jurisdiction in 'real life' trialling of driverless vehicle technology in Australia.

Major car manufacturers and technology giants are teaming up to make driverless vehicles a reality and are investing millions of dollars globally in the race to develop the world's first fully driverless vehicle for the community.

This legislation will mean new opportunities for South Australian businesses, because it's estimated that the driverless vehicles industry will be worth $90 billion globally by 2030. This legislation sends a clear message to manufacturers and innovators that they can come to South Australia to develop and test there technology for Australian roads.

Google, Volvo, Mercedes-Benz and Tesla amongst others have all been testing their driverless vehicle technology in recent years. Google's fleet of experimental drone cars have already completed over 3 million driverless kilometres over the last 6 years, with only 14 minor incidents—none of which were caused by the driverless vehicle.

Earlier this year, a South Australian transport portfolio delegation was able to see and experience the Google self-driving car first-hand. Impressive is an understatement in terms of how advanced the company's technology and business model has progressed. The director of self driving cars at Google, Dr Chris Urmson, has made it clear that the company plans to have completely driverless cars on the market within the next 5 years.

Stefan Moser, Head of Product and Technology Communications at Audi, has announced that the next generation of their A8 sedan will be able to drive itself with full autonomy, with Audi suggesting they are willing to bring on-road testing of fully autonomous vehicles to South Australia. Elon Musk, CEO of Tesla, estimates that *'five or six years from now we will be able to achieve true autonomous driving where you could literally get in the car, go to sleep and wake up at your destination'*. He then added another 2 to 3 years for regulatory approval.

On 21 July 2015, the Government announced that Volvo will conduct the first on-road trials of driverless vehicle technology on the Southern Expressway during the weekend of the 7 and 8 November this year. This will mark the first on-road testing of a driverless vehicle in the Southern Hemisphere.

Volvo's recently released XC90 SUV will have autonomous features specially programmed for the trial, allowing it to be operated hands-free, within a controlled environment.

The Volvo trials will immediately follow an international conference on driverless cars that the Government will host in Adelaide. The expertise and calibre of the international speakers invited to present at the Conference will facilitate open discussion and reflection on the potential benefits of the technology to the State. Both the conference and the Volvo trial will provide a wonderful opportunity to showcase the latest driverless vehicle technology and satisfy public curiosity.

It is envisaged that the Volvo trial on the Southern Expressway will be the first of many trials conducted in SA. This government is actively pursuing discussions with market players, South Australia is keen to be a leader in take-up of this technology, and applying it to real-life scenarios. Discussions with vehicle manufacturers, technology providers and researches throughout the globe have already shown that the opportunity to prove this ground-breaking technology in an on-road context will be a chance that many vendors will take up.

The *Motor Vehicles (Trials of Automotive Technologies) Amendment Bill 2015* will enable the Minister to authorise trials of automotive technologies and issue exemptions from the relevant provisions of the Motor Vehicles Act 1959and any laws that regulate drivers and use of motor vehicles on roads.

In the interests of transparency, the Bill contains measures to ensure the general public are kept informed of any trials taking place. The authorisation for a trial must contain relevant information, including:

1. the area of the State in which the trial is to be held;
2. the period of the trial;
3. the scope and nature of the trial;
4. the name of the person authorised to undertake the trial.

The details of any upcoming trials will be published on relevant departmental websites at least 1 month in advance of the commencement of a trial. The Minister must also prepare and table a report for both Houses of this Parliament of any authorised trial within 6 months of its completion.

Enticing the likes of Google, Volvo, Mercedes-Benz, Audi, Tesla Motors and similar international companies, leading the work towards driverless vehicle technologies, to undertake trials in Adelaide will be a real coup for our State.

The Bill has been drafted with this in mind. For example, a confidentiality clause seeks to protect the prospective company's commercial-in-confidence details. Additionally there is also an offence provision against hindering an authorised trial or interfering with equipment with a maximum penalty of $10,000.

The Bill balances protecting the interests of trial proponents with important safeguards to protect the Government and general public by requiring all proposals to have risk management plans and proper public liability insurance. There is also an indemnity provision protecting those exercising official powers or functions in good faith.

As a further community protection, the Bill as a clear deterrent makes it an offence for a company conducting an authorised trial to breach any conditions of exemptions of the trial. If a trial participant commits an offence, the participant may also be charged for the substantive offence. The exemption does not apply to the benefit of the exempted person to the extent that he or she is in breach of a condition of the condition.

To further protect the community, the Bill makes it an offence for a company conducting an authorised trial to breach any conditions of exemptions of the trial. More importantly, the Minister will have the power to revoke or suspend an authorised trial for any breach of condition or if it's otherwise in the public interest to do so.

The future of driverless vehicles technology when ready for release to the community has the potential to offer numerous broad reaching benefits to the community as a whole. The elderly, disabled people or those with poor eyesight will have improved mobility and independence. The technology uses a range of sensors to constantly monitor the surroundings and obey all road traffic laws and can thereby eliminate human error in road crash and look to substantially reduce injuries and deaths on our roads. We can make better use of road space, reduce congestion and provide more consistent journey times, through vehicles communicating with each other and their surroundings eg vehicles can 'platoon' (run in close formation) creating more efficient use of the existing road network, thereby reducing congestion and increasing fuel and carbon savings. This can also breathe new life into our diminishing vehicle manufacturing industries. For example, local Adelaide based technology company Cohda Wireless is already exporting locally manufactured wireless sensor systems providing connected vehicle capability to General Motors in the United States.

I hope the Bill will receive the support of all Members so that it may pass in a timely manner prior to the commencement of the Volvo trials in November.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 116—Claim against nominal defendant where vehicle uninsured

This clause amends the definition of uninsured motor vehicle in section 116(1) of the principal Act to include a driverless car the subject of an authorised trial under new Part 4A and in relation to which there is in force a policy of public liability insurance referred to in new section 134H(a).

5—Insertion of Part 4A

This clause inserts new Part 4A into the *Motor Vehicles Act 1959* as follows:

Part 4A—Trials of automotive technologies

134B—Interpretation

This section defines key terms used in new Part 4A.

134C—Minister may publish or adopt guidelines

This section enables the Minister to publish or adopt guidelines applicable to the operation of new Part 4A.

134D—Minister may authorise trials of automotive technologies

This section enables the Minister to authorise trials of automotive technology. The section sets out requirements that the person undertaking the trial must satisfy prior to the Minister authorising the trial, as well as setting out procedural matters relating to the authorisation.

134E—Exemptions from this and other Acts

This section enables the Minister to grant exemptions from the principal Act, as well as any other Act, for the purposes of an authorised trial. The section sets out procedural requirements for such exemptions, including a requirement that the Minister consult with other Ministers when granting exemptions under Acts for which they are responsible.

134F—Revocation and suspension of exemption

This section allows the Minister to revoke or suspend an exemption under section 134E in the circumstances set out in the section.

134G—Offence to contravene etc condition of exemption

This section provides an offence for a person who contravenes or fails to comply with a condition of an exemption, with a maximum penalty of a $2,500 fine. The exemption does not operate in the person's favour during any period of contravention or non-compliance.

134H—Requirement for insurance

This section sets out the minimum standards in relation to the insurance in respect of a trial that must be held by the person undertaking the trial. This includes third party insurance and other public liability insurance.

134I—Offence to hinder authorised trial or interfere with equipment

This section provides an offence for a person to hinder or obstruct a trial without reasonable excuse, with a maximum penalty of a $10,000 fine.

134J—Immunity relating to official powers or functions

This section provides immunity from civil liability for specified persons in relation to things done in good faith and without negligence in relation to a trial.

134K—Commencement of prosecutions

This section requires the consent of the Minister, or, in the case of an offence against another Act, the Minister responsible for that Act, before a prosecution relating to a trial can be commenced.

134L—Confidentiality

This section requires the Minister to keep certain commercial information confidential.

134M—Report to Parliament

This section requires the Minister to provide a report to Parliament on each completed trial.

Debate adjourned on motion of Hon. T.J. Stephens.

STATUTES AMENDMENT (RIGHTS OF FOSTER PARENTS AND GUARDIANS) BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

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

Introduction and First Reading

Received from the House of Assembly and read a first time.

STATUTES AMENDMENT (HOME DETENTION) BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (12:52): 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.

Introduction

The *Statutes Amendment (Home Detention) Bill 2015* provides for an alternative mode of penalty to a sentence of imprisonment. The Bill amends the *Criminal Law (Sentencing Act) 1988* to establish home detention as a valid sentencing option for a court imposing a period of imprisonment. The Bill also makes amendments to the *Correctional Services Act 1982* to remove restrictions contained in the current home detention provisions to allow suitable prisoners to be released to home detention earlier in their prison sentence and to spend longer periods on home detention.

The Bill seeks to divert offenders from custody who are assessed as a low risk of causing harm to the community while providing a suitably intensive penalty that involves monitoring and restrictions on liberty. While the safety of the community remains a paramount consideration, the Bill provides greater opportunity for minimising the harm associated with imprisonment by allowing a prisoner to maintain important community ties and enhance opportunities for engagement with appropriate treatment and counselling services, or to reintegrate into society at an earlier stage in their sentence.

Bill in Detail

The amendments to the *Correctional Services Act 1982* draw on the experience of the home detention program already implemented and operated by the Department for Correctional Services. The *Correctional Services Act 1982* provides that prisoners can be released from prison to serve the remainder of their sentence on home detention—however section 37A of the *Correctional Services Act 1982* places some limitations on when a prisoner is eligible to be released and provides a maximum period of 12 months that can be spent on home detention.

The Bill amends the *Correctional Services Act 1982* to expand the home detention program. The Bill removes the requirement for prisoners to serve 50 percent of a non-parole period (or total sentence where no non-parole period is fixed) before being eligible for home detention, as well as removing the limitation that prisoners can only spend a maximum period of 12 months on home detention.

The current home detention program has been operating in South Australia since 1986 and is one of the Department for Correctional Services' most successful programs. The program consistently achieves a successful completion rate of between 80 per cent and 90 per cent. Prisoners who are released onto home detention are intensively monitored, supervised and case managed by departmental Community Correctional Officers, including being subject to electronic monitoring.

The use of electronic monitoring for offenders in the community has proven to be an effective supervision tool with more and more jurisdictions around the world adopting this additional supervision method. In this regard, the Department for Correctional Services completed the transition to upgraded electronic equipment that has both radio frequency and global positioning system (GPS) capability.

The introduction of GPS monitoring has increased the ability to rigorously monitor and supervise people in the community including prisoners released onto home detention.

The amendments made by the Bill will allow the Department for Correctional Services to identify a larger number of eligible prisoners who meet the suitability criteria for release on home detention under strict conditions and monitoring. All other eligibility criteria remains—with life sentenced prisoners, sex offenders and terrorist offenders remaining ineligible. The Chief Executive retains the absolute discretion to revoke the release of a prisoner on home detention under the *Correctional Services Act 1982* for non-compliance or any other reason. Maintaining this strict criteria and eligibility process will ensure the integrity of the program and its success continues.

The success of the Department for Correctional Services' home detention program provides a relevant background for consideration of the amendments made by the Bill to the *Criminal Law (Sentencing Act) 1988* to establish home detention as a valid sentencing option for a sentencing judge. The present sentencing regime in the *Criminal Law (Sentencing Act) 1988* does not permit a court to directly sentence a prisoner to a period of imprisonment to be served on home detention. If a period of imprisonment is to be imposed, and good reason does not exist for that sentence to be suspended pursuant to section 38 of the *Criminal Law (Sentencing Act) 1988* (or exceptional circumstances are not established for designated offences), then the only option left to the court is a custodial sentence.

The present scheme does not make allowances for offenders who do not satisfy the criteria for a suspended sentence, perhaps because of the nature of the offence committed or their antecedent history, but who at the time of sentencing are considered to pose a low threat to the safety of the community. The result of the present scheme is that there are no alternatives to custody for offenders who do not fall within the scope of section 38 of the *Criminal Law (Sentencing Act) 1988*, but who have since the time of their offending made significant inroads to rehabilitation, or where the court determines it is appropriate in consideration of all the relevant factors notwithstanding an offender's antecedent history, or for offenders for whom the court is satisfied that the offending represents an isolated incursion into criminal conduct, or for any other reason.

The amendments made by the Bill to the *Criminal Law (Sentencing Act) 1988* will allow a court to sentence an offender to a period of imprisonment to be served on home detention. The Bill clearly delineates the hierarchy of sentencing options available to a sentencing court, with a home detention order sitting between a suspended sentence and a custodial sentence of imprisonment. The Bill does not exclude particular classes of offences or lengths of terms of imprisonment in its application—a sentencing court will retain a discretion to be exercised upon consideration of all the relevant facts and circumstances. The paramount consideration for the Court in imposing a home detention order

must be the safety of the community. Like the Department for Correctional Services' home detention program, it is intended to be a sentencing option for an offender who has been individually assessed as posing a low risk of causing further harm to the community.

The conditions of a home detention order under the Bill are more intensive than a suspended sentence bond while still allowing the offender to retain ties in the community. The offender is effectively detained in the approved place of residence and can leave only for remunerated employment, necessary health-related treatment, or for education or training activities as required by the court or approved by the home detention officer from the Department for Correctional Services who is assigned supervision of the offender during the term of the order. An order can only be made if there exists a suitable residence at which the offender can be detained and adequate resources for the proper monitoring of the offender while subject to the order, including by an electronic device. The court must take into account the impact the order will have on any victim of the offence for which the sentenced is being imposed, as well as those who will be residing with the offender during the term of the order. These mechanisms provided by the Bill, along with the strict conditions that must be imposed under any order, are directed toward the discretion of the court being properly exercised after careful consideration of all the relevant information.

The home detention order remains in place until an offender is released on parole or until the term of imprisonment expires. If released on parole, an offender who was on a home detention order will be subject to the same provisions of the *Correctional Services Act 1982* that regulate release on parole for prisoners who served their sentence in custody.

The Bill provides a power to the Chief Executive of the Department for Correctional Services to revoke a home detention order imposed by a sentencing court if it is suspected on reasonable grounds that a person has breached a condition of an order. Once taken into custody on a suspected breach, the person must be brought before the court not later than the next working day and may be remanded in custody or released on bail pending determination of proceedings relating to the suspected breach. Pursuant to this Bill, it is an offence for a person to fail to comply with or to contravene a condition of a home detention order, with a maximum penalty prescribed as $10,000 or imprisonment for two years. These provisions enable an immediate response to a suspected breach by apprehending an offender without warrant and detaining the person in custody pending an appearance before a court. A court can then make an informed assessment of the risk of an offender being released back into the community on bail pending determination of the breach proceedings.

A suspected breach of a condition of a home detention order will be appropriately determined by a court—either the court that imposed the original order or a superior court. The court must revoke the conditions of home detention and order that the remainder of the sentence be served in custody if there is a breach of a condition of the order, or if the residence at which the offender is detained is no longer suitable and no other suitable residence is available. The court must revoke the conditions of home detention if it is satisfied of the seriousness of a breach or that there are no proper grounds upon which to excuse it. The provisions relating to a breach of a home detention order mirror those in place for proceedings upon breach of a suspended sentence bond.

Conclusion

The *Statutes Amendment (Home Detention) Bill 2015* recognises that a custodial term of imprisonment should be a last resort when dealing with offenders. The Bill provides an alternative to custody that achieves a number of important objectives. The Bill minimises harm and economic loss associated with imprisonment through loss or employment and housing, it allows prisoners to retain community and family ties and family units to remain intact, it allows prisoners to continue with rehabilitative efforts and make restitution, it provides prisoners with access to counselling and education programs that are not available in custody, and it reduces the risk of recidivism by promoting rehabilitation and preventing exposure to the environment of a correctional institution.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law (Sentencing) Act 1988*

4—Amendment of section 20AA—Interpretation

5—Amendment of section 30—Commencement of sentences and non-parole periods

These amendments are consequential.

6—Insertion of Part 3 Division 3A

This amendment inserts new Division 3A into Part 3:

Division 3A—Home detention

33BA—Preliminary

This section provides for definitions for the purposes of the Division.

33BB—Home detention orders

If a court sentences a defendant to imprisonment and considers that the sentence should not be suspended under Part 5 but also considers that the defendant is a suitable person to serve the sentence on home detention, the court may suspend the sentence and make a *home detention order*.

The limitations on the court's power to make a home detention order are prescribed, as well as the matters that the court must take into account in making an order.

33BC—Conditions of home detention order

Certain conditions of a home detention order are imposed under the Division and others may be imposed by the court.

33BD—Orders that court may make on breach of condition of home detention order etc

The court must revoke a home detention order and order that the sentence of imprisonment that the person was serving on home detention be carried into effect on breach of a home detention order or if the residence at which the person is required to reside is no longer suitable for the person and no other suitable residence is available. The court may excuse trivial breaches, or other breaches if proper grounds exist to do so.

Other provisions relevant to carrying the defendant's sentence of imprisonment into effect are set out, including provision for a warrant to be issued to arrest a defendant for the purposes of proceedings under the section.

33BE—Apprehension and detention of person subject to supervision order without warrant

A person subject to a home detention order suspected of breaching a condition of the order may be apprehended, without warrant, by a police officer or home detention officer and detained in custody for the purposes of proceedings relating to the suspected breach under section 33BD before the court that imposed the order.

33BF—Offence to contravene or fail to comply with condition of home detention order

It is an offence to contravene or fail to comply with a condition of a home detention order. The maximum penalty is a fine of $10,000 or imprisonment for 2 years.

7—Transitional provision

A transitional provision is included for the purposes of Part 2 of the Bill.

Part 3—Amendment of *Correctional Services Act 1982*

8—Amendment of section 4—Interpretation

Currently, the word Aborigine is used in the definition of *residence* in section 37A(6) of the Act. That definition is proposed to be amended to use the more contemporary term 'Aboriginal person' instead. Therefore, the definition of *Aborigine* and the associated definition of *Aboriginal people* are deleted as they are otiose.

Definitions of *home detention* and *home detention order* are inserted.

An interpretative provision is set out, which provides that, in the Act:

(a) a reference to *imprisonment* (other than in a penalty provision) includes a reference to imprisonment served on home detention subject to a home detention order; and

(b) a reference to a *prisoner* includes a reference to a person serving a sentence of imprisonment on home detention subject to a home detention order; and

(c) a reference to the release of a prisoner from a correctional institution or prison includes a reference to the release of a prisoner subject to a home detention order from home detention.

9—Insertion of heading to Part 4 Division 6A Subdivision 1

The heading to the Subdivision is amended to reflect the fact that Part 4 Division 6A relates to release on home detention by the CE (as opposed to a sentence of home detention imposed by a court under Part 3 Division 3A of the *Criminal Law (Sentencing) Act 1988)*.

10—Amendment of section 37A—Release on home detention by CE

Certain limitations (in section 37A(2)(b) and (c)) on the power of the CE to release prisoners on home detention are deleted.

Another amendment clarifies that the conditions of release on home detention by the CE may include a condition that the prisoner be monitored by use of an electronic device.

The definition of *residence* in section 37A(6) is amended so that it incorporates more contemporary language.

11—Amendment, redesignation and relocation of section 37B—Home detention officers

The amendments to this section reflect the fact that a defendant may be sentenced to home detention by a court under Part 3 Division 3A of the *Criminal Law (Sentencing) Act 1988.*

12—Insertion of heading to Part 4 Division 6A Subdivision 2

13—Amendment of section 37D—Crown not liable to maintain prisoners on home detention

14—Amendment of heading to Part 4 Division 7

These amendments are consequential

15—Transitional provision

A transitional provision is included for the purposes of Part 3 of the Bill.

Part 4—Amendment of *Young Offenders Act 1993*

16—Amendment of section 37A—Conditions of home detention

This amendment is to provide for consistency with the amendment to the definition of *residence* in section 37A(6) of the *Correctional Services Act 1982*.

Debate adjourned on motion of Hon. T.J. Stephens.

Sitting suspended from 12:52 to 14:15.

Petitions

PROSPECT DEVELOPMENT PLAN

The Hon. D.G.E. HOOD: Presented a petition signed by 240 residents of South Australia requesting the council to urge the government to reject the proposed HC 8 Prospect Lanes policy area in the Prospect Development Plan 2015.

PROSPECT DEVELOPMENT PLAN

The Hon. D.G.E. HOOD: Presented a petition signed by 45 residents of South Australia requesting the council to urge the government to—

1. Reject the proposed tripling in area of the historic conservation zones.

2. Reject the proposed HC 7 North Ovingham Policy Area.

3. Reject proposed stringent planning rules.

MARTINDALE HALL

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 60 residents of South Australia requesting the council to urge the government to—

1. Prevent the sale and redevelopment of Martindale Hall

2. Call on the government to honour the intention of the original bequest of the Mortlock family by ensuring that Martindale Hall remains in trust for the people of South Australia.

RIGHT TO FARM

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 19 residents of South Australia, concerning the right to farm. The petitioners request that the government will—

1. Immediately recognise the value and importance of farmers to the South Australian economy and to the wider Australian economy.

2. Recognise in legislation the right to farm.

3. Create exclusion zones where prime agricultural land is protected and farmers have the right of veto over any mining exploration that is proposed.

4. Create an independent mining ombudsman with royal commission inquiry powers who can mediate and determine conflicts between farmers and miners at arms' length from Government.

SOUTH AUSTRALIAN TIME ZONE

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 11 residents of South Australia requesting the council to urge the government to resist any efforts to shift the South Australian time zone to be the same as Eastern Standard Time.

DAYLIGHT SAVING

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 67 residents of South Australia requesting the council to urge the government to—

1. Resist any further extension of daylight saving hours.

2. Conduct a full and proper review of the current extension of daylight saving hours and its impact on families and communities in the western half of South Australia.

3. Resist any efforts to shift the South Australian time zone to be the same as Eastern Standard Time.

4. Set a plan and timeframe to shift South Australia to true Central Standard Time being one hour behind Eastern Standard Time.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

District Council Reports, 2014-15—
- Coorong
- Elliston
- Kimba
- Loxton Waikerie

By the Minister for Employment, Higher Education and Skills (Hon. G.E. Gago)—

Reports, 2014-15—
- Department for Correctional Services
- Electricity Industry Superannuation Scheme
- Motor Accident Commission
- Small Business Commissioner
- South Australian Fire and Emergency Services Commission
- South Australian Parliamentary Superannuation Scheme

Community Road Safety Fund Revenue and Expenditure Report

Report required under Section 28 of the Statutes Amendment (Courts Efficiency Reforms) Act 2012

South Australia's Road Safety Strategy Annual Progress Report for 2014

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Reports, 2014-15—
- Adelaide Festival Centre
- Adelaide Film Festival
- Art Gallery of South Australia
- Australian Children's Education and Care Quality Authority

Carclew
Central Adelaide Local Health Network
Central Adelaide Local Health Network Health Advisory Council Inc
Chief Psychiatrist of South Australia
Child Death and Serious Injury Review Committee
Department for Communities and Social Inclusion
Education and Early Childhood Services Registration and Standards Board of South Australia
History Trust of South Australia
JamFactory Contemporary Craft and Design Inc
Libraries Board of South Australia
Maternal, Perinatal and Infant Mortality in South Australia
National Education and Care Services
Northern Adelaide Local Health Network Health Advisory Council Inc
Principal Community Visitor
South Australian Abortion Reporting Committee
South Australian Multicultural and Ethnic Affairs Commission
South Australian Museum
State Theatre Company of South Australia
Tandanya—National Aboriginal Cultural Institute
The State Opera of South Australia
Women's and Children's Health Network
Women's and Children's Health Network Health Advisory Council Inc

By the Minister for Manufacturing and Innovation (Hon. K.J. Maher)—

Reports, 2014-15—
Across Government Asbestos Risk Reduction
ANZAC Day Commemoration Council

Question Time

SKILLS AND EMPLOYMENT WEBSITES

The Hon. J.S. LEE (14:25): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills questions about the skills and employment websites.

Leave granted.

The Hon. J.S. LEE: I was informed by constituents that an email was sent at 11.48am yesterday and that the following skills and employment websites were unavailable: WorkReady eNewsletter website; Training and Skills Commission website; and Office of the Training Advocate website. These websites have been listed as 'under maintenance' for more than 24 hours now—it just came up and I saw them. My questions to the minister are:

1. Can the minister advise why these websites were unavailable for users during working hours?

2. Why did the department undertake maintenance for these websites on a weekday at a time that potentially attracts a high amount of traffic?

3. Due the unavailability of the websites, did the department organise additional staff to monitor phone inquiries?

4. Can the minister advise whether the maintenance work for these websites are conducted by an internal IT officer or did the department outsource the work and, if so, how much in total in maintenance costs have been incurred?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for

Business Services and Consumers) (14:26): I thank the honourable member for her most important question. It is very disappointing to learn that these important websites were out of action—if they have been—for as long as the honourable member has indicated. I was not aware that they were down. I can only assume that it was completely unavoidable. As I said, it is very disappointing that they were down for so long, and I will certainly investigate it.

Ministerial Statement

INTERNATIONAL DAY OF PEOPLE WITH DISABILITY

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:27): I seek leave to table a ministerial statement by the Hon. Tony Piccolo on International Day of People with Disability.

Leave granted.

Question Time

UNANSWERED QUESTIONS

The Hon. R.I. LUCAS (14:27): I seek leave to make an explanation prior to directing a question to the Leader of the Government on the subject of unanswered questions.

Leave granted.

The Hon. R.I. LUCAS: The Leader of the Government will be familiar that more than 4½ years ago I first raised questions of her, in May of 2011, in relation to the appointment of a personal friend of hers, and a leftie Labor mate, Karen Hannon, to the position of the presiding member of the then Residential Tenancies Tribunal.

I outlined in the explanation at that particular stage that Ms Hannon was not only a friend of the minister's but had been the Labor candidate in 1998 for the federal seat of Adelaide; that there had been an expression of interest for positions on the Residential Tenancies Tribunal; and that as part of that process all applicants had to be interviewed by a properly constituted panel to judge whether or not they were suitable to be a member of the tribunal.

I was informed that Ms Hannon's application to be simply a member of the tribunal was rejected by that properly constituted panel. I was further advised that the minister personally intervened and not only was Karen Hannon made a member of the tribunal but she was also given the plum job of presiding member of the Residential Tenancies Tribunal.

I also outlined in the explanation at the time that the former presiding member, Pat Patrick, who had been widely regarded, had handled hundreds of cases on average per year and generally had handled the most complex cases for the tribunal. I was further advised that the new presiding member, Ms Hannon, had initially advised all the staff that she would not be participating in or handling any hearings at all but that after some pressure I was advised that she commenced participating in a smaller number of hearings when compared to the former presiding member. I put the questions at that time and then I put a follow-up question to the minister in the middle of last year. The first questions were put when she was the minister, and secondly my questions were directed to her representing the appropriate minister at the time. They were:

1. Is it correct that prior to 2010 Ms Hannon applied to be a member of the Residential Tenancies Tribunal, was interviewed by a properly constituted panel and was not successful in her application to be a member of the Residential Tenancies Tribunal?

2. Did former minister Gago personally intervene in any way in relation to the appointment of Ms Hannon to be a member of the tribunal and ultimately to be the presiding member of the Residential Tenancies Tribunal?

3. Will the minister now indicate in answer to questions the number of hearings the previous presiding member, Pat Patrick, participated in in each of the financial years 2007-08, 2008-09 and 2009-10?

4. How many hearings did Ms Hannon preside over in the period between October 2010 and May 2011, when I first asked this question?

The history of this is that for three years the minister refused to answer the question, aside from some personal abuse about the asker of the question. Then, when I directed the question to the new minister, thinking that we might get a response, the minister did say, 'I will refer those questions to the appropriate minister in another place and bring back a response.' There was a clear commitment given in August last year to this house. The minister would refer the questions to the appropriate minister and bring back a response.

The concern I have is that, with the stories that the Premier's media minders are spreading about the future prospects of the minister, should the house get up next week and no answer has been provided, we may never get an answer to these questions which have been pursued for 4½ years and to which the minister give an assurance to this house, 18 months ago, that she would bring back a response. My question to the minister is: will she assure this house that she will bring back answers to these questions first asked 4½ years ago before parliament gets up next week?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:31): I thank the member for his question. My goodness, if that's the best he can do, it's a bit pathetic, I have to say. It is old news, an event that absolutely no-one cares about—no-one cares about, except the Hon. Rob Lucas because he has this distorted conspiracy theory of the world that he alone shares. No-one cares, absolutely no-one cares, and it's so old.

It's amazing that in an important question time—one hour—when they have got me all to themselves and they can give it their very best shot, that is what he comes up with, an old question that is years and years old and which absolutely nobody cares about. I am good for my word. As I had indicated, I did indeed send those questions to the appropriate minister in another place, and I am absolutely sure they were given the attention that they deserve.

FEMALE ENTREPRENEURSHIP

The Hon. A.L. McLACHLAN (14:33): I seek leave to make a brief explanation—

Members interjecting:

The PRESIDENT: Order! Have a little regard for your fellow colleague, who is trying to ask a question. The Hon. Mr McLachlan.

The Hon. A.L. McLACHLAN: I seek leave to make a brief explanation before asking the Minister for the Status of Women a question regarding female entrepreneurship.

Leave granted.

The Hon. A.L. McLACHLAN: I refer the minister to some research found in Regus, which is a global workplace provider. It found that, while 77 per cent of Australian businesses reported an increase in all types of entrepreneurship over the past five years, only 11 per cent saw a rise among female entrepreneurs. Regus Australian New Zealand chief executive, Paul Migliorini, commented that we will not see more female participation unless the country supports it. My question to the minister is: can the minister advise what policy initiatives have been implemented to address proportionate lack of female entrepreneurship in the South Australian business community?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:34): I thank the honourable member for his most important question. Indeed, he has touched on an issue that is an incredibly challenging one and a very serious one.

We see gender disparity in representation at just about all levels of our society, particularly in relation to senior positions, executive positions and positions generally of power and those that are the most well paid. We see that disparity right throughout, and this government has worked very hard to put in place a series of strategies, including the women's policy I released not so long ago.

Entrepreneurism is indeed an important pathway for women to enter the workforce and in particular for women to develop their own businesses and enter into the corporate world. There are many things that we have been involved in to assist women into leadership positions, including in the last number of years in a row funding 25 scholarships a year for women to participate in leadership development. That certainly would assist women in gaining entrepreneurial skills. That is one area.

Another that I mentioned just recently, just this week, is the Adelaide Smart City Studio, which was launched at the end of November. That is about developing Adelaide's status as a clever city. The studio is about following tech giant Cisco's declaring Adelaide as the first smart and connected 'lighthouse city' in Australia earlier this year. It is about allowing or encouraging likeminded people to work together in the space of the Internet of Things. We know that the Internet of Things is an area that offers enormous business development into the future. That was an initiative that was launched most recently.

We continue to encourage women in that way. STEM is another area that we very much encourage women to work and study in, because we know that they are about the jobs of the future and we know that women's participation in those fields has been very low in the past, so we have a number of initiatives in that area as well.

The PRESIDENT: Welcome to your first question: the Hon. Mr Malinauskas.

VOCATIONAL EDUCATION AND TRAINING

The Hon. P. MALINAUSKAS (14:37): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about vocational education and training outcomes.

Leave granted.

The Hon. P. MALINAUSKAS: Research has shown the importance of vocational education to employment and as a pathway into further training opportunities. Can the minister update the chamber regarding student outcomes and government funded training in 2015?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:38): I thank the honourable member for his inaugural question and extremely good question. It is certainly the best and most insightful question that I have received so far today, so congratulations. The National Centre for Vocational Education Research today released its government funded student outcomes 2015 data. This data is representative of all VET training delivered by public providers and government funded activity delivered by community education providers and private training providers.

I am pleased to be able to advise that the South Australian VET graduates in 2015 were the most satisfied in the nation in relation to the overall quality of their training. The 2015 figure was that 88.7 per cent of South Australian VET graduates from government funded courses were satisfied with the quality of training. This is two percentage points above the national figure, which is currently sitting at 86.7 per cent.

South Australia's employment and further education outcomes for graduates were higher than the national average in 2015 in the vast majority of categories, with 78.1 per cent of 2015 South Australian graduates employed after training, compared with 74.2 nationally.

Additionally, 87.7 per cent of South Australian graduates in 2015 were employed or in further study after training, compared with 85.2 per cent nationally—so, again, above the national average. Eighty per cent of the 2015 South Australian graduates employed after training found their training relevant to their current job, and 59.7 per cent reported an improved employment status after training. This compares with the national figures of 78.8 and 58.6 per cent respectively. So, again, we are above the national average.

In South Australia, the proportion of graduates reporting that they found their training relevant to their current job increased to 80 per cent in 2015 from 75.8 per cent in 2014. These results are particularly encouraging because they show, when you read them in conjunction with our state

government conducted graduate surveys, that students who complete state government funded VET in South Australia are not only satisfied with the training that they are receiving, but they are also achieving employment outcomes or putting themselves in a position to complete further training.

The task of ensuring that students are provided with valuable training and equipped with the skills they need to obtain a job is obviously ongoing. As I have mentioned in this chamber before, the Department of State Development undertakes a process of surveying students and graduates regarding their overall satisfaction with courses, but also conducting independent validations of assessment of key courses to identify improvements that can be made. It is important that South Australia remains at the forefront of quality VET in Australia, and we are continuing to ensure that quality training focused on jobs is delivered through WorkReady.

VOCATIONAL EDUCATION AND TRAINING

The Hon. K.L. VINCENT (14:41): Supplementary, Mr President. I am sorry if I am repeating myself; I found it hard to hear the minister at times there. I appreciate the minister said that a number of students found their study relevant to their jobs, but how many graduates actually found a job in their field of study? I think 'relevant to' is a broad term.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:41): These are surveys conducted by the National Centre for Vocational Education Research. It is a national body, and these are the questions that they design and have asked. That is the only level of detail that I have.

VOCATIONAL EDUCATION AND TRAINING

The Hon. K.L. VINCENT (14:42): A further supplementary, Mr President: does the minister have any data as to what the most common employment outcomes were, and what type of jobs graduates went into once they finished study?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:42): I thank the member for her second supplementary. No, I do not. That level of detail is not collected by NCVER.

ADELAIDE WOMEN'S PRISON

The Hon. T.A. FRANKS (14:42): I seek leave to make a brief explanation before addressing questions to the Minister for the Status of Women and, indeed, Employment, Higher Education and Skills, about the Adelaide Women's Prison at Northfield.

Leave granted.

The Hon. T.A. FRANKS: The South Australian branch of the Women's International League for Peace and Freedom has contacted me to express their concerns over the poor state of the Adelaide Women's Prison at Northfield. They claim that the facility is overcrowded, with approximately 150 to 160 women in that prison, and it has inadequate educational and exercise facilities that are inferior to those provided in the male prisons.

This has the potential to detrimentally impact the mental and physical wellbeing of these women, but of course we know that rehabilitation is essential, coupled with education and training through life skills and VET. These courses are vital to optimise female prisoners' employment prospects upon release and minimise recidivism. My questions to the minister are:

1. What level of awareness does the minister have of the conditions and the offerings for vocational education and training at the Northfield Women's Prison?

2. What steps has the minister taken to ensure that there is adequate education, training and rehabilitation, including life skill and VET courses, there to improve the outcomes for those female prisoners?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for

Business Services and Consumers) (14:43): I thank the honourable member for her most important question. Indeed, I have certainly had the experience of visiting the Adelaide Women's Prison, and talking at length with—I think she is the executive director—Vanessa Swan. I think the Hon. Tammy Franks would probably know Vanessa from her days in terms of running the Office for Women. She is an incredibly committed and hardworking public servant.

She invited me there to take me around the prison and show me some of the challenges they face there. Obviously the management of the prison, funding and conditions, etc. come under the purview of the Minister for Correctional Services. However, I have started some work with Ms Vanessa Swan on looking at ways to enhance the experience for women detainees, because in the past they have been treated in the same way as men, and the same models of incarceration and rehabilitation and those sorts of things have been applied to women as to men. Of course, that is not necessarily the most appropriate model to use. I know Ms Swan has been working very hard to develop a gender-sensitive model to improve the outcomes for women who are incarcerated in prison.

We discussed at length some training options for women who are incarcerated and also better links. There is a transition arrangement that they have for those who are potentially soon to be released where they are engaged in employment outside of the prison and they go out to their job each day and come back. It is a way of helping them to adjust to the outside world before being released. I know we spoke at length about improving some of those pathways for women and making better employment connections so that women are better rehabilitated before they are released. I certainly continue to work with her in relation to those matters.

UNANSWERED QUESTIONS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:46): I seek leave to make a brief explanation before asking questions of the Minister for Employment, Higher Education and Skills about unanswered questions.

Leave granted.

The Hon. D.W. RIDGWAY: I would have waited until some time next year to ask the minister this question but, as we all seem to know because it is the worst kept secret in state parliament, for minister Gago next week will be her last week in the chair as Leader of the Government and taking questions. We are not sure who will fill that chair but I am sure we will get a better response to our questions when we come back next year.

Earlier this year I asked some questions around Ms Jillian Pyle and the Semaphore Hotel. I will quickly recap. She runs a hotel and she also worked in the Public Service in her office in Waymouth Street where taxpayers were paying her salary to help prepare young South Australians for the workforce. She was working on what should be on the pub menu, seeing if she could get more trade through a street fair and even discussing whether she could get away with substituting cheaper species of expensive fish without disclosing it on the menu.

On 23 July this year the minister told the estimates committees that an investigation had been launched in May and that the investigation was still underway. So, we asked a range of questions about when it had been completed, what was the result, had any action been taken against Ms Pyle, and was she being paid during the period she was stood down? We got a response from the minister and we understand that Ms Pyle has been stood down on full pay.

I then asked that question again just a couple of weeks ago and got the same non-answer from the minister. I have done a little more research and I expect that if Ms Pyle has been stood down since the beginning of May—and I suspect her salary is somewhere around $94,000 to $95,000 a year—she has earnt some $55,000 to $60,000. If you add on the superannuation and other benefits, it is probably closer to $70,000 since she was stood down in May. My questions are:

1. Will the minister provide an answer to this chamber before she retires as the minister in three sitting days' time?

2. Does the minister think it is reasonable that somebody be paid nearly $60,000 to $70,000 while an investigation is undertaken?

3. When does the minister expect that investigation to be completed?

4. Will the minister bring back an answer to those questions before she seeks retirement in three sitting days' time?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:49): Dream on. I thank the member for his question. Again we see another stunning example of absolute cutting political edge. This woman allegedly misused her email. That is the allegation. She allegedly misused her email, and that is the cutting-edge question that we get from the Leader of the Opposition during question time today. It is just woeful. What a woeful excuse of an opposition you are. They should all hang their head together in shame—absolutely woeful.

As I said, they have me all to themselves here today and this is what we get: old hacked out questions. I have already answered this question in full. The woman is under investigation; the investigation has not been completed. I can absolutely assure you that as soon as the investigation has been completed an answer will be provided—

Members interjecting:

The Hon. G.E. GAGO: Well, due process has to be done. Fortunately, on this side of the chamber, a person is innocent until proven guilty. They are the values that we have on this side of the chamber. Woe is us: innocent until proven guilty. Therefore, due process must be done. This woman who is alleged to have misused her email—justice will be done. I can assure you that justice will be done. The investigation will be completed when all matters are done and I can absolutely assure the chamber that as soon as the investigation is completed an answer will be provided to this chamber.

UNANSWERED QUESTIONS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:51): Supplementary question: will the minister bring back a time frame from her agency in the next three sitting days (next week), her final three days as minister and Leader of the Government, to give us some comfort? All we expect is an answer, a simple answer for a simple question.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:51): The honourable Leader of the Opposition should hang his head in shame. As I said, what a truly pathetic use of question time. I have already answered the question. I have said that the investigation has not been completed and, as soon as it is completed, an answer will be provided.

UNANSWERED QUESTIONS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:52): Further supplementary question: are any other members of your agency under investigation for similar breaches of the Public Service code of conduct and are they taking a similar amount of time?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:52): Not that I am aware of at this particular point in time, but I am happy to check that out and bring back an answer.

SCIENCE

The Hon. J.M. GAZZOLA (14:52): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about science.

Leave granted.

The Hon. J.M. GAZZOLA: The Nobel Prize is an international award given yearly since 1901 for achievements in physics, chemistry, medicine, literature and peace. South Australia has a proud history of being home to many who have been given this distinguished award, giving

Adelaide the nickname of the Nobel Prize capital of Australia. Can the minister inform the chamber of a recent event that commemorates a significant science success story?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:53): I thank the honourable member for his very good question. Yesterday, the Sir William Bragg bust was unveiled on North Terrace and sited next to the bust of Sir William's Bragg son, Sir Lawrence Bragg. The bust was sculpted by South Australian artist, Mr Robert Hannaford, and the unveiling commemorates the centenary of the Nobel Prize in Physics being awarded to the father and son team in 1915.

I am aware that the Hon. John Dawkins attended the unveiling. I had certainly planned to also be present. I had responded to the invitation that I would attend because of my interest in this, but unfortunately I was caught up with legislation here in this chamber and therefore missed out. But I believe it is an important enough occasion to mention in this place.

Sir William Bragg was the Elder Professor of Physics at the University of Adelaide from 1886 to 1909. His son, Sir Lawrence Bragg, worked with him in the United Kingdom on the analysis of crystal structures by means of X-rays between 1912 and 1914. It was for this work that both Sir William and Sir Lawrence Bragg were jointly awarded the Nobel Prize. Their collaborative work laid foundations that have been built upon by subsequent generations of scientists across the world.

The existing bust of Sir Lawrence Bragg commemorates the centenary of Lawrence Bragg's explanation of X-ray diffraction. The bust was unveiled by his granddaughter, Claire Heath, in December 2012 after the Centenary Symposium on X-Ray Crystallography. It was donated to the City of Adelaide by his daughters Margaret Heath and Patience Thomson, the University of Adelaide, RiAus, and friends of the Bragg family. The new bust was funded through fundraising activities of the Bragg Heritage Committee, I understand, and through the Bragg family members themselves. This project has been over two years in the planning, with copies of the bust being sold to Adelaide and Leeds universities, King William's College on the Isle of Man, United Kingdom, and the Bragg Institute of Sydney (the Australian Nuclear Science Technology Organisation).

I would like to take this opportunity to acknowledge and thank RiAus, who organised the event, given the organisation's historical links with the Bragg family. RiAus is an independent, national, no-profit organisation with a mission of bringing science to people and people to science. I understand there are other community of activities also taking place, including a dinner to mark the centenary at Catherwood House on East Terrace, which was the home of the Braggs from 1899 to 1909.

Earlier this year the Department of State Development initiated a Science of Light professional development workshop for primary school teachers based on the work of the Braggs. I also had great pleasure of attending the inaugural workshop to launch the *Willy Wonders Why* picture book, authored by Mark Thomson—and I should declare that he is also a staff member of mine—and illustrated by George Aldridge, which tells the story of Sir Lawrence Bragg. It is a wonderful book, absolutely delightful, so I certainly suggest that any of you with children or grandchildren get a copy.

The workshop was attended by over 30 primary school teachers and will become an annual workshop delivered by the South Australian Science Teachers Association (SASTA) in conjunction with the University of Adelaide. South Australia has been home to many successful scientists and exciting scientific discoveries, and I look forward to sharing more of these with the chamber in the future.

DISABILITY SECTOR EMPLOYMENT

The Hon. K.L. VINCENT (14:57): I seek leave to make a brief explanation before asking the minister a question regarding the disability sector and employment opportunities for people in the northern region of Adelaide.

Leave granted.

The Hon. K.L. VINCENT: As was discussed in the *Sydney Morning Herald* a couple of days ago and as is regularly canvassed throughout various media outlets, Australia has a significant shortage of qualified disability support workers, also known as personal attendants, particularly once

there is the formal rollout of the National Disability Insurance Scheme from 2018. This is a regular issue here in South Australia, and it is a daily challenge for people with disabilities to find adequate numbers of, and adequately trained and willing, support workers to assist them with daily tasks.

We also have a significant shortage of trained workers who can make and modify equipment for disabilities, including but not limited to wheelchairs and other mobility aids, as well as post-market modifications to vehicles to make them accessible to wheelchair users, for example. At present we pay sky-high prices for equipment, primarily manufactured overseas. With regard to Changing Places and fully accessible toilets, we have zero of these accessible toilets here in South Australia yet even Darwin in the Northern Territory, which has a much smaller population than us, has some.

All these aforementioned areas could be an opportunity to create new jobs using the existing skills of ex-Holden workers, particularly those working with machinery and mechanics, to create jobs for South Australians, especially in the northern suburbs of Adelaide, where we have the highest youth unemployment rate in Australia. My questions are:

1. What action has the government taken to address the shortage of disability and aged care support workers to assist people with disabilities and elderly people and to train appropriate staff, particularly in the northern suburbs of Adelaide?

2. What work is the government doing to assess the economic market and benefits of establishing a disability equipment and modification industry in South Australia, particularly in the northern suburbs of Adelaide?

3. What work is the government doing to ensure advanced manufacturing of cutting-edge, disability-related technologies here in South Australia?

4. Why don't we have any Changing Places toilets in South Australia, despite 18 per cent of the population being likely to need them in the near future, and when will we get one?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:59): I thank the honourable member for her most important questions and her ongoing advocacy and championing of issues to do with disability. In general terms, in relation to the way WorkReady manages skill shortage issues, I will talk about that first and then I will talk about the industry-specific data after that.

When investing in VET training, obviously, the government takes into consideration the lie of the land as it currently is—current needs and demands—and attempts to forecast future demands as well, based on industry input. The allocation of funding for VET training is informed, as I said, through industry, the Department of Employment's analysis of current skill shortages and the projections of the Training and Skills Commission of future skills needs.

The Department of Employment conducts a survey of employers that have recently advertised vacancies to gauge recruitment difficulties. The survey focuses on skilled occupations that require training over an extended period because, with shortages in those occupations, obviously, it's challenging to have to do address them quickly.

Projections by the Training and Skills Commission are informed by the latest employment and training data available. The expertise of board members and consultation with stakeholders, obviously, also are important. The commission compares projected industry demand for skills with projected supply of skills to determine future skill needs in the state. According to the modelling by the Training and Skills Commission, future skill needs beyond projected supply have been estimated for a number of areas like health, transport, logistics, ICT, hospitality and a range of others.

In relation to aged and disability care, with the government funding of VET, obviously, we will work to continue to support industry demand with skilled aged care and also disability carers in the coming years. According to modelling undertaken by the Training and Skills Commission, industry demand for these skilled care workers requires a completion of 7,500 to 10,000 relevant VET courses over five years to 2017-18, or between 1,500 and 2,000 completions per year. This incorporates qualifications related to aged care, disability care and relevant community services qualifications like aged care and also, obviously, disability care sectors.

Taking into account modelling by TASC of current take-up rates and completions, we are on target to ensure that industry demand for skilled carers is met over the five years to 2017-18. As at 1 September 2015, I am advised that 7,800 qualifications have been issued for courses, or approximately 2,600 per year in publicly subsidised training alone, and that's since July 2012. In addition, as at 1 September 2015, there were 3,900 training accounts open with students undertaking training and, of these, nearly 500 have been created since July this year. I think the honourable member can take some heart that there has been a considerable influx of enrolments since July this year.

In particular relation to the disability sector, for courses specifically related to disability, in 2015-16, it is estimated that the government will subsidise more than 550 new training places in disability care related qualifications, and the majority of this will be supported through TAFE SA.

In addition, as at 1 September 2015 there were 1,900 open training accounts, eight of which have been created since July 2015, and over 2,600 publicly subsidised disability care related qualifications issued in these courses since 2012.

In addition to these specific courses relating to disability there are also a number of general community service qualifications that also are relevant to disability care, such as the Cert. IV in Mental Health, and for these courses in 2015 it is estimated that the government will subsidise about 350 training places. As at 1 September 2015 there are also 1,100 open training accounts, 100 of which have been created since 1 July 2015, and over 1,300 publicly subsidised qualifications that have been issued in these courses since 2012.

For non-TAFE providers, I am advised that there will be additional subsidised training places available through Jobs First, a submission-based element of WorkReady that will fund training courses and tailor employment projects in direct connection to jobs. Obviously, those figures do not necessarily mean that all the gaps are filled. Obviously the Hon. Kelly Vincent is providing some valuable feedback here today, which I will certainly make sure is information that is passed to TASC for its further consideration and modelling.

I certainly advise that disability groups engage with TASC in an ongoing way, because it is TASC that does the modelling on which we base our training places, and we focus our public money towards the high priorities identified by them. Obviously connecting those organisations and feeding in their insight and their first-hand experience on the ground is obviously valuable input into the way we model and make sure we have a constant supply.

We do not want overdemand, and obviously we do not want underdemand, as there are significant consequences when either of those occur. We need to get the balance right, and the only way we can do that is to make sure we have good quality industry information being fed into our modelling in an ongoing way.

DISABILITY SECTOR EMPLOYMENT

The Hon. K.L. VINCENT (15:07): Supplementary: just to clarify, has disability support work been identified as a future skills need under the current modelling?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:07): The disability care has, and I would imagine support workers are part of that particular group.

DISABILITY SECTOR EMPLOYMENT

The Hon. K.L. VINCENT (15:07): Further supplementary, sir: what is the government doing to engage young people and students of not disability support work but arguably related courses, such as physiotherapy and occupational therapy? Is the government doing anything to encourage people in relevant studies, such as OT and physiotherapy to work as support workers while they complete their university qualifications?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:08): Our job as the government is to provide resources

so that information is available for students and parents, who obviously take a great deal of interest in the training and education of their children. My responsibility is to make sure that information is available so that students can make an informed decision, not just in terms of the courses that are available but also the career pathways that they might lead to, and general information about the course providers as well. So, rather than us recommending that they do anything in particular, we encourage them to follow their own aspirations but provide the relevant information to help them make good choices.

DISABILITY SECTOR EMPLOYMENT

The Hon. K.L. VINCENT (15:09): Further supplementary: where is that information?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:09): It is provided on our website, I understand. We also fund career counselling services that also have that information available to them. Most of our training providers also carry good quality information.

DISABILITY SECTOR EMPLOYMENT

The Hon. K.L. VINCENT (15:09): One last question: has the government done any work in identifying areas where ex-Holden workers could use their existing skills, such as in the manufacturing of disability equipment and disability assistance aids?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:09): Again, we are encouraging not just Holden workers but any worker who is facing retraining or retrenchment to consider the range of career pathways that are available to them, and information about the sort of training that might assist them to reach those aspirations.

PYLE, MS JILLIAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:10): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills further questions about Ms Jillian Pyle.

Leave granted.

The Hon. D.W. RIDGWAY: As members would know, it is alleged that Ms Jillian Pyle was running her Semaphore Hotel from her Public Service desk. Just by way of explanation, I will quote the Code of Ethics for the South Australian public sector. It states:

> Public sector employees employed on a full-time basis must not engage in other employment or other remunerative activity where the activity conflicts or has the potential to conflict with their role as a public sector employee or the performance of such outside employment or activity might affect their capacity to perform their duties.
>
> Public sector employees will obtain written permission from their agency head before engaging in any outside employment or remunerative activity…

The opposition has been given some advice that the DTED management was aware of her outside activity. My questions to the minister are:

1. Is it true that Ms Pyle was missing from work for significant time periods without explicit approval?

2. Did Ms Jillian Pyle have management approval to undertake her role at the Semaphore Hotel?

3. Is it also true that an outside consultant was engaged to undertake work to clean up Ms Pyle's work while she was on paid leave?

4. Is there any further investigation being undertaken into her senior management that the opposition believes may have known that she was doing this work at the Semaphore Hotel?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:12): I thank the member for his questions, which I have already answered. The honourable member knows full well that there is an investigation under way and it would be most improper of me and completely inappropriate to discuss the details of those allegations or that investigation in any way whatsoever. Clearly, this investigation has taken considerable time. I will certainly be doing nothing in this place that might prejudice or jeopardise the process to date and require that we start all over again.

PYLE, MS JILLIAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:13): I have a supplementary question. Was an outside consultant hired and also paid to do Ms Pyle's work while she was on paid leave during this investigation, effectively costing the taxpayers twice as much?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:13): I thank the member for his supplementary question. I do not believe that to be so at all. I think the honourable member is simply coming into this place and making things up, as he often does. He often comes into this place and simply makes things up, hurls grenades and is irresponsible—completely irresponsible. This person under investigation is undergoing a proper process that involves proper justice and due process.

It is completely insulting and completely improper for the honourable member to come into this place and, through innuendo, continue to name this person and name the allegations when he knows that an investigation that has to undergo due process is under way.

It is a shockingly abusive thing that he is doing to this woman. He has been informed on a number of occasions that an investigation is underway, that due process is being done and that it is being done as fast as it possibly can. I have given him a commitment that an answer will be brought back as soon as that investigation is completed. He has that commitment and yet he continues to come into this place making things up—he plucks them from the air.

We know he makes things up all the time. We know how incredibly irresponsible he is. As I said, we are proud on this side of the house to consider people innocent until proven guilty. I hope that if something goes amiss with any of the honourable members opposite me—any mishap—they are afforded the same courtesy and that is that they are treated as innocent until they are proven guilty. They should think about that.

PYLE, MS JILLIAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:15): Will the minister in her final three days answer the question? Was a consultant brought in to clean up the mess that was left when this person was on paid leave?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:16): I answered the question. Again, the honourable member simply does not listen. Not only does he come in here and make things up, he does not listen.

The Hon. D.W. Ridgway: Where's the answer?

The Hon. G.E. GAGO: You go back and read *Hansard*, you lazy thing. You are completely lazy. I have answered that question.

The Hon. D.W. Ridgway: I just asked it a minute ago.

The Hon. G.E. GAGO: And I just answered it a minute ago. The honourable member makes things up, plucks things from the air. I answered the question; I said I don't believe so. If the honourable member would like me to check, I am happy to do that. As I said, it is completely mischievous and it is a completely dishonourable thing to be doing to this woman, who is, as I said, innocent until proven guilty.

PRODUCT SAFETY

The Hon. T.T. NGO (15:16): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question about product safety.

Leave granted.

The Hon. T.T. NGO: The summer holiday school break is almost here and you often hear parents getting tired of kids bouncing off walls during such a long break.

The Hon. G.E. Gago: And parents bouncing off walls.

The Hon. T.T. NGO: Parents bouncing off walls as well. Many honourable members here who have kids would have experienced this. It is often suggested that kids could use the energy by bouncing off a trampoline instead as a way to keep them occupied. Can the minister tell the chamber what consumers should be aware of when looking to purchase a trampoline?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:17): I thank the honourable member for his most important question. It is an important question because of the level of accidents that occur on trampolines. The members opposite can scoff away. Aren't they the fortunate ones that they or their children haven't had a severe accident on a trampoline? Aren't they fortunate? It is important that the general public understands what the risks are and knows how to take a few simple steps of precaution to prevent a tragedy or a serious injury happening.

Christmas is almost here, and while some parents may have already finished their Christmas shopping, many are still obviously out there trying to find that perfect gift for Christmas. What better way than giving a gift that encourages fun and, obviously, exercise and outdoor activity, and helps to develop improved coordination? Bouncing on trampolines is an extremely good way for kids to expend some of that pent-up energy rather than on their parents and rather than being bored and, as I said, bouncing off a wall, so to speak.

When considering purchasing a trampoline, consumers should make sure that their yard has the right amount of space required and that the surface is level and free of hazards such as fences, play equipment and garden furniture. It is also important to ensure that there is overhead clearance, to avoid objects like clothes lines, trees, wires and suchlike. Although most modern trampolines have nets to help prevent falls and pads to cover springs, the area surrounding the trampoline should be covered in soft, impact-absorbing material such as lawn, pine bark, wood chips or sand.

Many may question if a trampoline is in fact dangerous, but hundreds of kids and some adults in Australia have been taken to hospital every year for trampoline-related injuries. In fact, trampolines are the second biggest cause of hospital-related injury on play equipment, coming in just behind monkey bars. Of particular concern is the increasing number of injuries amongst really young children, less than five years of age. It is growing to about 10 per cent a year, which is most unfortunate.

It is recommended that only one child at a time play on a trampoline, as accidents are more likely to occur when there are multiple children using it. Children should also be supervised at all times and extra care should be given with younger children, as they are more prone to serious injury. Large trampolines are also not recommended for kids under six, and if you have an older trampoline and you are bringing it out for this summer, consider getting it retrofitted and ensure that the padding system is intact and that it is fully compliant with current standards. It is important to check the condition of your trampoline regularly to make sure there are no holes in the mat or net, springs are intact and securely attached, the frame is straight and well harnessed and the safety enclosure is secure and leg braces are locked.

When purchasing a new trampoline, the instructions in the box should be clear and comprehensive, and use them when you are putting it up. Assembling a trampoline is not always easy. For consumers planning on leaving the assembly for Christmas Eve, and if you are in doubt about the instructions, please go to the website and check. There is a new voluntary Australian safety standard that was introduced this year, and traders need to ensure that they are familiar with that

standard. Consumers and traders can get more product safety and other consumer advice by visiting the CBS website.

LEND LEASE

The Hon. D.G.E. HOOD (15:22): I seek leave to ask the minister in her dual capacity as the minister for employment and information economy a question about IT jobs in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: I have been reliably informed that a company which we once called Baulderstone but now call Lend Lease, as they have been absorbed into the bigger company, is considering laying off its entire IT department here in South Australia, which has been openly discussed with their staff for six or eight weeks or so here in their Adelaide office. That, as I said, would be around the 20 to 30 job mark here in South Australia. Those final numbers are yet to be determined, but it is certainly in that order. My questions to the minister are:

1. Was the minister aware?

2. If so, is the minister in contact with the company and in negotiation with them?

3. If not, will the minister undertake to appropriately contact the company and see if anything can be done in order to keep these high-end jobs here in South Australia?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:23): I thank the honourable member for his most important question. I don't believe I have been made aware of this particular organisation. Obviously, it is always a concern to hear of any job losses here in South Australia. I am happy, obviously, to look into that particular example and do what we can to assist, particularly in terms of training and retraining and assisting those workers to be able to reposition themselves to gain work with other organisations; that is obviously something we would seek to do.

In terms of the bigger picture, this government works very hard—it has a jobs plan—to deliver things like significant tax reform to assist businesses. We are also working hard on our strategy to transition our economy—an economy that has relied very heavily on the traditional automotive sector—into more high-tech IT and other industries where value adding occurs and there are job opportunities. So, we continue to work those strategies very hard, but I am happy to follow up on that particular example and with those particular workers, and assist them in any way we can.

TAFE SA SHEARING AND WOOL PROGRAM

The Hon. T.J. STEPHENS (15:25): I seek leave to make a brief explanation before asking the Leader of the Government a question about TAFE courses for shearers.

Leave granted.

The Hon. T.J. STEPHENS: In September, I asked a question regarding a difficulty some young potential shearers were having passing onerous literacy and numeracy tests, perhaps keeping them out of the shearing profession. My questions to the minister are:

1. Have there been any changes to this program?

2. Are young people still being excluded?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:25): Mr President, as I indicated in my previous answer—and it is very disappointing to see so many questions from the opposition today being simply rehashed old questions. There is nothing—

The Hon. T.J. Stephens interjecting:

The Hon. G.E. GAGO: There are no fresh ideas, and no fresh political challenge; it is just the same old, same old. But, I am happy, Mr President—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: I am very happy to go over my position in relation to this, and that is: I am not an expert on every qualification required. I am certainly not an expert on shearing, and I would not begin to suggest what should or shouldn't be required as part of a curriculum to fulfil those qualifications, nor any other qualification. That is left for the industry and education experts to input into and decide what qualifications are important for employment entry level and career advancement in those career paths. That is exactly as it should be, and that is what I support to continue to happen. In terms of literacy and numeracy generally—

Members interjecting:

The Hon. G.E. GAGO: Just disgraceful, Mr President—just disgraceful. It is a shame the Hon. Terry Stephens did not read the newspaper the other day, that showed the appalling literacy and numeracy levels of Australians. It did some international comparisons and we should be ashamed of our levels, and that is why we continue to work so hard to elevate them.

Here we are, on the one hand, with really challenging literacy and numeracy skills amongst adults, and the Hon. Terry Stephens is so narrow-sighted that he comes into this place and questions the importance of literacy and numeracy skills. I think he needs to have a good, hard look at himself, and I think he needs to have a look at the big picture. It is critical—

Members interjecting:

The Hon. G.E. GAGO: It is not just about shearing: it is about people's life skills. How narrow is he, Mr President, that he cannot see the importance of an adult—these are young adults—being able to read and write? How are they even going to fill out their employment form if their literacy and numeracy skills are so poor? It is just appalling that he has such—

The Hon. T.J. Stephens interjecting:

The Hon. G.E. GAGO: He sits there and wants to be part of a government—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order!

The Hon. T.J. Stephens: You're a disgrace—an absolute disgrace!

The PRESIDENT: The only one who is a disgrace at the moment, the Hon. Mr Stephens, is yourself. Allow the minister to complete her answer.

The Hon. G.E. GAGO: He is red in the face. His face has gone as red as his bench, Mr President, so I think I had better leave it at that.

Bills

FIREARMS BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. T.A. FRANKS (15:29): I rise today on behalf of the Greens to make a brief contribution to the Firearms Bill 2015. I do so obviously on a day when I woke up to a news flash on my phone of yet another horrific incident in America, where in San Bernardino at least 14 are dead and even more have been wounded, after a shooting attack on a centre for people with developmental disabilities in California—a shocking story that I am glad to say we rarely see in Australia. Many of us would remember the horrific massacre at Port Arthur which led to some strong reforms in this area.

This bill before us seeks to repeal the Firearms Act 1977. My office has received a number of briefings from minister Piccolo's office, so I would like to thank on their behalf Emmanuel Cusack, Erinne Provis, Brendan Beh, Philip Newitt and Michael Fisher for their extensive time spent in liaising with my staff. The Greens position on the ownership of firearms is that we believe owning a firearm

is a privilege in the same way that possessing a driver's licence is also a privilege and not a right. This bill before this chamber seeks to explicitly state that gun ownership is a privilege, a position that the Greens strongly support.

The Greens have a long history of supporting strict gun control laws. We have done this at both state and federal levels. The Greens also support laws that allow for people and organisations to use their own firearms legally and responsibly. The Greens support the objectives of this bill which include promoting safe and responsible storage and use of a firearm.

I know that one of the SAPOL officers who briefed me showed me a photo of a rifle which was supposedly secured, and I understand technically secured under the current regime, which had attached to it an incredibly long chain that could be stretched to extend through the length and breadth of his house. The firearm owner in this case knew that this crafty chain system apparently met with the requirements of the current act. This is quite concerning.

I believe we must do what we can to ensure that guns are stored more securely, not with these sorts of loose chains which can extend through an entire premises. The Greens believe it is important to establish a registration scheme for all firearms and to prevent or restrict persons or organisations from possessing firearms for criminal purposes. As the minister responsible for the act, minister Piccolo has pointed out in his contribution in the other place that there are six key objects of this bill which the Greens support.

The Greens support the measures inserted in this piece of legislation which clearly state that a licensed dealer is guilty of an offence for employing a disqualified person in the dealer's business. A disqualified person is a person who has, in the preceding five years, had a firearms licence cancelled, been refused an application for a licence or a permit on the grounds that they are not a 'fit and proper' person, or has been found guilty of an indictable offence.

I have a question for the minister in relation to this part of the bill. What if that dealer is not aware that the person employed in their business is a disqualified person? I am glad to know under the bill it will be a defence for the dealer or employee to prove that they did not know and could not be reasonably expected to have known that the person was a disqualified person. I would also like to seek clarification from the minister: can an employer request this information when hiring someone as an employee?

The bill seeks to tighten the conditions of licences. For example, the bill states that the licensee must, on the request of the registrar, provide the registrar with information relating to any firearm registered in the licensee's name or possession, the licensee's use of the firearm or a matter relevant to whether the person is a fit and proper person to hold the licence. The Greens are supportive of the requirement in the bill which means that a licensee must, in accordance with a written request of the registrar, conduct an audit of the licensee's practices with respect to the storage and safe keeping of the firearms and report to the registrar the result of that audit in the manner and within the time specified by the registrar. The licensee must also allow a police officer to inspect at any reasonable time the firearms in the licensee's possession and the licensee's facilities for its storage and safe keeping.

The bill also addresses the issue of trafficking in firearms. I have been advised that there are some 65,473 South Australians holding a firearms licence and approximately 309,209 are registered firearms in South Australia. There are approximately 230 to 250 firearms stolen each and every year in our state. I know that this figure relates to those firearms that are actually registered and that the real figure is likely to be much higher. I have also been informed that guns end up interstate and that there is no mechanism for police to track stolen firearms.

The Greens are also supportive of the requirement to register a deactivated firearm. This should assist police officers in tracking deactivated firearms. I also think it is important that deactivated firearms are registered. As the member for Morialta noted in the other place, in Queensland there were some 4,000 deactivated firearms which were reactivated and distributed amongst criminal organisations. The government has set incentives for people with deactivated firearms to register. Under this bill, there are no costs associated with registering a deactivated firearm, provided the firearm is registered within 12 months of the commencement of this bill.

The bill before us seeks to prohibit a person from being granted a firearms licence if the applicant has been found guilty of an offence prescribed in the regulations. We will, of course, look at these regulations when they are introduced.

The Greens are supportive of the implementation of a firearms amnesty to allow a person who has unauthorised possession of a firearm to surrender that item to a police station. I know that this has already commenced and I welcome that announcement from minister Piccolo in recent days. People can hand in weapons at their nearest police station or at roughly 45 firearms dealers across state over the next seven months.

Once this bill is passed, it will see, hopefully, a permanent amnesty for firearms in this state. The provision also allows individuals to hand in any firearm or ammunition. We support the broad objectives as stated in this bill and will consider the range of amendments tabled in the committee stage. With that, we support the second reading of the bill.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:37): I believe that all second reading contributions have been completed and I thank honourable members for those contributions. A key purpose of the bill is to improve public safety and prevent crime, and I thank every member in this chamber for their understanding of the importance of this legislation. The formation of this bill has been 10 years in the making, and I am pleased that we have almost come to the final stages over the past 12 months.

The Minister for Police has undertaken a comprehensive community consultation and engaged heavily with the community and sought stakeholder views on reforms proposed for the bill. This, I believe, has helped develop a modern bill that meets the expectations of South Australians.

The main purposes of the bill are: to improve public safety and prevent crime; reduce red tape; overcome deficiencies; facilitate a national approach to firearm control; increase the functionality of the act; and modernise the act. The bill achieves a clear and sustainable balance between firearm control, which maximises public safety, and encouraging the responsible possession and use of firearms for legitimate reasons. There were extensive questions asked during the second reading debate, and I will deal with those at the appropriate clause or at clause 1 of the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. T.J. STEPHENS: I am glad the Hon. Mr Brokenshire has arrived. I said a little bit about sound arresters in my second reading speech and, given that the minister has the experts with her, I want to know what the angst is with regard to a sound arrester attached to a .22 rifle, given that we now only have bolt action with limited magazine rifles, for pest eradication with regard to rabbits.

It might sound like a trivial thing, but the destruction that rabbits wreak on our environment is really quite dramatic, and anyone who has ever been involved with the pest eradication of rabbits with a rifle knows that if you shoot one rabbit they all run away. There is a genuine reason why a sound arrester would become quite useful.

I am not sure, and perhaps the adviser can straighten the minister out on it, how many .22 long rifles that belong to licensed and responsible gun owners are actually used in crime. Also, what is the fear or harm of being able to use sound arresters for those rifles with regard to pest eradication?

The Hon. G.E. GAGO: Currently, the sound moderators are banned here in South Australia, so the amendment we have will allow sound moderators to be used in some circumstances. I certainly would not know from first-hand experience, but I am advised that apparently, even with shooting rabbits with a sound moderator on, once you shoot the first rabbit all the rabbits run anyway—

The Hon. T.J. Stephens interjecting:

The Hon. G.E. GAGO: Well, this is expert advice. Apparently, even with the sound moderator on there is still a sound emitted, and although humans cannot hear it most animals can. So it is not going to help in those circumstances.

I am also advised that every state has a similar restriction to sound moderators as the restriction that we are trying to put through today. I am also advised that there are 65,000 gun licences here in South Australia. Of these, 56,000 are hunters so, if you made an exception for hunters, you are basically allowing sound moderators to be used by most licensees.

The Hon. T.J. STEPHENS: Can your adviser explain what the perceived threat is? The question was not answered about how many crimes are actually committed with, for instance, a .22 rifle. Where is the fear? My understanding is that crimes tend not to be committed with a .22 rifle. A weapon of choice, I am led to believe, of a bikie or a criminal tends to be a high-calibre pistol. I do not know that they ride around on motorbikes with .22 rifles strapped to their back. What is the fear of the police with regard to a sound moderator on a .22 rifle? Is it going to lead to an enormous growth in crime? Where is the fear and why?

The Hon. G.E. GAGO: Sorry, I missed that answer in my first response. I have been advised that they do not have those figures; they are not available. Just generally speaking, I have already answered the question about why sound moderators are problematic. Clearly, a gun sound provides a warning that there is potential danger and, as I said, all other jurisdictions have got similar restrictions in place around sound moderators, so they are generally perceived as being potentially quite dangerous.

The Hon. R.L. BROKENSHIRE: Just as a point of clarification. I apologise; I was finishing a meeting.

The Hon. G.E. Gago: Back from out on the steps doing an interview.

The Hon. R.L. BROKENSHIRE: With the media, telling how good the government are, yes, minister.

The Hon. G.E. Gago interjecting:

The Hon. R.L. BROKENSHIRE: Yes, I am always telling the media how good you are. Just on this, I would understand if they have not had a chance yet, but I take it that the leader was not in a position to respond to some of the points that I raised during second reading yet.

An honourable member: During the clauses.

The Hon. R.L. BROKENSHIRE: Yes, during the clauses; okay, that's fine. Just to advise the house, I have filed an additional amendment that will replace part of another amendment that I had, and members have just received that. It is very similar. It is a bit more specific in the clarification, so I am just letting members know that.

My question, which the minister may want to take on notice because we can have some time for this, I guess, even between houses, is: can SAPOL advise how many serious gun crimes have occurred at the hands of licensed owners in the last five years versus gun crimes by people who clearly are unlicensed, unregistered and acting illegally? If we could take that on notice—

Members interjecting:

The Hon. G.E. GAGO: Thank you. I am very pleased you could join us here today.

The Hon. T.J. Stephens: Naughty, naughty! We are trying to cooperate here.

The Hon. G.E. GAGO: Yes. I have got some answers to some of your questions, so perhaps if I just address those now at clause 1. With regard to your question on going to creating a miscellaneous licence for non-handheld items, I am advised, yes; and these items will not have to be deactivated is the short answer. Will these items become prohibited? I am advised no, but the functionality of the firearm will be assessed. Will these firearms became illegal, that is, the non-handheld? I am advised, no, they will not be illegal; however, you would need to obtain the correct licence.

You asked whether the government can confirm the 12 months supply of ammunition, etc., which is intended to be interpreted as a 12-month supply of ammunition on any given day. I am advised that, yes, it is a point-in-time provision; that is, at the point the person is found in possession it is a 12-month supply from that particular point. Can the government clarify the intention of the provision, the amounts of ammunition allowed to be possessed and how it will be interpreted? I am advised the intention is to stop people from stockpiling large quantities of ammunition. We accept that there are some individuals who would have a large amount of ammunition for their sport or profession, and worded this way the legislation allows for this.

Can the government please confirm whether they intend the repair of guns by licensed owners to be converted via manufacturing provisions within the bill? I am advised that manufacture and repair are separate. 'Repair' means to fix an existing part, where manufacturing would be to create a new part altogether. Even if they were the same, clause 37(4)(a) allows an owner of a firearm to manufacture a part for their own registered firearms.

Can the minister confirm, should a cap of 5,000 or some arbitrary number be determined? I am advised that there is no intention of putting a cap on ammunition because individual need varies vastly amongst firearm owners. You asked why live primers and propellants have been included in the definition of 'ammunition'. I am advised that the current definition of 'ammunition' in the Firearms Act is already component-based by including primers and propellants. The unamended definition aligns with the UN protocol definition, recognising the complete round or its components. Australia is a signatory to the UN protocol. Our definition is nationally consistent. The ACT, New South Wales, NT and Tasmania all have extensive definitions and not dissimilar to the one we have drafted.

Can the government please confirm that the definition of 'firing mechanism' is intended to be the complete mechanism or not? I am advised yes. Why has chroming been included in the definition of 'refurbishing'? Chroming is the common term. This was a submission by a stakeholder to cover a gap in the current legislation. Why are firearms parts not included in the definition of 'refurbishing'? I am advised because they are not regulated, therefore anyone can possess them, therefore there is no need to give a permit.

You asked, 'Can the government confirm whether muzzle blast deflectors, flash suppressors, or muzzle breaks are only intended to fall within the definition of 'restricted firearms' and in the definition of 'sound moderators'?' I am advised the definition of 'sound moderator' states: 'designed or adapted to muffle the report when the firearm is fired'. Those other devices are designed not for this purpose, which means that they are not designed for that purpose. Will disqualifying offences be expiable? I am advised, no, none of these will be expiable.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. T.J. STEPHENS: I move:

Amendment No 1 [T Stephens–1]—

Page 6, lines 3 and 4 [clause 3(1)(a)]—Delete paragraph (a) and substitute:

(a) to confirm that firearm possession and use is subject to the overriding need to ensure public safety; and

The amendment changes the first principle of this act to remove the word 'privilege'. This new wording is less ideological and more practical than the previous one. It also acknowledges and includes responsible licence holders, especially those who use guns as a tool of trade.

If I can just explain to the house: I had an email from a gentleman I know who is a very responsible gun owner, pointing out the fact that, sadly, we have just had the tragedy of the Pinery fires and a lot of livestock was lost and a lot of livestock was injured. Many farmers had the unenviable and sad task of having to euthanise much of their stock. This gentleman put the question to me: why would a farmer consider it a privilege to be able to use a tool to carry out such a humane action? I thought his point was very good. We understand that this is about responsible gun ownership. I just do not think it is necessary for us to be overly aggressive with our language.

The Hon. G.E. GAGO: I rise on behalf of the government to oppose this amendment. The amendment removes the word 'privilege' from the principles and objects. The bill articulates a number of underlying principles and objects designed to set the tone of the bill and provide clear guidance on its purposes and intent. One of those underlying principles seeks to reaffirm that firearm possession and use is a privilege conditional on the overriding need to ensure public safety.

The privilege principle has long been established in case law in South Australia having been stated and followed by several judicial officers in the Supreme Court and provides consistency with other legislative instruments. Many contemporary acts contain statements of objects and principles. This principle has also been observed in other jurisdictions. Legislative cases include R v Cullen 2015, SASCFC, 44 at 23 to 24. Justice Gray stated, while referring to the 1996 Australasian Police Ministers Council:

> The underlying thrust of those resolutions is that gun ownership is not a right it's a conditional privilege.

There are others: R v Daniele 2014 SASCFC, 22 at 25; Pollitt v Police 2007; Police v Losapio; Johnson v Registrar of Firearms 221 and, in addition, the principle of privilege is explicitly stated in section 5(i)(a) of the Firearms Act 1996 ACT, and section 3(i)(a) of the Firearms Act 1996 New South Wales. Therefore, the proposed equivalent enactment in South Australia will align these jurisdictions in relation to this aspect and promote nationally consistent firearms legislation.

The Hon. R.L. BROKENSHIRE: I do not really understand why we have the word 'privilege' in there; it is only a motherhood statement anyway, at the end of the day, and is not going to keep the community safe. For me, I do not quite understand it and I strongly believe that providing that you are a licensed, registered and fit and proper person that in Australia you have a democratic right to firearm ownership, just the same as you have a democratic right if you have passed your Ls and Ps and paid your money to drive a car; and the same as you have a democratic right to go to a nightclub and consume alcohol when you are 18 and older—even at 58, my age, you have a democratic right. It is not a privilege so I do not really understand what it is all about.

However, we will be supporting the Liberal amendment and I foreshadow to my colleagues that if that one is not successful then we have an amendment on the same clause, as you would know, Mr Chairman, which is to me a compromise between the government's position and what the minister wants and this one. In the first instance, we will be testing it by supporting the Liberals.

The Hon. T.A. FRANKS: The Greens will be opposing the Liberal amendment. We understand that the principle of privilege is not just proposed in South Australia but is in other jurisdictions, including the ACT and New South Wales. I would say that going to a nightclub, having a driver's licence, even the privilege of a vote are all things that can actually be taken away from you. They are not intrinsic rights in and of themselves; they are privileges and they are, of course, part of our democratic process and our free society but you can lose all of those things and that is the way it should be.

The Hon. T.J. STEPHENS: I certainly agree with the Hon. Tammy Franks that these rights can be taken away. We know that; that is why we operate, of course, within the law. I guess the reason I am keen to promote this particular amendment is that, constantly, licensed firearms owners are under attack. It is almost always not the licensed firearms owners who create problems with guns. It is people who use them illegally. It is outlaw motorcycle gangs, the grubs of society.

I should have said from the outset that I am a licensed firearm owner myself. I have some experience with guns. I have enjoyed hunting, especially for food, over many years. Sadly, this profession does not give me that opportunity; rarely do I get that opportunity. I will be calling a divide to test the mood of the chamber. I understand that Mr Brokenshire has a different set of words, but in fairness to all of our constituents who have contacted us, who do obey the law, who are quite rigorous in the way that they obey the law with their firearms, it is absolutely my duty to test this.

The committee divided on the amendment:

Ayes 8
Noes..... 7
Majority..... 1

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Hood, D.G.E.	Lee, J.S.	Lucas, R.I.
Ridgway, D.W.	Stephens, T.J. (teller)	

NOES

Franks, T.A.	Gago, G.E. (teller)	Gazzola, J.M.
Malinauskas, P.	Ngo, T.T.	Parnell, M.C.
Vincent, K.L.		

PAIRS

Lensink, J.M.A.	Hunter, I.K.	McLachlan, A.L.
Kandelaars, G.A.	Wade, S.G.	Maher, K.J.

Amendment thus carried.

The CHAIR: The next amendment is clause 3, the Hon. Mr Brokenshire No. 1 [Broke-1].

The Hon. R.L. BROKENSHIRE: Based on that vote and on what I advised the committee before, that is a stronger amendment passed than mine, so I will withdraw my amendment No. 1.

Clause as amended passed.

Clause 4.

The Hon. T.J. STEPHENS: I move:

Amendment No 2 [T Stephens–1]—

Page 7, line 3 [clause 4(1), definition of *ammunition*, (c)]—Delete 'live primers, propellants and'

This amendment removes primers and propellants from the definition of ammunition for the purposes of regulation and restriction. This is self-explanatory: primers and propellants are not ammunition.

The Hon. G.E. GAGO: I rise to oppose this. As I have already indicated, the current definition of ammunition in the Firearms Act 1977 is already component based, by including primers and propellants. The unamended definition aligns with the UN protocol definition, recognising the complete round or its components. Australia is a signatory to the UN protocol. Our definition is nationally consistent with the ACT, NSW, Northern Territory and Tasmania. They all have extensive definitions not dissimilar to the one drafted.

In the regulations code of practice for security it is proposed that for components as opposed to a complete round the owner must take all reasonable precautions to ensure it is not lost or stolen or does not come into the possession of an unauthorised person. The current definition of ammunition in the current act is 'suitable for use in a firearm and includes primers and propellants.' I am not too sure why suddenly the Hon. Terry Stephens believes that this has become problematic when it has not been in the past.

The Hon. T.A. FRANKS: I indicate that the Greens will be opposing this amendment.

The Hon. R.L. BROKENSHIRE: We will be supporting the amendment.

The committee divided on the amendment:

Ayes.....8
Noes.....7
Majority.....1

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Hood, D.G.E.	Lee, J.S.	McLachlan, A.L.
Ridgway, D.W.	Stephens, T.J. (teller)	

NOES

Franks, T.A.	Gago, G.E. (teller)	Gazzola, J.M.
Malinauskas, P.	Ngo, T.T.	Parnell, M.C.
Vincent, K.L.		

PAIRS

Lensink, J.M.A.	Maher, K.J.	Lucas, R.I.
Kandelaars, G.A.	Wade, S.G.	Hunter, I.K.

Amendment thus carried.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 2 [Broke–1]—

Page 7, line 13 [clause 4(1), definition of *arms fair*]—After 'firearms' insert ', firearms parts or ammunition'

I will be brief on this one. The definition of 'arms fair' has been expanded to include 'firearms parts, ammunition and ammunition components' to correctly reflect the items on display and for sale where applicable at an arms fair. The advice we have is that arms fairs are only organised with the approval of SAPOL—which is something I agree with—and they are currently authorised to display and, where appropriate, sell firearms parts, ammunition or ammunition components.

The sale of firearms parts, ammunition or ammunition components can occur only upon sighting of appropriate licences. The inclusion of these items into the definition of 'arms fair' in no way allows for the sale of items to members of the general public who are not licensed to possess such things. Rather, for the sake of clarity, it simply defines what occurs at an arms fair.

The Hon. G.E. GAGO: The government supports this amendment. It is consistent with clause 4's definition of foreign firearms dealer permits.

The Hon. T.J. STEPHENS: The opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 5 to 7 passed.

Clause 8.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 3 [Broke–1]—

Page 17, line 14 [clause 8(2)(f)]—Delete 'adult'

These amendments ensure that visitors to shooting clubs are allowed to use firearms provided they are under the supervision of a licensed person. As the bill is drafted, persons under 18 are able to acquire ammunition and engage in shooting only if they are a member of a club and under the supervision of a coach. This provision creates an obvious absurdity, in that it requires a person to pay a year's membership and to hire a coach before determining if sports shooting is a sport they want to pursue.

It could also prevent the clubs from attracting new members. I would rather have as many licensed firearms owners as possible as members of these clubs, and I will state why in a moment. It is my advice that this is common practice amongst sporting clubs. Groups such as Scouts attend

the club once or twice per year, and are signed in and supervised at all times by a licensed firearms owner.

The licensed firearms owner or the club can provide the ammunition and, to the best of my knowledge and I stand to be corrected if they can advise otherwise, there have been no accidents or concerning incidents with supervised minors at clubs. When I had what is a privilege, being police minister—no democratic right in that, it is an absolutely privilege—I took my son out to a sporting range as a young fellow.

He was already aware of firearms, living on a farm, but he saw the management capability of sporting shooters, he saw the strict discipline and rules, he saw how they load and unload their ammunition, he saw the whole lot. I think that it was a very healthy thing for him to see as a young person that you can actually safely enjoy the sport of shooting; there are lots of checks and balances, discipline and protection. To me, I would much rather him be looking at that than some draconian criminal activity on television involving firearms.

The Hon. G.E. GAGO: The government rises to strongly oppose this amendment, and I urge honourable members to think really carefully about this. This is a no-brainer. This amendment is actually opening up access to firearms to children. It is a potentially incredibly dangerous path to go down. The current bill already provides exemption for junior shooters under clause 8(2)(g) and clause 8(2)(r) where there is continuous supervision of a parent or guardian, etc., the supervised shooting can occur at any location, including at a shooting club. Clause 8(2)(q) provides other exemptions.

The effect of this amendment of the Hon. Robert Brokenshire's is that a child of 10 years of age or more could shoot category A, B and H firearms at a shooting club under certain conditions. It is simply not good public policy for 10-year-olds generally, excluding genuine competitive junior shooters supervised by a recognised coach, to shoot category B and H firearms—shotguns and handguns, for instance. This is against the current legislation and against the general intent of the National Firearms Agreement (1996) which prohibits junior shooters from being issued firearms licences, and hence not endorsing shooting by juniors generally. A public safety risk is created by a 10-year-old shooting category B and H firearms which can be made much more powerful than class A firearms. I urge members to think very closely before considering supporting this amendment.

The Hon. T.J. STEPHENS: I have been privy to attend a number of clubs and I have seen first-hand the discipline that is demanded of all participants. Personally, I think that if a young person is interested in firearms, there is no better place than to have them within a licensed club, remembering that the person who is going to be coaching these people and helping them understand all of the safety risks and the things that they need to do has been approved by the police, so not just anyone can put their hand up and be a coach. I just do not think there is a safer place for young people to learn and understand about firearms than at one of these appropriate clubs. So, I am not quite sure how suddenly this becomes a safety issue when there is no safer place and no safer way to be instructed in the responsible use of a firearm.

The Hon. G.E. GAGO: Again, the government strongly opposes this. Currently juniors can shoot at clubs, covering exactly the sort of activity the Hon. Terry Stephens refers to; currently and under this new bill, juniors will be catered for more than adequately. This amendment extends that capability beyond the supervision of clubs, outside of clubs. For instance, it could be shooting somewhere with a friend who has only just got their licence. A child of 10 could find themselves using a handgun or a rifle. It changes the class of weapon that they can use and it also extends the environment in which a junior can shoot.

It really is a no-brainer. I urge honourable members to think very carefully before supporting this. There is just no justification for extending this and exposing juniors to the risk. As I said, they could be supervised using a handgun or another high-powered weapon (that juniors are currently not able to use) by their young mate who has had a licence for just one week. I urge members to reconsider.

The Hon. R.L. BROKENSHIRE: I ask the minister to point out the specifics of where I am saying that any licensed registered firearm owner can coach a 10 year old or above anywhere, because that is not my understanding or intention. Can the minister clarify the specific point? I would

be more worried about the safety of a 10 year old—to any age, but particularly young kids—when the owner of a licensed firearm does not abide by the law when it comes to proper security and safety or happens to leave a firearm on a kitchen table for 10 minutes and the 10 year old comes in. That is sometimes when you do see tragic circumstances occur.

In the paper today, minister, there is a lad who has just become the club record holder at Glenelg for golf, hitting a score that is better than anybody else's. Guess what? He hit that at 14 years of age, and juniors are being encouraged into golf. And that lad started his golf at two years of age. One could argue that that is a dangerous situation too, because people can get hit by a golf ball. The point I make is: why are you inhibiting a 10 year old under supervision from getting an opportunity to find out whether they might be interested in a sport that could eventually take them to win gold medals for Australia?

The Hon. G.E. GAGO: I need to correct the record. I have inadvertently indicated that it extended the junior's supervised use of a gun outside of a club. The adviser has clarified that that is not so: it is only within a club, so I correct the record there. However, the amendment still does extend the exposure of higher calibre weapons to juniors and provides less supervision.

For instance, the removal of supervision by the Liberal amendment removes the supervision by a coach for competitive shooters to shoot category B and H firearms and it removes the supervision by a parent, guardian or other approved person and replaces it with 'supervised by any licensee'. That was the point I was making: it could be an 18 year old who has had their licence for one week supervising a 10-year-old kid with a high-powered weapon. It is outrageous and it is irresponsible.

The Hon. R.L. BROKENSHIRE: I make the point that it could be an 18 year old who may have spent six months in Iraq defending terrorism in Australia who comes back and actually supervises a 10 year old. He could be highly trained. I do not think that is a strong argument at all.

The Hon. G.E. GAGO: Most 18 year olds have not had that experience of fighting in Iraq; most would be inexperienced with the use of a weapon.

The Hon. T.J. STEPHENS: Minister, if they are not a fit and proper person our police would not let them have a licence. The fact is they are 18, they are adults, and if the police had any doubt whatsoever about their suitability, my understanding is that they could not get a licence. So again, I go back to the fact that it is in a club situation and the rules and regulations are so strict, and the discipline is so strict, that I think it is the best possible way for young people to understand firearms.

The Hon. G.E. GAGO: Again, that is an outrageously irresponsible position. A fit and proper person does not cover someone with life experience, considerable experience with a firearm, supervising a 10-year-old kid with a high-powered weapon. How naive. It is outrageously irresponsible.

The Hon. T.J. Stephens interjecting:

The Hon. G.E. GAGO: I have lived in the country. I was brought up in the country—

The CHAIR: Order! The Hon. Ms Franks has the floor.

The Hon. T.A. FRANKS: I indicate that the Greens will be opposing the amendment. I take on board some of the points that the Hon. Robert Brokenshire curiously raised about being coached, in fact, to Olympic standard, and I would say that should that young golf player be willing to get to the elite level they probably would need an appropriate coach. They probably would not be able to do it in the old Bradman way, with some backyard training; that does not get you there these days. I think in this day and age we expect appropriately accredited and trained professionals.

On that note I am going to disclose, much to my mother's chagrin, that Brett Ogle once offered to train me in golf and I told him no, because I thought it was incredibly boring. I was young, I was foolish, and so are the people we are talking about with this amendment.

The Hon. J.A. DARLEY: I indicate that I cannot support this amendment.

Amendment negatived.

The Hon. R.L. BROKENSHIRE: Clearly I do not have the numbers (I did do maths at school) so I will not insist on any of the consequential amendments to that clause. I move:

Amendment No 6 [Broke–1]—

Page 18, line 11 [clause 8(2)(k)(i)]—Delete '21' and substitute '28''

This amendment changes the time in which an executor of an estate must notify the registrar that they have come into possession of a firearm. At the moment the time is 21 days, and this amendment takes it to 28 days. Numerous stakeholders have requested this time frame.

I know we have to be careful when there is a situation where there is a deceased estate and there are firearms left, safely locked away, in that home. I probably would have gone as far as saying 60 to 90 days, because if you are trying to manage grieving a lost loved one, and you are the executor of their estate and you are try to manage the whole thing, and then advise police about the situation, a lot of people would be battling to do it in 28. However, giving them another week just gives them a chance to not be breaking the law, and therefore I commend the amendment to the house.

The Hon. G.E. GAGO: The government is pleased to indicate its support for this amendment.

The Hon. T.J. STEPHENS: The opposition supports the amendment.

The Hon. T.A. FRANKS: The Greens are also in support of this amendment.

The Hon. J.A. DARLEY: I support the amendment.

The Hon. K.L. VINCENT: I support the amendment.

Amendment carried.

The Hon. G.E. GAGO: I move:

Amendment No 1 [EmpHESkills–1]—

Page 19, line 29 [clause 8(2)(r)]—After 'firearm' insert 'or an air handgun'

Amendment No 2 [EmpHESkills–1]—

Page 20, after line 19—After subclause (6) insert:

(7) In this section—

air handgun means a handgun designed to fire shot, bullets or other projectiles by means of compressed air or other compressed gas and not by means of burning propellant.

Amendment No. 1 operates in conjunction with government amendment No. 2. It relates to the exemption of clause 8(2)(r) which, before amendment, provides that an unlicensed person between the ages of 10 and 14 years can shoot category A firearms when under the continuous supervision of his or her parent or guardian or some other approved person when the supervising person holds a licence authorising possession of the firearm for the purpose for which it is being used.

The effect of the amendment is to extend the exemption to allow the supervised shooting of air handguns. There is a definition in amendment No. 2. This amendment was raised by the Sporting Shooters Association of South Australia in order to permit that organisation to continue to conduct supervised shoots with Scouts aged 10 to 14 years.

The Hon. T.J. STEPHENS: The opposition is pleased to support the amendments.

Amendments carried; clause as amended passed.

Clauses 9 to 38 passed.

Clause 39.

The Hon. T.J. STEPHENS: I move:

Amendment No 3 [T Stephens–1]—

Page 47, after line 28 [clause 39(5)]—After paragraph (b) insert:

(ba) that—

(i) the person intends to possess or use the sound moderator for the purpose of culling or destroying feral pests; and

(ii) there is a genuine need for the person to use the sound moderator for that purpose; and

(iii) there is no reasonable alternative to the use of the sound moderator by the person for the purpose, or in the circumstances, for which the approval is to be given; or

Drafting note—

We have added (ii) and (iii) for consistency with the clause as it currently stands.

I referred to this amendment in my second reading contribution. It allows the use of sound moderators in specific circumstances. I refer to pest control in built-up areas so, obviously, it is quite specific. I asked the minister some questions at clause 1 with regard to more extensive use of sound moderators, and I guess, to be fair, I did not get too much love from the minister's advisers. This certainly does not go that far, but I am pleased to move the amendment standing in my name.

The Hon. G.E. GAGO: The government rises to oppose this amendment, and I have already indicated why. This is about allowing a person who culls or destroys feral pests to make an application to possess a sound moderator. As I have indicated, this would significantly expand the number of people who would have access to the use of these.

As I have indicated, there are 65,000 South Australian licence holders, and 56,300 are licensed for the purposes of hunting, so you can see that almost three-quarters of licence holders are going to be covered by this overnight. Hunting activity regularly involves culling feral pests and, therefore, this amendment would extend the eligibility of a sound moderator to the use of 56,300 licensees.

This amendment would allow the widespread approval of sound moderators to be granted. I understand it is actually not the intention of the Hon. Terry Stephens to extend that provision to 56,300 licensees, but that is what the unintended effect of this amendment does. All other states in Australia—all other states—regulate sound moderator possession, and it is very strictly regulated because it is so potentially dangerous. None have a sound moderator scheme anywhere near as broad as that suggested by the opposition's amendment.

The Hon. R.L. BROKENSHIRE: First of all, I place on the record that I do not think 56,300 licensed firearm owners are going to go and buy sound moderators, because most of them are like me. You get a permit to cull some kangaroos, you are not the best shot in the world, I admit, but I like the bang because, if I get one roo, that is a bonus but, once the bang goes off, the roos go elsewhere and get out of my crops. That is really what I am about, and I am sure a lot of those other 53,600 people are like that. They do not want sound moderators.

I know that there are illegal sound moderators around because some of the shootings that occur are from criminals who have silencers or moderators. I think that, given the representation I had in my office, there are a few people with special reasons, and some professional shooters, who are very good at what they do and do need those sound moderators. So we will test the floor of the house and support the Liberals.

The Hon. T.J. STEPHENS: To just add a little bit, my understanding is that it would give people the ability to apply. It does not mean that there will be blanket coverage of 56,000. My intention was that, if people could show genuine cause, then the powers that be would then consider that particular application.

The Hon. G.E. GAGO: Once you open up the provision to one person for the purposes of hunting, then you are obliged to extend that to any application for that purpose. I have just been advised that it would be exceptionally difficult to negate genuine need, given that 'pests' would include rabbits, foxes, goats, birds, etc.—standard pests that really are everywhere.

The Hon. T.A. FRANKS: I was simply going to, hopefully, speed the passage of the debate and say that the Greens oppose this amendment, in terms of the reference to there possibly being more divisions called upon it.

The Hon. J.A. DARLEY: I will be opposing this amendment

The Hon. K.L. VINCENT: Opposed.

Amendment negatived; clause passed.

Clauses 40 to 46 passed.

Clause 47.

The Hon. T.J. STEPHENS: I will withdraw my amendment to this clause on file as it is consequential. My previous amendment was not successful, so I will not move this.

Clause passed.

Clause 48.

The Hon. T.J. STEPHENS: I move:

Amendment No 5 [T Stephens–1]—

Page 57, after line 3—Before subclause (1) insert:

(a1) For the purposes of the *South Australian Civil and Administrative Tribunal Act 2013*, a review under section 47 will be taken to come within the Tribunal's review jurisdiction but, in the exercise of this jurisdiction, the Tribunal will consider the matter *de novo* (adopting such processes and procedures, and considering and receiving such evidence or material, as it thinks fit for the purposes of the proceedings).

This amendment slightly changes the nature of SACAT's review power of the registrar. Under this amendment SACAT will consider matters de novo as a new case on their merits rather than in regard to deficiencies in the registrar's original decision.

The Hon. G.E. GAGO: The government rises to oppose this amendment. We believe the SACAT Act already has sensible provisions for reviewing cases, and we do not wish to change their overall structure of how SACAT looks at reviews. The SACAT Act states at Part 4, 39(1)(c):

(c) The tribunal must act according to equity, good conscience and the substantial merits of the case and without regard to legal technicalities and forms.

The Hon. J.A. DARLEY: I support this amendment.

The Hon. R.L. BROKENSHIRE: Family First supports this amendment.

The Hon. T.A. FRANKS: The Greens oppose this amendment.

The Hon. K.L. VINCENT: Supported.

Amendment carried; clause as amended passed.

Clauses 49 to 53 passed.

Clause 54.

The Hon. T.J. STEPHENS: I move:

Amendment No 6 [T Stephens–1]—

Page 59, lines 6 to 36—This clause will be opposed.

This amendment deletes clause 54, which gives a registrar powers to investigate whether someone is a fit and proper person. The Liberal Party believes a clause which removes a person's right against self-incrimination, i.e. the right to silence and the need for police to obtain a warrant before entering a premise, infringes established civil liberties. We will therefore oppose it, unless the government has a compromise. I understand the minister may have an amendment and I would like to hear from my crossbench colleagues on this clause before I proceed, if I could.

The Hon. G.E. GAGO: The government opposes amendment [Stephens-1] 6. Clause 54 is necessary to provide the registrar with powers to make inquiries whether a person should acquire a licence or permit, to continue to hold one and, therefore, improves public safety. For example, if there was an accidental shooting at a firearms range, clause 54 would give the registrar the authority to

require the CCTV footage from the range operator. The registrar currently has no authority to do this at the moment.

The Hon. Terry Stephens is right, Labor moved two amendments in the House of Assembly to keep this clause in the bill. However, to require a warrant to enter a premise and remove a section which abrogates a right to silence in respect to a question asked under clause 54(1)(a)(i). We believe we have made a good compromise and that the Liberal Party should support our halfway point.

The Hon. R.L. BROKENSHIRE: Quite a lot of constituents contacted me expressing concern about this. I know some of the reasons why the government is changing this but I think there could still be some chance of a fairer compromise on this as we work through the final stages, perhaps between houses. However, at this point in time, to keep the debate democratic on this, we will support the Liberals' amendment.

The Hon. T.A. FRANKS: The Greens will be opposing the Liberals' amendment. We believe that a compromise has been reached and we also believe that it is reasonable for the registrar to be able to ask people some questions and have them answered, as well as the ability to, for example, get the CCTV, as was explained to me, in cases of not only accidental shootings but deliberate shootings and suicides.

The Hon. J.A. DARLEY: I will be opposing this amendment.

The Hon. K.L. VINCENT: Given that a compromise seems to have been reached, as has been said, it seems to me that a fair balance has been struck and we will oppose the opposition amendment.

Clause passed.

Clauses 55 to 63 passed.

Clause 64.

The Hon. R.L. BROKENSHIRE: I move

Amendment No 7 [Broke–1]—

Page 71, line 20 [clause 64(3)]—Delete '21' and substitute '28

I have spoken to the amendment.

The Hon. G.E. GAGO: The government supports this amendment.

Amendment carried; clause as amended passed.

Clauses 65 to 74 passed.

Clause 75.

The Hon. T.J. STEPHENS: I move:

Amendment No 7 [T Stephens–1]—

Page 78, lines 8 to 35 (inclusive) and page 79, lines 1 to 3 (inclusive) [clause 75(2) and (3)]—

Delete subclauses (2) and (3)

This amendment removes the exceptions to the general defence. The Liberal Party believes the general defence should remain in force in fairness to law-abiding firearms owners. In fact, the vast majority of people with firearms are law-abiding citizens and we just do not think that this is fair and reasonable.

The Hon. G.E. GAGO: The government opposes this amendment. This amendment seeks to restore the general defence to the bill without any limitations. The exceptions to subclauses (2) and (3) seek to create strict liability offences in the bill: offences where mental intent is not a requisite element of the offence.

These include offences where other defences already operate, offences where the general defence does not make sense, and others where, as a matter of policy, such as trafficking, the general offence should not apply. These offences should be excluded, and there are many of them:

possession, use of firearms, dealers, breach of condition, trafficking firearms; there is an extensive list.

The Hon. R.L. BROKENSHIRE: The minister used the example of trafficking. Clearly, that is illegal—criminal—and no-one is going to support firearms traffickers. There may be a clear argument for those people not having the general defence provisions, but I think it is still pretty broad. I had more representation on this one than on any other issue that the government has put up with this bill. I think a bit more work could be done to bring more fairness back into this particular clause, so I would be prepared to support the Liberals on seeing where the rest of the house is going to go.

The Hon. J.A. DARLEY: I will be supporting the Liberal amendment.

The Hon. T.A. FRANKS: The Greens will be opposing the Liberal amendment.

Amendment carried; clause as amended passed.

Remaining clauses (76 to 78) passed.

Schedule 1.

The Hon. G.E. GAGO: I move:

Amendment No 3 [EmpHESkills–1]—

Part 4, page 81, after line 17—After clause 5 insert:

5A—Amendment of section 267AA—Offence where unlawfully supplied firearm used in subsequent offence

Section 267AA(6), definition of *prescribed firearm offence*—after *'Firearms Act 1977'* insert 'or section 22(2)(a) or 45(9) of the *Firearms Act 2015*'

The amendment is consequential to the recent passage of the Statutes Amendment (Firearms Offences) Act 2015. This amendment ensures that, upon the passage of this bill, section 267AA of the Criminal Law Consolidation Act 1935 will correctly identify a prescribed firearms offence as one contained within the relevant sections of the enacted Firearms Act 2015 and not those within the repealed Firearms Act 1977. It is really just an administrative amendment.

Amendment carried.

The Hon. G.E. GAGO: I move:

Amendment No 4 [EmpHESkills–1]—

Page 82, after line 12—Insert:

(5a) Section 20AA(1), definition of *serious firearm offence*, (f)—delete 'section 10C(10) of the *Firearms Act 1977*' and substitute:

section 45(9) of the *Firearms Act 2015*

(5b) Section 20AA(1), definition of *serious firearm offence*, (g)—delete 'section 14 of the *Firearms Act 1977*' and substitute:

section 22(2)(a) of the *Firearms Act 2015*

Amendment No 5 [EmpHESkills–1]—

Page 83, after line 2—Before clause 14 insert:

13A—Amendment of section 3—Interpretation

(1) Section 3(1), definition of *ammunition*—delete *'Firearms Act 1977'* and substitute 'Firearms Act 2015'

(2) Section 3(1), definition of *firearm*—delete *'Firearms Act 1977'* and substitute '*Firearms Act 2015*'

These two amendments are consequential to amendment No. 3.

Amendments carried.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 1 [Broke–3]—

Page 86, after line 29 [Schedule 1, clause 29(2)]—After paragraph (a) insert:

(ab) no application fee is payable in relation to an application for a licence authorising possession of a firearm, or an application for the registration of a firearm, if the firearm is a firearm within the meaning of this Act but was not a firearm within the meaning of the repealed Act because it was not designed to be carried by hand and—

(i) the applicant was in lawful possession of the firearm before the commencement of this clause; and

(ii) the application is made before the end of the transition period; and

(iii) the Registrar is satisfied that the applicant is—

(A) a museum to which access is permitted to the public, whether for free or on payment of money; or

(B) the RSL or a sub-branch of the RSL; or

(C) a genuine collector of firearms of historical or other significance and genuinely has possession of the firearm for that purpose; and

I did advise the house about this slight change in wording from the initial one that I filed. Just so that all members know, I am moving amendment [Broke-3] 1. What is being further included comes in (iii):

(iii) the Registrar is satisfied that the applicant is—

(A) a museum to which access is permitted to the public, whether for free or on payment of money; or

(B) the RSL or a sub-branch of the RSL; or

(C) a genuine collector of firearms of historical or other significance and genuinely has possession of the firearm for that purpose; and

I have been working with the minister's office on this, and I believe that there is more clarity in this amendment than what I originally put up.

The Hon. G.E. GAGO: The government supports this amendment. I understand we have 'brokered with Brokey' a fair and reasonable outcome.

The Hon. T.J. STEPHENS: The opposition supports the amendment.

Amendment carried.

The Hon. R.L. BROKENSHIRE: I won't talk on this unless members have questions. I move:

Amendment No 9 [Broke–1]—

Page 86, line 31 [Schedule 1, clause 29(2)(b)]—Delete 'deactivated'

Amendment No 10 [Broke–1]—

Page 86, line 32 [Schedule 1, clause 29(2)(b)]—After 'paragraph (a)' insert 'or (ab)'

The Hon. G.E. GAGO: The government supports this.

Amendments carried.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 11 [Broke–1]—

Page 86, after line 34—After subclause (2) insert:

(2a) If—

(a) during the transition period, a person surrenders to the Registrar a device that is a firearm within the meaning of this Act but was not a firearm within the meaning of the repealed Act; and

(b) the person was in lawful possession of the device before the commencement of this clause; and

(c) the Registrar is satisfied that any application by the person in order to obtain the necessary authority to possess the firearm would have been granted under this Act,

the Registrar must, subject to conditions approved by the Minister, pay compensation in respect of the surrendered firearm.

(2b) Compensation payable under subclause (2a)—

(a) is to be of an amount equal to the market value of the firearm at the time of its surrender; and

(b) must be paid from the Consolidated Account which is appropriated by this clause to the necessary extent.

I do need, under proper procedures, to advise the house that technically the Clerk may say that this is a money clause. This creates a provision whereby a licensed firearms owner is able to recover compensation for a firearm they have previously owned lawfully which has subsequently been declared prohibited. Amendments Nos 12 and 13 are consequential to this.

This is something I have always been consistent on, way back to the buyback that the then Prime Minister Howard had after Port Arthur. This is not just for now: this is a modernised act and I hope it is not played around with too much for a very long time once we get it through. I just strongly believe democratically that if someone buys something legally and the parliament, the state, the nation or the government of the day then make a decision for it could be a very bona fide reason that something is no longer going to be legal, but that person has legally purchased it and spent the money, they should be compensated. That is why I am flagging this for some consideration.

The Hon. G.E. GAGO: The government rises to oppose this amendment, but in fact actually agrees with the last statement that the Hon. Robert Brokenshire made, and that is, if a weapon was currently legal and then we have suddenly made it illegal, we have supported buybacks. That is what the Howard buyback was all about: they were weapons that were once legal and then were banned and it is fitting that compensation is considered. This is a completely different case.

We are not banning these weapons. They are currently unregulated and we are regulating them, so the individual has the choice of pursuing a licence or not. What's more, they can pursue their licence fee-free, so it is at no cost to them currently. We are not banning these weapons outright. We are simply regulating them and then the individual has the choice. Therefore, compensation is not appropriate, because it is in the hands of the individual and, as I said, the licence is being offered fee-free.

The Hon. R.L. BROKENSHIRE: I ask the minister for the record, with what the minister just responded regarding this amendment, can the minister categorically confirm that at any time into the future, if someone is forced into registration, as an example that you put forward there, they would not have to pay any fee? Because if there is a sunset clause on this, then that is of concern, because all of a sudden it is there for a year and then people are being forced to pay. You might say that they have that period and that's it because they are going to have to register, but I just need some clarification on the record.

The Hon. G.E. GAGO: The Hon. Robert Brokenshire knows only too well, having once served as a minister in government, that those commitments cannot be made. You can only commit to the circumstances that are before us. This transition is certainly being offered fee-free.

The Hon. T.J. STEPHENS: My question to the minister: my understanding of Mr Brokenshire's amendment was that if, after this act becomes law, there are any change to the rules and regulations with regard to having a weapon, it means that a government of the day will be compensated. Is that not your understanding of what he is saying?

The Hon. G.E. Gago: I don't understand your question, sorry.

The Hon. T.J. STEPHENS: Well, like the Port Arthur thing—and I had a semi-automatic weapon that was legal when I had it; it was registered. The prime minister of the day convinced his government to make that weapon illegal and I had to surrender it, so I was duly compensated, which I thought eased the pain a bit. I thought that the Hon. Mr Brokenshire's amendment, given our advice, was that that was his intention. So, that we are, in good faith, going to deal with what we have.

We are going to have a new act, but if the government of the day, after this act is enacted, decides that a specific type of weapon is no longer going to be reasonable for a law-abiding gun

owner to have, that compensation will be paid by the government. That is my understanding of the Hon. Mr Brokenshire's intention, and that was our advice with regard to his amendment.

The Hon. G.E. GAGO: I understand the issue that the Hon. Terry Stephens and the Hon. Robert Brokenshire have raised. However, they both have made reference to Port Arthur, and I continue to say that Port Arthur was a completely different set of circumstances. Those weapons were banned. You did not have an option of taking out a licence, if you chose; they were banned. Your right to use those weapons was taken away from you and therefore compensation was paid. That is not what we are doing here. A person may choose to not take out a licence, but we are not actually banning the weapon.

The Hon. J.A. DARLEY: I will not be supporting the amendment.

The Hon. T.A. FRANKS: Not supporting this amendment.

The CHAIR: I will put the amendment, but with the amendment there is a suggestion to the House of Assembly to amend the schedule by inserting, after clause 2, new subclauses (2a) and (2b), as proposed by the Hon. Mr Brokenshire, because it is a money amendment.

Amendment negatived.

The Hon. G.E. GAGO: I move:

Amendment No 6 [EmpHESkills–1]—

Page 86, after line 34—After subclause (2) insert

(2a) If an application for a licence, or for the renewal of a licence, to which subclause (2) applies also includes an application for authorisation to possess a firearm that does not fall within the ambit of that subclause, then that subclause does not operate to preclude the requirement for payment of an application fee in respect of the application insofar as it relates to the additional firearm.

This amendment relates to an opposition amendment in the House of Assembly, clause 29, schedule 1, part 15. The House of Assembly amendment was to the effect that if a person had lawful possession of a deactivated firearm before the commencement of this bill, and that person made an application for a licence or registration relating to the deactivated firearm during the transitions period of this bill, then those applications and subsequent renewals would not attract any fees payable (e.g., no fees payable for life).

Clause 29, schedule 1, part 15 is now sought to be further amended by Brokenshire amendment No. 8 to mean that a firearm not designed to be carried by hand, and previously unregulated (like deactivated firearms), also does not attract an initial or ongoing licence, registration or renewal fee.

The current government amendment No. 6 seeks to clarify the previous lower house amendment and the new Brokenshire amendment No. 8 to the effect that, where a person already has other registered firearms associated with an existing licence, that licence is either varied or added to accommodate the regulation of the deactivated firearm or non-handheld firearm. Then, the licence remains liable for the ongoing application or renewal fee associated with maintenance of the existing licence. It is not an additional cost to that, it is just part of the licence renewal and fee that they are already paying.

The Hon. T.J. STEPHENS: I rise to support the amendment.

The Hon. R.L. BROKENSHIRE: I support the amendment.

Amendment carried.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 12 [Broke–1]—

Page 86, line 37 [Schedule 1, clause 29(3), definition of *deactivated firearm*]—Delete 'only'

Amendment No 13 [Broke–1]—

Page 86, after line 38 [Schedule 1, clause 29(3)]—Insert:

RSL means the Returned & Services League of Australia (S.A. Branch) Incorporated.

These flow on from the previous amendment that I moved. These are consequential.

The Hon. G.E. GAGO: They are both consequential and we support both.

Amendments carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:00): I move:

That this bill be now read a third time.

Bill read a third time and passed.

COMMUNITY BASED SENTENCES (INTERSTATE TRANSFER) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 November 2015.)

The Hon. T.J. STEPHENS (17:01): I rise on behalf of the opposition to support this bill which was introduced by minister Piccolo on 15 October in the other place. It seeks to facilitate the transfer of community based sentences, such as suspended sentences and supervised bonds but not parole, between states. National model legislation currently operates in relation to prison transfer and parole transfers, and this legislation extends the principle to community based sentences. The legislation has been endorsed by ministerial councils (Corrections in 2010 and Attorneys-General in 2011) and I believe has been passed in all other jurisdictions except South Australia, Queensland and the Northern Territory at this stage.

Some of the discussion around this bill and some of the reasons that were identified during the second reading included proximity to improve family and community support, to escape domestic violence, or the prospect of increased choice of employment or study opportunities. Allowing a transfer to a new area in which the offender has good support increases the probability of the offender fulfilling the order, being positively re-integrated back into the community, and desisting from further offending.

An offender wishing to transfer interstate must apply, through their home jurisdiction, to have their sentence served in a new state. Relevant records and assessments are submitted through various departments, and if accepted then the sentence is registered in the new state and supervised as if the sentence had been imposed in the new state. States have the discretion to refuse a transfer. The offender retains rights relating to appeal or requests for amendment of sentence in their original jurisdiction.

Some community based sentences may not have a substantially similar sentence type in the other states. In those cases the transfer remains unavailable. It must be an order that 'substantially corresponds' to the order available in the new state. The legislation has been enacted in most other states and seems sensible albeit a bit late. I would like to thank, for my part, the member for Morialta for his handling of this particular bit of legislation and the thorough and comprehensive briefings he has organised for the Liberal Party's party room. It is with pleasure that I support the bill.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:04): I believe that there are no further second reading

contributions. I thank the opposition for indicating their support for this and I understand the support generally throughout the chamber. This is an uncontroversial and sensible bill. It is about enabling the transfer of offenders to different jurisdictions. I look forward to this being dealt with expeditiously through the committee stage.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:06): I move:

That this bill be now read a third time.

Bill read a third time and passed.

TOBACCO PRODUCTS REGULATION (ARTISTIC PERFORMANCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 November 2015.)

The Hon. T.A. FRANKS (17:08): I rise on behalf of the Greens to briefly indicate our support for the Tobacco Products Regulation (Artistic Performances) Amendment Bill. This bill is a very small and simple bill that will ease the operations of those theatre productions that seek to incorporate the smoking of a cigarette, for example, into their productions and enable them to seek and gain the permissions to do so in a much more streamlined manner. Currently, I understand, these things can take many months, and that is unwieldy and unworkable for many theatre companies.

It is a tiny bill so it is quite odd that it is before us. I would have thought that perhaps this matter could have been addressed in either one of the omnibus bills or with a raft of reforms to support the arts industry. There is great discussion within the arts industry itself around the range of reforms that we could be looking at to ensure that we are not only are proud of our long history and tradition of being the festival state, of having an enterprising and visionary arts sector, but indeed debating in this place the way this government and this parliament could support the artistic and cultural life of our state for the 21st century.

On that, I recommend to members to take heed of the publication that is hot off the presses, released just this weekend, entitled *Adelaide 2055: Transforming a creative breeding ground into a city of sustainable arts and culture, A Vision for South Australia's Future Powered by Culture, the Arts and Creative Industries*. It has been put out by the Arts Industry Council of South Australia.

I welcome the action that the Arts Industry Council has taken. Indeed, last year nearly 200 members of South Australia's arts community came together to talk about the future, and they envisaged a city and a state with an enterprising future powered by culture, the arts and creative industries. They have a document here that is the beginnings of the agreed plan for that future. They are still taking submissions, and I know that they welcome the conversation about the role the arts can play.

However, when we talk about all this vibrancy or innovation—vibrancy at state level or innovation at a federal level—it is the arts that epitomise these particular words, and South Australia is uniquely positioned, as the Arts Industry Council document says, to develop the interconnectedness necessary to deliver the vision. We have the talent here, we have a great state, we have the ability to capitalise on the arts and on our festivals, and to support our arts makers and the artistic enterprises of this state at all levels. Whether it is a course on live music, as I am often wont to bang on about in this place, or theatre, as this bill slightly touches on today with easing their ability to have someone smoking on stage where it is appropriate for the production, or the bigger

picture of ensuring that we have the right black boxes, we have the building of crowds, we have the supporting of an industry.

When we have lost groups such as Urban Youth in recent years we need to really nurture our arts industry and make sure that we do not lose such precious things in the future. I know that particular group will live on, but of course its legacy has been seen in the talent from South Australia that treads the world stage on both the silver screen and in a variety of both backroom and performance options. With those few words I commend this bill to the council, but I look forward to more substantial pronouncements on the arts from the Weatherill government in the near future.

Debate adjourned on motion of Hon. T.T. Ngo.

At 17:31 the council adjourned until Tuesday 8 December 2015 at 10:15.