HOUSE OF ASSEMBLY

Wednesday 24 July 1996

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

SHOOTING BANS

A petition signed by 904 residents of South Australia requesting that the House urge the Government to ban the recreational shooting of ducks and quails was presented by the Hon. M.H. Armitage.

Petition received.

LEGIONNAIRE'S DISEASE

The Hon. M.H. ARMITAGE (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: Yesterday I undertook to keep the House informed of any significant developments in relation to the *legionella* incident on Kangaroo Island. Yesterday afternoon I was informed that *legionella pneumophila* type one was confirmed as having been definitively grown from a sample of water from the Ozone Hotel spa pool. This morning further information was received indicating that the pontiac strain has been identified in samples from the spa and both patients. This strengthens the link between the disease and the hotel, but I am informed that, as the type of *legionella* bacterium involved is the most common type involved in outbreaks, this link is not conclusive.

As I indicated to the House yesterday, there are a number of concurrent responses which the South Australian Health Commission is putting into action in response to the incident. One of these responses as identified was to engage guests, staff and renovation workers at the hotel in a questionnaire. The guest list from the hotel had been clarified in the days since a registrar was in Kingscote.

Following receipt of the test results yesterday afternoon, a decision was taken to expedite plans for guests to be contacted and to seek information which might assist in identifying the source. The intention was to take the opportunity to confirm the advice which had been given on two occasions publicly, namely, if people were exhibiting any symptoms, it would be appropriate for them to visit their doctor immediately.

In my statement yesterday, I indicated that the list of guests at the hotel was being reviewed. Immediately following my statement, the Leader of the Opposition raised the matter of the prioritisation of the task of contacting the guests within the public health response. I raised the matter with Dr Kerry Kirke, the Executive Director of the Public and Environmental Health Service of the South Australian Health Commission. The Executive Director made a public statement in response to the Leader's comments. So that the House may be informed of his rationale for the approach taken by the service, I quote from public statements by Dr Kirke on the issue of contacting the guests. He said:

> We thought that it was much more important that doctors who might be consulted by people knew that there was legionnaire's disease about, they knew what the symptoms were, and they knew what the tests were and so on.

Dr Kirke said that contacting the guests individually as an initial response was not considered to be the most urgent public health measure since the infection could not be passed on from person to person and considerable doubt existed as to the source. It was felt that a general public alert would be much more effective, and I am advised that all guests so far contacted were already aware of the public warning. I remind the House that it is important that priorities in the management of public health incidents be decided by public health experts, not by parliamentarians. Public health is vital to the health of all South Australians and involves complex professional, scientific and technical skills. The Public and Environmental Health Service has responsibility to marshal those skills to respond to public health incidents urgently and effectively.

In terms of accountability of the commission to me and the Parliament, I will undertake to keep the House informed of developments with respect to management of the incident and I am willing to seek information and arrange briefings for members, particularly for the Leader of the Opposition and the member for Elizabeth.

REVEGETATION

The Hon. R.G. KERIN (Minister for Primary Industries): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.G. KERIN: Earlier today I had the great pleasure to be in the Adelaide Hills with my colleague the Minister for the Environment and Natural Resources to launch the revegetation strategy for South Australia. I felt it was appropriate that we launch the revegetation strategy at a property called Rangelea Park at Harrogate where many of the excellent practices we hope will be embraced by landholders are already being put into action. I hope the State revegetation strategy will be the catalyst for renewed enthusiasm about the benefits of revegetation. I must point out that this applies not only in terms of caring for the land but also in terms of enhanced primary production. Various studies have shown that embracing revegetation makes sound economic sense on the land. For example, we can increase grain yields, cut energy requirements, and losses of newly-shorn sheep can be avoided by use of shelter belts and lambing havens. Other issues considered in the strategy include combating top soil erosion and nutrient losses.

I do not need to remind the House that in much of South Australia salinity is an ongoing problem which affects productivity. Part of the revegetation strategy involves the planting of deep rooted perennial vegetation, which is adapted to salinity. There are good results which show that this strategy can help combat the problem by removing underground salinity and surface salt. The revegetation strategy is not just about planting trees. For example, native grasses such as kangaroo and wallaby grasses are just as nutritious as clover and introduced pastures. Two things become clear from the revegetation strategy: first, we are creating a better environment with more trees and plants for our native fauna; and, secondly, and just as importantly for farmers, we are improving the bottom line.

There are clear economic advantages in revegetation. The economics and the ecology of managing land are not mutually exclusive and the need to integrate these two components is something which must be considered. The revegetation strategy adopts three main guiding principles:

1. That revegetation which includes re-establishment, regeneration and vegetation management is an integral part of sound natural resource management practices.

2. The long-term economic benefits of conserving and managing vegetation should be considered against short-term economic gains.

3. Landholders and other land managers have a duty of care in natural resource management.

South Australia will be one of the first States to develop a revegetation strategy. One of the key elements to this plan is that it will be very much one that will be taken up at the regional level. It is important for local communities with local knowledge to get behind the strategy and put into place strategies that work for their area. After all, no-one knows better what is needed in a district than the very people who live and work there, whether farmers, others who live and work in the area or the people already doing vital work in their Landcare and Soil Conservation Boards or agriculture bureaus. These people are the backbone of their communities and it is local enthusiasm and energy that we are hoping to harness with this strategy.

I would like to pay tribute to the State Revegetation Committee, chaired by Bruce Munday, for its considerable input into both the strategy and today's launch. There are other groups also involved. Currently at the State Tree Centre, PISA coordinates regional revegetation activity in partnership with community groups Greening Australia and the Australian Trust for Conservation Volunteers. PISA's regional revegetation officers provide critical technical support and will be vital to ensure that the strategy is implemented.

We recognise that there has to be a balance between economic development and natural resource conservation. Our State Flora Nursery at Murray Bridge last year produced 2 million seedlings. Two-thirds of these were for forestry and one-third were for revegetation to produce shelter breaks, windbreaks, shade and understorey and also for industry such as cut flowers and broom bush. Through the revegetation strategy, I believe we can also further enhance the links between our urban and rural neighbours and forge greater understanding of the role of the primary producer in revegetation.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 80, 89, 91, 101, 108 and 109, and I direct that the following written answer to a question without notice be distributed and printed in *Hansard.*

GAMBLERS REHABILITATION FUND

In reply to **Ms HURLEY (Napier)** 28 May.

The Hon. D.C. WOTTON: The reconciliation of the Gamblers Rehabilitation Fund is as follows:

1994-95	$
Contribution to the Fund	1 500 000
Allocations against these funds:	
-Expended	378 750
-Allocated for specialist and other services still being established	636 200
Total Committed	1 014 940
1995-96	
Contribution to the Fund	1 500 000
Allocations against these funds:	
-Expended	613 960
-Allocated for specialist and other services still being established	471 000
-Allocated to one-off funding to address particular implementation difficulties	300 000
Total Committed	1 384 960
1996-97	
Committed Contribution to the Fund	1 500 000
Allocations against these funds:	
-Anticipated expenditure for existing services	1 072 000
-Allocated for specialist and other services to be established in 1996-97	320 000
Total Committed	$1 392 000

No unexpended funds from the Gamblers Rehabilitation Fund have or will be diverted into consolidated revenue. These funds continue to be available to the Gamblers Rehabilitation Fund Committee to meet the needs of the target group, and the Committee continuously review priority needs for new services.

I recently arranged for a review of the Fund's implementation to be carried out by a joint team involving some key service providers. The review reported that spending in haste was both unwarranted, and detrimental in a new service system which is yet unable to provide outcome evaluations what would justify significant changes, or hasty expenditure.

SENATE VACANCY

The SPEAKER: I lay on the table the minutes of the joint sitting of members of the two Houses held today for the choosing of a senator to hold the place vacated by the resignation of Ms J.M. Ferris, to which vacancy Ms Ferris was elected.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the twenty-ninth report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

LEGIONNAIRE'S DISEASE

The Hon. M.D. RANN (Leader of the Opposition): Will the Minister for Health explain why contacting guests who have stayed at the Ozone Hotel to warn them about the symptoms of legionnaire's disease would create unnecessary panic, when two media releases were issued with the same message? Yesterday, the Minister said that two media releases had been issued warning people who had visited Kingscote and who were suffering symptoms to contact their doctor as soon as possible. Dr Kirke said that the Health Commission had not contacted individual guests because 'It would be extremely difficult and create unnecessary panic. We decided it was not worth doing.' Apparently, that has changed today.

The SPEAKER: Order! The honourable member is commenting.

The Hon. M.H. ARMITAGE: As the Leader always does, he finished his question with a little barb. It has in fact changed; that is the whole point of my statement. Clearly, the Leader of the Opposition *pro tem* came in with an idea to ask this question and decided to ask it, come hell or high water. What the Leader of the Opposition should have been listening to was that, between the statement made on Friday evening (and I indicate to the House that the general media statement was put out at about 6.30 and the information that the Public and Environmental Health people first received was at about

2.30 on Friday) and a second one on Saturday, between then and now, this has happened. I will quote from my ministerial statement, because the Leader of the Opposition *pro tem* did not seem to listen. I said:

> Yesterday afternoon I was informed that *legionella pneumophila* type one was confirmed as having been definitively grown from a sample of water from the Ozone Hotel spa pool. This morning further information was received indicating that the pontiac strain has been identified in samples from the spa and both patients.

So, it is a perfectly legitimate and routine public health procedure. When there is an unknown source, one puts out a general warning—which was done, twice. In respect of the contacts since the diagnosis has been confirmed, again I reiterate to the Leader of the Opposition that I am advised that all the guests in the hotel who have so far been contacted were already aware of the public warning. So, that is completely appropriate when there was a broad, ill-defined potential for an outbreak; and as soon as there is specific information, one takes specific paths.

SUBMARINES

Mr BROKENSHIRE (Mawson): Will the Premier advise the House of submissions which the South Australian Government has made to the Commonwealth Government for the commissioning of an additional two Collins class submarines? Whilst I am aware that the Premier has been doing a lot of work on this issue, yesterday I noted with interest that the Federal Leader of the Opposition, Mr Beazley, visited Adelaide and made a public call for the purchase of two more submarines by the Commonwealth Government.

The Hon. DEAN BROWN: It is interesting. Yesterday, a notice went out for a Labor Party luncheon, and the topic of discussion was that Kym Beazley would make a major commitment to South Australia's high technology and defence industries. Business people around South Australia were invited to pay $60 to the Labor Party to come along and hear the now Leader of the Opposition, Kym Beazley, make his statement—a major commitment on South Australia's high technology and defence industries. What is a commitment from a Leader who has just been thrown into Opposition by a record majority?

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. Yesterday, the Leader of the Opposition was warned and then he was named. He knows what the rules are. He is now formally warned for the first time. If he is warned on a second occasion, he knows the process that follows. The Chair does not want to have to continue to warn members.

The Hon. DEAN BROWN: Thank you, Mr Speaker. Further, the Federal Leader of the Opposition, Mr Beazley, issued a press release saying why we should have the seventh and eighth submarines. I do not disagree with the reasons, but they were listed as follows: an important strategic contribution to the defence of Australia; to provide vital reinforcement for a strong indigenous defence industry; and to create jobs and economic activity in South Australia. I point out that those same reasons existed six months ago when Beazley was Minister for Finance.

Members interjecting:

The SPEAKER: Order! I warn the Leader for the second time. The member for Mawson is also warned for interjecting.

The Hon. DEAN BROWN: Why, with those three reasons, did not Beazley make a commitment when he had a chance to do so in Government, not now that he has been thrown into Opposition? Just five months ago he had a chance to do that. I reveal to the House that I raised this very matter with then Prime Minister, Paul Keating, in 1994 and in 1995. In fact, I specifically went to Canberra to talk to him about this very issue. I wrote to Paul Keating on 22 January of this year, again putting the case for the seventh and eighth submarines to be built here by the Australian Submarine Corporation.

I have consistently supported the building of the seventh and eighth submarines here in South Australia. The Liberal Government of South Australia has supported that. I want to know why Beazley suddenly rode into town, just four or five days before the formal handing over of the first submarine to the Royal Australian Navy. Why did he come? On whose advice did he come? It was another political stunt by our Leader of the Opposition. His speech smacked of Rann's writing, whereby he wanted to create an image that the Labor Party supported the building of the next two submarines.

I highlight to the people of South Australia that we were let down by the Federal Labor Government. We were let down by Rann, who failed to convince his colleagues when they were in Government and had the chance to commit to the seventh and eighth submarines. The very reason that we do not have that commitment today is because the Federal Labor Government, and Beazley and Rann, let us down.

LEGIONNAIRE'S DISEASE

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. Given that the Health Commission checked the spa at the Ozone Hotel on Wednesday 17 July and, following a second case of legionnaire's disease, declared an outbreak on Friday 19 July, why did it take until Tuesday 23 July to obtain a list of guests who stayed at the hotel? Yesterday, four days after the declaration of an outbreak, Dr Kirke, the Director of Public Health, said that he had only just received a list of guests.

The Hon. M.H. ARMITAGE: The member for Elizabeth is wrong again. The Public and Environmental Health Division obtained the list on Saturday morning through the Registrar who was deputed to go there early that morning, the Public and Environmental Health Division having heard about the second case on Friday afternoon. That is very quick work. The Public and Environmental Health Registrar received the information about the guest list on Saturday and, indeed, I believe it was raised with the hotel manager on Friday. The bottom line is that the list is like all hotel registers. It is not a list of names, addresses and telephone numbers, although that would make things easier. It is often information such as party tour bookings; in fact, one of them was someone care of a football club. It is not as easy as it would seem.

The bottom line is that the Public and Environmental Health Division had the list on Saturday, but I reiterate that Dr Kirke said that contacting the guests individually as an initial response was not considered to be the most urgent public health measure since the infection could not be passed on from person to person and considerable doubt existed as to the source. The fact that considerable doubt existed as to the source is clarified by people who have an open mind about this—and I do not include the members sitting opposite. People who have an open mind realise that the

information clarifying the source of the infection came to hand only this morning.

DIESEL FUEL REBATE

Mr VENNING (Custance): Will the Treasurer provide details of the importance of the diesel fuel rebate to the economy of South Australia? There has been some discussion in the media and concern has been expressed by the mining and farming communities that the diesel fuel rebate is under review in the lead up to the Commonwealth budget.

The SPEAKER: Order! In relation to that question, the view of the Chair is that it is entirely a matter for the Federal Treasurer. I therefore rule the question out of order.

LEGIONNAIRE'S DISEASE

Ms STEVENS (Elizabeth): Does the Minister for Health believe that it was appropriate that the public notification process for the legionnaire's outbreak was limited to two media releases and, given that they warned people suffering from symptoms to contact their doctors as soon as possible, why were not guests who had stayed at the hotel contacted directly? In his report into the death of Nikki Robinson, the Coroner said that the Health Commission should have been more pro-active and recommended that the Health Commission review its policies and procedures. Yesterday, the Minister told the House that following the outbreak of legionnaire's disease public notification was limited to two media releases.

The Hon. M.H. ARMITAGE: This is essentially the same question as was asked by the Leader of the Opposition, so I intend to give basically the same answer. Only this morning we received information that the pontiac strain of *legionella pneumophila* type one has been identified in samples from the spa and from both patients. I reiterate for the member for Elizabeth (who by some quirk of the imagination might be prepared to listen) that the public health advice is that, as the *legionella* bacterium involved is the most common type involved in outbreaks, this link is still not conclusive. That is why the processes were carried out following a decision yesterday when the first part of that information came to the fore. As I have said, on receipt of those test results a decision was made to expedite that.

The member for Elizabeth, as I expected, clearly tries to roll up previous disasters and great sadnesses into political questions. We have seen her propensity to do that. However, the member for Elizabeth does not acknowledge that this is a different situation from the Garibaldi exercise.

Ms Stevens interjecting:

The Hon. M.H. ARMITAGE: This is a different exercise because the Coroner suggested that there should have been, in his view, more adequate notification of the source of infection. I remind the member for Elizabeth and people with an open mind that that is exactly what the South Australian Health Commission Public and Environmental Health Division was concentrating on. That is exactly why, as I indicated yesterday, the spa had been closed; and that is exactly why, on speculation, the water supply had been pasteurised by turning up the heat to 70 degrees.

TORRENS LAKE

Mr SCALZI (Hartley): Will the Minister for the Environment and Natural Resources provide details on final funding arrangements for the clean-up of the Torrens Lake? Earlier this month the Adelaide City Council said it would increase its share of the $1.7 million project from 20 per cent to one-third. Who will pay for the additional $1.14 million and when will work begin?

The Hon. D.C. WOTTON: The question reflects the huge amount of interest and support there is in the community for getting on with the job of cleaning up the Torrens. As I have said before in response to questions, the support that has been shown generally by the community in this State, particularly by those who live within the Torrens catchment, has been quite remarkable. The clean-up of the Torrens Lake is vital to the City of Adelaide and, of course, to the State of South Australia. As the centrepiece of Adelaide, the condition of the lake very much reflects the essence of how we regard this city, the capital of South Australia. The lake figures prominently in our tourism promotions and will be a vital component as we move towards the 2002 Commonwealth Games push. Anything less than a clean lake is totally unsatisfactory and an embarrassment to Adelaide and to the people of South Australia.

I believe that the one-third contribution is the minimum that should be paid by the city council towards the clean-up of the lake, which is, as I have said before, the centrepiece of the City of Adelaide. Nonetheless, the State Government is pleased to announce that it will also contribute one-third of the cost of the clean-up, matching the one-third also to be contributed by the Torrens Catchment Water Management Board. This effectively ends years of buck passing over the maintenance of the lake. It means that the first comprehensive dredging program for about 60 years can proceed to bring the lake back to the condition this city deserves. Dredging will result in a minimum water depth of two metres, the removal of unsightly mud banks and vastly improved water quality.

I am sure that there will be considerable support for achieving that goal. It is expected to take eight months and the lake will not be required to be drained. Tenders for the project will be called soon, and the clean-up of the lake will be the most visual component of the ongoing remediation of the Torrens River waterway that was commissioned by this Government through the formation of the Torrens Catchment Water Management Board. I am delighted with the progress that is being made after decades of neglect of this and other waterways in South Australia. I commend the Torrens Catchment Water Management Board and all those who have been associated with this project. Again, this is very good news for South Australia. People have been requesting for years that this project be undertaken and, again, this Government is delivering.

AUSTRALIAN NATIONAL

The Hon. M.D. RANN (Leader of the Opposition): Has the Premier now seen the report of the Brew inquiry into the future of Australian National or has he been informed of the recommendations of the report? Will he now join me in asking the Prime Minister immediately to release the report publicly so that workers, unions, the Opposition and the State Government can respond before any further decision is made by the Federal Cabinet on the future of Australian National jobs in our State? The Opposition has been informed that Federal Cabinet will be considering the recommendations of the Brew report into Australian National next week and that the report recommends both a major carve-up and a sell-off

of parts of Australian National, involving a loss of jobs here in South Australia.

The Hon. DEAN BROWN: I have to say 'No' to the Leader of the Opposition because I have not seen the Brew report: I cannot tell him the recommendations of the Brew report, as he requested, when I have not seen it.

DIESEL FUEL REBATE

Mr VENNING (Custance): My question is directed to the Treasurer. What will be the impact on the South Australian economy and in particular any State Government agencies if the diesel fuel rebate scheme is abolished? There has been some discussion in the media and concern has been expressed by the mining and farming communities that diesel fuel rebate is under review in the lead-up to the Commonwealth budget.

The Hon. S.J. BAKER: There has been a rumour floating around for some time that the attention of the Federal Treasurer has been turned to the amount of money being spent on diesel fuel rebates, namely, $1.3 billion. I make quite clear that diesel fuel rebates are very important not only to the economy of the nation but to South Australia. In the agriculture sector where we are dealing with off-road purposes, some $36 million was claimed in rebate for the year ended 30 June 1996; in fishing, $9.5 million; in forestry, $2.5 million; in mining, $26.6 million; and there are some smaller sums, including residential rebates. The total sum of moneys claimed back by way of rebate was $74 689 682 for the year ended 30 June 1996.

These are not small sums: they are very important sums to those industries that will be vitally affected. I remind all members in this House that two major areas—agriculture and mining—account for some $62 million in rebates. They are vital industries, and I would like to mention the importance of the mining industry's contribution to the State's economy. Estimates have been made that, if the fuel rebate is taken away from the mining industry, we will see a significant collapse in investment in this State and in many other States, and we will find that mines will suddenly become uneconomic.

The mining industry contributes some 12 per cent to South Australia's gross State product, employs about 46 000 people and wages income is $1.1 billion. The rebate applies to our own electricity authority, for the Leigh Creek operations, and it applies also to the Roxby Downs operations and a number of other areas. They are important components, because they are an input to production. I think the Federal Government would find it somewhat difficult to rationalise how it can tax the inputs of production when it has previously been such a strong proponent of the GST.

It is a serious issue. The Federal Government simply cannot decide to cause a tremendous fallout to the economies of all the States, none the least of which is South Australia, which will be affected by the elimination of the rebate because of budget difficulties. There are multiplier effects involved here and, if this money is withdrawn, there is some suggestion that there will be at least an equal reaction in investment and production dollars, which will be affected in the same vein; we could see $150 million withdrawn from the State's economy, and that would have a very deleterious effect on South Australia.

We are in there fighting: I know the mining industry and farmers are in there fighting. I suggest that that tax rebate has had significant benefits to the economy of this State, and perhaps the Federal Government needs to rethink the issue.

PEARCE, Mr S.

The Hon. M.D. RANN (Leader of the Opposition): Will the Minister for Police now support the establishment of a reward for information leading to the apprehension of Stuart Pearce, wanted by police in relation to the murder of his wife and three children in 1991 in Parafield Gardens, in my Salisbury electorate? In March this year I wrote to the Commissioner of Police and to the Deputy Premier calling for the establishment of a $100 000 reward for the apprehension of Stuart Pearce following reported sightings of Pearce, particularly in the South-East of this State.

The Deputy Commissioner of Police advised me that the issuing of a reward would be considered only if all lines of investigation were exhausted. The Minister for Police wrote to me on 30 April saying that he concurred with the contents of the police letter to me: the reward was not yet necessary. Yesterday morning's press states that the police are now poised to approach the State Government to establish a reward, 5½ years after this terrible crime was committed.

The Hon. S.J. BAKER: I thank the honourable member for his question: it is probably a more relevant comment on an issue of importance to a lot of South Australians than the comments he was making about the fact that fat Mexicans were coming. I know that he made great play about the bikie gangs and, as anybody who was interested and ran any of his comments on the issue of the bikie gangs would know, the New Zealand report was produced a year ago and, indeed, it was Australia that supplied the information to the New Zealand police four years ago.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. S.J. BAKER: I knew about it. In fact, I was away at the time. I found out only when I came back. I said, 'This is information that was actually provided by the Australian Government to the New Zealand Government,' and the reply was, 'Yes, four years ago.' I am pleased that we are back on track. I just suggest that, when the Leader of the Opposition makes statements, someone should actually check them out, ring up the police and find out the relevance of the comments being made. It is important to take what the Leader of the Opposition says, whether by question or statement, with a great deal of suspicion.

In relation to the Stuart Pearce matter, I did reply to the Leader of the Opposition. It is up to the Police Commissioner to recommend to the Police Minister if the Police Commissioner believes it appropriate for a reward to be offered; then it is up to the Government to make up its mind. In relation to this matter, there are two complications, as the Leader of the Opposition well knows. One is whether this person was involved in a murder, and that has not been proved. In fact, there has been considerable doubt cast upon that matter. Rewards are provided in respect of people who have committed offences.

An honourable member interjecting:

The Hon. S.J. BAKER: I would be fairly careful about what is actually said about Mr Stuart Pearce. We may—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader has had his final warning.

The Hon. S.J. BAKER: —all have our own views on this but, if anyone reflected on the circumstances that prevailed at that time and the subsequent information made available, there was some suggestion that he might not have been the person who murdered his family. That was the first complication. The second complication is that the police have to believe that all avenues of information have been exhausted, as the Leader of the Opposition quite rightly pointed out. It was the belief of the police that that had not occurred. The reward system is brought into play when all other avenues have been exhausted. There have been various reports about Mr Pearce over a period of time, and I know there has been strong liaison with interstate police to try to apprehend him.

The Leader of the Opposition may indeed have more information than I have available to me about the issue of whether Mr Pearce should be the subject of a reward. Should I receive that recommendation from the Commissioner of Police, it will be considered in the normal way. It is normal, if the circumstances warrant it, for the Government to agree to that request. I would like to have the Police Commissioner refer it to me and I will certainly consider it, as I know that every South Australian is interested in the apprehension of Mr Pearce. If a reward system can help in this process, and no other avenues are available, that would be appropriate.

APEC SEMINAR

Mr CUMMINS (Norwood): Will the Minister for Industry, Manufacturing, Small Business and Regional Development report to the House the results of the evaluation of the APEC seminar and what benefits flowed to South Australia as a result of hosting this seminar? Last September Adelaide hosted the APEC seminar for Ministers for Small Business. An evaluation was carried out on behalf of the former Economic Development Authority.

The Hon. J.W. OLSEN: The former Economic Development Authority and the Canberra based Department of Industry, Science and Technology jointly undertook a survey of those attending the APEC small-medium business Ministers' forum in Adelaide last year. There were some 789 attendees, including some 200 Ministers and officials from the 18 APEC member countries who attended that Ministers' meeting. The aim clearly was to raise the awareness of issues facing small-medium enterprises, to foster business networking, and to provide input to policy issues for the Ministers' meeting. It was the first of any such Ministers' meeting occurring with APEC. The evaluation assessed outcomes of the seminar and where improvements could be made to help match business investment and seminar topics, and assessed any impact on business investment and other benefits.

Early estimates by trade delegates were that the value of trade from negotiations begun at APEC could be as high as $80 million; investment resulting from the event is $45 million; estimated impact on Adelaide holding the event has been put at $4 million on gross State product from spending by delegates; 49 per cent of respondents or business delegates had met and entered into negotiations with potential business partners as a result of the forum; 86 per cent of respondents felt that attending the APEC opportunity had been a worthwhile investment of their time; 87 per cent of respondents would be interested in attending business events similar to the APEC opportunity; 87 per cent said the APEC opportunity had helped to improve linkages between business and Government; 85 per cent felt that the business exhibition provided a good environment for conducive business; 61 per cent thought that the event helped their organisations with trade opportunities; and 24 per cent felt that the event helped with investment opportunities.

This is in a background where the Eastern States and the Commonwealth Government, and particularly the bureaucrats from Canberra, said that Adelaide was not capable of hosting APEC and fought heaven and earth to try to shift the event out of Adelaide in a combination Sydney-Canberra. The Economic Development Authority mounted a case, supported by various employer organisations within South Australia, and supported by Senator Schacht, then Federal Minister, who did argue the case for Adelaide, and it was interesting after the event to hear the number of Federal bureaucrats who commented on the way in which Adelaide can stage conventions of this nature, and how successfully it was implemented, so much so that there will now be a further APEC small-medium enterprise Ministers' meeting and trade opportunity. It will be held in Manila, in Cebu, in September this year, and the successful Adelaide formula will be followed, incorporating a business seminar and trade fair. South Australia has been invited to send a business delegation.

It clearly indicates that Adelaide was an ideal venue. It worked. It showed that Adelaide is a creative and competitive location for trade and business opportunities, and is a further step forward in developing that export culture for small-medium enterprises from South Australia into the export market.

CASINO

Ms WHITE (Taylor): Has the Premier, or any other South Australian Government representative, now had discussions with representatives of the Malaysian company MBf, led by Tan Sri Loy, concerning the purchase of the Adelaide Casino licence? The South Australian Government is now saying that taxpayers will be putting $14.85 million into the Wirrina project, an increase of almost $3 million over what was announced in last year's budget. The Opposition has a written communication which says that Tan Sri Loy wishes the State Government to come good on its promise to extend the existing casino licence for Wirrina Cove—

The SPEAKER: Order! Yesterday the member for Taylor got into trouble for commenting. The honourable member is going down that same track. I suggest to the member for Taylor that she not comment. The Chair does not want to be unduly harsh with the honourable member, or with any member, but she should explain her question, not debate the issue.

The Hon. Frank Blevins interjecting:

The SPEAKER: I suggest to the member for Giles that he give the member for Taylor constructive advice.

The Hon. Frank Blevins: I am—very constructive.

The SPEAKER: The Chair is somewhat doubtful in relation to that.

Ms WHITE: I always listen to the member for Giles. I explained that on 9 August 1994 the Premier revealed that he had had preliminary discussions with Tan Sri Loy regarding the setting up of the casino at Wirrina. The Treasurer on 2 April this year failed to rule out the possibility of the setting up of an annex of the Adelaide Casino outside of Adelaide.

The Hon. DEAN BROWN: I certainly have not had any such discussions. I have checked with the Deputy Premier and he has not, either.

TEENAGE MOTHERS

Ms GREIG (Reynell): Can the Minister for Youth Affairs provide to the House information about a program providing a second chance to teenage mothers, a program which has captured national interest? Many innovative education programs have come from schools within the southern cluster. I must say Christies Beach High School has shown the way again, this time providing opportunities for young mothers—

Mr FOLEY: Mr Speaker, I rise on a point of order. That is clearly commenting.

The SPEAKER: Order! That is a matter for the Chair to determine. I suggest to members that there has been an improvement in their conduct during Question Time today. The Chair insists that it continue and, if the member for Reynell or any other member comments during Question Time, they will be ruled out of order, as they will be if the question is out of order, as the member for Custance found out.

The Hon. R.B. SUCH: I thank the member for Reynell for her question. I am well aware of the honourable member's commitment to her electorate and particularly her concern for young people. The program about which we are talking today is a first for Australia. It provides education and training opportunities for teenage mothers. This week I had the privilege of meeting these young women in the southern suburbs at Christies Beach High School. The program is a first because, for the first time, it provides free child care. This program, which is a Kickstart for Youth initiative of my department, is supported by the Commonwealth—

Ms Stevens interjecting:

The SPEAKER: The member for Elizabeth is warned for the first time for continuing to interject.

Members interjecting:

The SPEAKER: And the member for Davenport for commenting on the ruling of the Chair. Order! It has been brought to my attention that the member for Davenport has not broken his good conduct record. It was the member for Mitchell; therefore he is warned.

The Hon. R.B. SUCH: This program is supported by the Commonwealth Department of Health and Family Services, the Commonwealth Employment Service, Department of Social Security, Department for Education and Children's Services and Destination Training South Australia Inc. Often teenage mothers are categorised and stereotyped quite unfairly but, after meeting these young women on Monday and yesterday, that stereotype is readily dispelled. I was very impressed with their commitment to access training. We are providing, as I said, free child care in an attempt to get them back into education and training, so, if they wish, they can enter the paid work force. In the southern suburbs we are talking about over 100 teenage mothers and in South Australia as a whole about 800. So, it is a large number of young women who otherwise could remain unemployed for a long time.

This is an excellent program. It was highlighted last night Australia-wide on *A Current Affair* and portrayed in the *Advertiser* this morning. It is another example of how South Australia is leading the rest of the country in terms of innovative programs and we will continue to do so. I congratulate all those involved, but particularly the young women who have taken the step of coming back to improve their education, training and employment opportunities.

HOUSING TRUST WATER LIMITS

Ms HURLEY (Napier): Can the Minister for Housing, Urban Development and Local Government Relations provide any indication of the average increase in water rates for Housing Trust tenants? Last year the Government reduced the water allowance for subsidised tenants from 200 kilolitres per year to 136 kilolitres per year and I understand some tenants are receiving the first of their water bills under the new regime.

The Hon. E.S. ASHENDEN: First, I indicate that Housing Trust tenants are being treated no differently from tenants in private homes. Yes, there has been a reduction in the water allowance from 136 kilolitres to 125 kilolitres, and so obviously it will impact on them. I assume the actual percentage would be the difference between the two. However, I will provide the precise figure to the honourable member.

HOUSING TRUST ADMINISTRATION

Mr ROSSI (Lee): Could the Minister for Housing, Urban Development and Local Government Relations advise the House of any recent changes to administrative procedures within the Housing Trust and to what extent staff have been involved in the implementation of these changes?

The Hon. E.S. ASHENDEN: I thank the member for the question, and I particularly thank the staff of the South Australian Housing Trust for the contribution they have made toward some very substantial cost savings at their own initiative. As members in this House would be well aware, the Housing Trust is in a situation where, because of the gross over-borrowings of the previous Government, it does have to make some substantial cuts. Management of the staff of the Housing Trust are aware of the imperative to reduce the cost of delivery of services and also understand that, at the same time, we must continue to provide the same level of service. In April staff were involved in discussions to set up groups so that they could contribute their ideas to cost savings which could be made within the trust. These discussions related to how we could increase revenue and how we could introduce better work practices.

Over 300 suggestions have been received from the staff within the South Australian Housing Trust. These suggestions have come from individuals and also small project teams which have been formed for discussion and which include management and staff representation. The House would be interested to know that to date these project teams have identified potential savings and increased the revenue gains of $1.8 million. Some of the changes the staff have put forward include changes to vacancy reletting processes to minimise the loss of rent, which has increased revenue by $400 000 a year. The staff have put forward suggestions concerning how we could reduce the motor fleet. This has been done and it will reduce costs by some $320 000. A statewide tender to contract for purchase and development of film to verify maintenance charges to tenants has been set up saving $12 000. They are three examples of suggestions from the staff that will contribute very substantially to the increased efficiency of the operation of the South Australian Housing Trust.

Another project has identified changes to the six monthly rent review process which would reduce the number of reminder letters which have to be sent out and therefore reduce the rent loss as well as the associated postal costs.

This has a potential to increase revenue by $484 000 a year, with administrative savings on top of that of $36 000 a year. I assure the House that trust staff are absolutely committed to customer satisfaction. The surveys, which we have conducted amongst our tenants, show only too clearly a very high degree of satisfaction from our tenants in their dealings with the staff and I commend the staff for not only the customer service excellence they are providing, but also for the way in which they have contributed so valuably to the increased efficiency of the trust.

HOUSING TRUST TENANTS

Ms HURLEY (Napier): I direct my question to the Minister for Housing, Urban Development and Local Government Relations. Will funding for the Housing Trust Tenants' Association be continued at at least the same level as the 1995-96 year? The former Minister for Housing increased funding for the Housing Trust Tenants' Association so that it could act as a peak body in representing the interests of public housing tenants.

The Hon. E.S. ASHENDEN: As the honourable member may or may not be aware, that association has not yet completed the necessary legal arrangements that need to exist between it and the trust. Discussions with the association are continuing.

PORT AUGUSTA POLICE STATION

Mrs PENFOLD (Flinders): Will the Minister for Police please advise what initiatives are being taken in the north of the State to improve the policing effort and facilities? I note that you, Mr Speaker, had the honour of officially opening the Port Augusta Police Station last Friday.

The Hon. S.J. BAKER: It was a happy occasion and it was made an occasion of great note, Sir, with your officiation at the opening of the Port Augusta Police Station. I know that the residents of Port Augusta—indeed, all points north and many east and west—would be thankful for your efforts over many years and for your support for their future and for the outback areas of South Australia. It was fitting that last Friday you did the honours in opening the Port Augusta Police Station. It is a new complex. It is certainly one of the most modern and functional police stations in the State.

As Treasurer, I am delighted to say that the original estimate of the cost of building that police station was $7 million and that, under very good stewardship and management, the final cost came in at $5.5 million. That is a great credit to all those who managed the project. Many people from Port Augusta and Adelaide were there for the opening and managed to view the very modern facilities. This is the headquarters for the Far North Division of the Police Force. That division covers about 73 per cent of the State. The headquarters are very functional, of course, with the latest in technology and prison cells, including the use of special fibreglass to replace the normal prison bars. The Far North Police headquarters in Port Augusta will comprise not only the headquarters staff but also the divisional prosecution section, the divisional crime scene section, the divisional highway patrol, the Port Augusta Police Station, the Criminal Investigation Branch and the Aboriginal police aides.

Among the many important facets of that building, I must remark on the extent to which the Police Force and the Aboriginal community have got together in not only some of the design aspects but also in seeing some of the important additions to that very new and very welcome establishment. I was delighted with the way in which the communities of Port Augusta are coming together on an issue that is very difficult to handle. We all know that the incidence of Aboriginal people involved in offences is far higher than the average, and there are some very well covered reasons for why that occurs. It is important that, if Aboriginal people have to visit or to spend some time in that police station, the facilities should be consistent with some of their cultures and beliefs. The murals, drawings and other accoutrements at that police station are quite outstanding. I congratulate the Police Force and you, Sir, on the opening.

ABORIGINAL DEATHS IN CUSTODY

Mr CLARKE (Deputy Leader of the Opposition): Will the Minister for Aboriginal Affairs table his Government's report on the implementation of the recommendations of the Royal Commission into Black Deaths in Custody by the end of this session of Parliament; and will he guarantee that the report will not be sanitised by him prior to its release? One of the recommendations of the royal commission was for State Governments to issue an annual report detailing what progress was being made in the implementation of its recommendations. The Minister last issued his Government's annual report in 1994, and South Australia now has a disproportionate share of black deaths in custody.

The Hon. M.H. ARMITAGE: This is unfortunate, in that it really emphasises the inadequacy of the Opposition and the scant regard the Opposition has for the parliamentary process. The reason is that the Deputy Leader of the Opposition knows the answer to the question, because it is exactly the same question as the one he asked in the Estimates Committee about three or four weeks ago, and I am more than happy—

Mr Clarke interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition is warned for the first time.

The Hon. M.H. ARMITAGE: I am more than happy to provide exactly the same response as I gave to exactly the same question then. The answer is that, yes, it will be tabled before the end of this session. The only point that was different was his comment that we have a disproportionately high number of Aboriginal deaths in custody. There was an interregnum where we did have a high proportion but, thankfully, there have been no Aboriginal deaths in custody in the past eight months, whereas I believe that at the moment it is New South Wales (which, as the Deputy Leader of the Opposition would know, is governed by a Government of his Party) that has the blip at the moment. That in no way excuses any blip, but the simple fact is that South Australia's most recent record is extraordinarily good in this area, and the Government is committed to ensuring that that continues.

Mr Clarke interjecting:

The SPEAKER: Order! I warn the Deputy Leader for the second time.

YOUTH TRAINING

Mr WADE (Elder): Will the Minister for Employment, Training and Further Education advise the House about an innovative program which is providing young South Australians with valuable job skills and which has hit the national spotlight?

The Hon. R.B. SUCH: Recently we took on the five hundredth trainee under the State Government traineeship

scheme. We have a target of 1 500, but we reached the milestone last week of taking on the five hundredth trainee. The scheme is recognised as one of the best in Australia. I draw members' attention to the *BRW* article of last week, written by that well known senior journalist, Alex Kennedy.

Members interjecting:

The SPEAKER: Order! The Deputy Leader is aware of his predicament.

The Hon. R.B. SUCH: The heading of this very objective article is 'Training program gets down to work: an innovative scheme in South Australia is attracting wide attention because it actually works.' I will not read it all out, because it is too embarrassing in its praise for the Government, but I draw members' attention to it. They might read it at night, particularly the Deputy Leader, who could read it at bed time and it might keep him awake. He will see how this Government is delivering the goods in terms of traineeships, something his Party has not been able to do in the past. Indeed, by February of next year, this Government will have taken on 3 500 trainees in approximately a three year span, compared with the previous Government, which took on approximately 400 over two years. We have left you for dead.

This scheme ensures that these young people get proper training. We currently have trainees in the areas of recreation and sport, dental assistance, laboratory assistance, clerical, library assistance and information technology, and we are expanding the list as time goes on. More than 80 per cent of these trainees get employment in either the public or the private sector, and many of them go on to further study. So, it has been an outstanding program. The Commonwealth has contributed half but, despite tough times, this State Government put in $10.2 million, which is a lot of money. We are committed to doing what we can to ensure that our young people get the skills and training which will ensure long term employment for them. Many members would have met some of these young trainees. They are outstanding, and I am delighted to see them progress in their careers as a result of this innovative scheme which Alex Kennedy, amongst others, acknowledges as the most innovative and successful in Australia.

RURAL LEADERSHIP FOUNDATION

Mr BUCKBY (Light): Will the Minister for Primary Industries outline the South Australian Government's commitment to developing Australia's rural leadership skills?

The Hon. R.G. KERIN: The Australian Rural Leadership Foundation was established in 1992 with the aim of building a strong network of highly capable leaders for primary industries throughout Australia. The goal of the foundation has been to train young people between the ages of 30 and 45 with a commitment to developing and sharing a vision for rural Australia. The foundation started its training program in 1993 with its first intake of 30 people who have now finished the two-year program. Since then, nearly 100 young people from around Australia have undertaken the rural leadership program.

The two-year, part-time course provides many and varied opportunities for young primary producers. It builds the leadership skills which are needed so much in today's marketplace, and the course also examines key national and international issues. It provides participants with a chance to network and interact with today's leaders of industry, Government and the community. Those taking part in the course also form networks which will be valuable in their future leadership roles. The Government shares the vision outlined by the Australian Rural Leadership Foundation, and PISA has decided to fund two of the scholarships for the 1997 program.

The first will be a general scholarship open to all South Australians with rural interests who fit the age criteria, and the second scholarship will be targeted specifically at someone in the emerging aquaculture industry. As all members know, this is an area that the Government sees as having great growth potential, and we will certainly need industry leadership to fully capitalise on the potential that aquaculture offers. Primary production in South Australia is vital to our economy and we need to ensure that we have the expertise to lead us into the next century. As I have said in this place before, South Australia's primary producers provide more than half the State's exports and, if the rural sector is to continue to prosper, it will need leadership.

One way that we can nurture that process is through the rural leadership program, and I am happy to be able to offer two scholarships for the program. I urge members, particularly rural members, to encourage their constituents to consider nominating someone for a scholarship or to approach groups in their area to sponsor a young person to undertake the course. In this way we can help to shape the future of primary industries in South Australia.

SEWAGE EFFLUENT

Mr De LAINE (Price): Will the Minister for Health guarantee that treated sewage effluent from Bolivar will be quite safe for use on market gardens? It has been announced that sewage effluent from the Bolivar sewage treatment plant will be used to water vegetables in nearby market gardens.

The Hon. M.H. ARMITAGE: I thank the member for Price for his important question, and I can say a number of things about this matter. However, the most important point to make is that, in all matters where there is a potential for effluent discharge, the Public and Environmental Health Division of the South Australian Health Commission is an integral part of the whole of Government process. It is fair to say that many of the scientists and technicians in that area of the Public and Environmental Health Division are so rigorous in ensuring that the public health is protected that they have what I keep telling them as Minister for Health is an enviable reputation almost for being a stumbling block to some of these processes. They are ensuring that the type of development that the member for Price mentioned, and shack sites and so on, can be accommodated, and so we as a Government and as a Parliament can ensure that the public health is in no way compromised. If the member for Price wishes to speak to me later, I will undertake to provide a briefing from those people for him.

The SPEAKER: Order! The honourable member for Napier.

Members interjecting:

The SPEAKER: Order! Government members have had 10 calls, and the Opposition will now have had 11. One question was ruled out of order and, in accordance with a previous ruling given by the Chair when I ruled out of order a question from the Opposition, I intend to uphold that principle. The member for Napier.

BENLATE

Ms HURLEY (Napier): Will the Minister for Primary Industries advise on the situation of market gardeners who have used the chemical Benlate? The Department for Primary Industries provided some advice for market gardeners whose crops and soil were affected by using Benlate. Some of my constituents are among the growers affected, and they are struggling to obtain compensation from the manufacturer involved.

The Hon. R.G. KERIN: As the honourable member knows, this was debated extensively in the Upper House last year. The current situation is not a matter for the Government: it is for the market gardeners and the courts. However, I undertake to obtain some more detailed information as to where it is now.

GRIEVANCE DEBATE

The SPEAKER: Order! The question before the Chair is that the House note grievances.

Mrs HALL (Coles): I refer to the joint sitting of Parliament in another place earlier today, and I refer particularly to the now typical and disgraceful behaviour of members of the Labor Party. They seem to be intent—

Mr ATKINSON: I rise on a point of order, Sir. I thought it was contrary to Standing Orders to refer to debates of the same session. I should like your ruling on that, Sir.

The SPEAKER: Order! The Chair has sought advice and there is no prohibition on members referring to a joint sitting because the Chair's understanding is that members from both sides participated.

Mrs HALL: I refer to the behaviour of the Labor Party because they seem constantly intent on making serious and scurrilous allegations and do not worry about the smear that they inflict on people. They are always trying to blacken the reputation of Liberal politicians, particularly female Liberal politicians. Today the Labor Opposition made repeated, snide and malicious references to Senator Amanda Vanstone. She rightly rejects the utterances of those Labor MPs, and I wish to read a letter that I have just received from Senator Vanstone. The letter states:

> Dear Joan, I have become aware of the scurrilous accusations made against me by the ALP in State Parliament today concerning Jeannie Ferris' candidature for the Senate in the last Federal election. I unequivocally deny these allegations. The first I knew of a concern being raised about the election of Ms Ferris was when it was raised by Senator Bolkus with me in the Senate on 1 May 1996, when I said, 'I am unaware of the matter you have raised.'

I will refer to that in a moment. The letter continues:

> I challenge those who wish to traffic in these lies to repeat them outside the House. Yours sincerely, Amanda Vanstone.

It is worth reporting that in May this year Senator Bolkus asked a question of Senator Amanda Vanstone in the Senate. She was asked whether she could confirm that the Department of Administrative Services had approached the Attorney-General's Department in March this year seeking a legal opinion on the validity of the election of a South Australian Senator. Senator Vanstone replied:

> No, I can't. I have no information on that matter. I will get some information for you and give it to you as soon as I can.

Senator Bolkus, a Labor Senator, then continued with a supplementary question and asked whether Senator Vanstone could seek information about whether the Attorney-General's Department did, in fact, give the Department of Administrative Services advice as to whether a Senator-designate was the holder of an office of profit under the Crown. Senator Vanstone's reply to that specific question was as follows:

> I have tried to make it pretty clear, but I will spell it out again. I am unaware of the matter that you have raised. It is a matter that the Attorney, no doubt, has some knowledge of. I will get whatever information he is prepared to give you and I will give it to you as soon as I can.

This type of misuse and abuse of parliamentary privilege by Labor MPs is another mode of their operation. They indulge in sheer hypocrisy by calling for better standards of behaviour in Parliament because, when they cannot defeat Liberals electorally, they indulge in smear under privilege. The Leader's nickname, 'The Fabricator', is well known, and how apt it is.

Members interjecting:

Mrs HALL: The members in this Chamber should clearly understand that Labor's allegations, as usual, are untrue. Senator Vanstone unequivocally denies them. If there was a skerrick of decency among Labor members opposite, they would apologise. However, I know that is just a faint hope, because they will not do that.

The SPEAKER: Order! The member's time has expired. The Deputy Leader of the Opposition.

Mr CLARKE (Deputy Leader of the Opposition): Well, well, well: the member for Coles doth protest too much. When the Olsenite camp does very well (as they did on Sunday with the preselection of Mark Brindal) and you compare that with the failure of the efforts of the member for Coles for Senator Robert Hill, no wonder the member for Coles is a bit snaky today. During today's joint sitting it was interesting to hear the member for Spence refer to precedents for the filling of casual vacancies in the Senate. The last vacancy prior to this was in 1977 when the then Senator Hall was replaced by Janine Haines of the Australian Democrats. It seems to me that the Liberal Party has learnt nothing over the past 22 years. For 25 years it was the former Senator Hall, a former Liberal Leader in this State, who caused the Liberal Party so much trouble, and it would now appear that the member for Coles is emulating him.

In his contribution during the joint sitting this morning, the member for MacKillop referred to a lawyer who supplied an opinion which we tabled today, and I refer to Mr Tim Stanley, a barrister of some repute. He is not only a Labor lawyer, as the honourable member correctly identified, but he has also represented a number of distinguished commercial firms and acted on behalf of the State Government.

I have learnt one thing about capitalists: when they are in trouble, they go for the doctor and they get the best lawyer they can to assist them in their troubles. It never stopped companies such as Myer, for example, going to see Elliot Johnston QC even though he was a member of the Communist Party. I might also add that former Premier Hall would not appoint Elliot Johnston as a member of the Supreme Court, despite the unanimous recommendation of all the Supreme Court justices, and he would not do so for one reason only: he was a member of the Communist Party. That was totally anti-democratic, yet Mr Hall pretended to be a great defender of democracy in this State. That is an example which put the lie to that point. I am extremely

disappointed with the member for MacKillop, because Mr Stanley is a fine, outstanding barrister. He does not hide his political affiliations, nor did Elliot Johnston. All parties have used him (and I do not mean political Parties) whether they be employer, commercial interests or trade union interests.

Mr Meier interjecting:

Mr CLARKE: Yes, that is true, but he is a very successful lawyer. His opinions are as valid as any other lawyer's.

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: The member for MacKillop (to whom I affectionately refer as 'chainsaw' because of his well-known love for the environment) quoted a number of worthy legal persons who provided opinions which supported Jeannie Ferris's position. I am interested to know whether the opinion said, 'Your goose is cooked. You had better resign and hope a joint sitting of Parliament will resurrect you.' If the opinion was, 'You are on absolutely solid ground', why did she resign and seek re-election via the back door through a joint sitting of both Houses of Parliament? I might add that that was a great act of faith on her part. Her own Party is riven between the wets and the dries, yet she was prepared to put her future into the hands of those who tried to destroy her at her preselection just prior to the election held earlier this year.

The member for MacKillop knows that only too well. Rather than members opposite turning their ire, fire and anger at Tim Stanley, they should direct it to where they know the blame resides—the Hall faction, the wets who dobbed in one of the member for MacKillop's mates and is the cause of all her angst and anxiety. The member for MacKillop knows that to be fact, and that is where he should be directing his attention.

The SPEAKER: Order! The honourable member's time has expired. The member for Mawson.

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart is not only out of order for interjecting but he is also completely out of order for being out of his seat.

Mr Foley: I apologise, Sir.

The SPEAKER: The member will get an early minute if he doesn't.

Mr BROKENSHIRE (Mawson): I note that there was not much substance in that last grievance speech, but that is all we can expect from the Deputy Leader after a late night. I want to speak about something which has been a concern of mine for some time. Had I been a member in the House during the poker machine debate, I would not have supported their introduction.

Mr Atkinson: That's easy to say. Some of us did the right thing.

Mr BROKENSHIRE: I detest poker machines. However, the fact remains that poker machines are now in South Australia and are here to stay. Poker machines are in clubs and hotels throughout South Australia. I want to raise the subject of the inequities between various clubs in South Australia. I am sure that this issue is of concern to all members of the House who have a passion for their electorate—and I am sure we all do. I have recently been contacted by the Hackham Community Sports and Social Club, which is one of the greatest clubs in the southern region. It is to be commended for its efforts in developing young people. The club has high achievers in marching, football, darts, soccer and billiards—and the list goes on. It also has a great country atmosphere where families can spend time socialising. The club leases its property from the local council. I am not singling out the council, although it appears that a trend is occurring within all councils in South Australia at the moment.

Clubs have shown foresight and initiative to get on the bandwagon with some poker machines. Hackham Sports and Social Club showed that initiative and has 12 poker machines. It is not making a fortune out of it; there is a lot of volunteer work involved. It has created a few jobs and is putting that money back into the club and, consequently, into the community.

It appears that councils are saying, 'If a sports and social club shows some initiative and gets poker machines, we will treat it completely on a commercial basis and there will be no subsidised or lower rent for premises leased from the council.' I do not agree that that should be the case. Whether it be State or Federal Government, or local government, the fact remains that where community people, self driven, show those initiatives that generate money for their community, it takes pressure off the three tiers of government.

If a council is to adopt a commercial rate for a club such as the Hackham Sports and Social Club, I believe it must also give a level playing field when it comes to the hours during which that club can be opened and also allow that club to put out appropriate signs, as do all the other major clubs and hotels in my electorate and other electorates. I hope that the Minister for Local Government will read this contribution, talk to some of the other members who, I know, also have concerns about the way this matter seems to be going through local government at the moment, and put a memo through, at least, to the Local Government Association to address this issue.

The community committee members of Hackham Sports and Social Club are absolutely committed to the task of improving the facility. They have come a long way. They are paying off significant loans of about $5 500 every six months. They have upgraded the premises with furniture and so on. They do all the development work on the oval. They have met all the costs of the bore and they have done a fantastic job.

An honourable member interjecting:

The SPEAKER: Order! The member for Spence knows that that is contrary to Standing Orders.

Mr BROKENSHIRE: The council in whose area this club is situated does a great job by and large, and I am proud of it, but on this occasion I think that all councils, including the council that is responsible for the Hackham Sports and Social Club, should look carefully at what these clubs do for young people and for social development. We need to improve the social fabric of this State and this country and we need to get more people actively involved in sport and off the streets, where they can be developing themselves in a positive rather than a negative direction. That is what this club is all about, and I hope that all councils will have a look at this and not be too severe when they assess rentals for those sorts of clubs.

Mrs PENFOLD (Flinders): I draw the attention of the House to a vested interest. It is my vested interest in the success of the new aquaculture project of the Playford Memorial Trust to research the spawning, feeding and growing of whiting fingerlings for release into the wild and for aquaculture. My electorate of Flinders has more coastline than Tasmania, but the two regions of Eyre Peninsula and Kangaroo Island that it covers rely heavily on agriculture for their economic survival. There is an urgent need to broaden

the economic base of Flinders, otherwise we will lose even more of the people from these regions and, with them, the infrastructure and health and education services that are necessary for a reasonable quality of life for the people living there.

The obvious ways to do this as quickly as possible are to expand existing industries and to diversify into others. The survival of King George whiting is basic to the success of most of the opportunities for the survival and prosperity of the coastal towns in Flinders. Therefore, it was of major concern when I was advised back in 1993 that the best research available showed that King George whiting was down to 4 per cent of its estimated egg production compared with the percentage before exploitation. It is generally agreed, I understand, that 20 per cent was considered a safe level. One or two years of very poor recruitments into nursery sea grass beds could put this fishery at the point of no return.

Since 1993 several actions have been taken by our Government to help the sustainability of the whiting fishery. The legal length has been increased from 28 to 30 centimetres with a further increase foreshadowed to 32 centimetres. In addition, commercial netting bans have been put in place in some whiting nursery areas with an almost total ban on recreational netting throughout the State. I might add that Queensland banned recreational netting more than 100 years ago.

These moves have helped, but it has been estimated by some fisheries managers that, to reach 20 per cent of breeding biomass, a reduction of 56 per cent in fishing effort is necessary for stocks to recover. This is incompatible with increasing the number of commercial fishers living in the towns in Flinders and with increasing the catch for recreational fishers, particularly tourists visiting the coastal towns. Most people visiting Flinders, particularly on Eyre Peninsula, expect to catch a fish. If these people are disappointed, they will not return and others will not come.

The cod fishery in Newfoundland illustrated vividly what can happen when warnings are not heeded. Up to the very last year, fishers were protesting that there was no problem. This is exactly what I was told about the whiting stocks in Coffin Bay when I suggested to a net fisher that we needed to look at how to restock the bay with fingerlings bred in captivity. Newfoundland's coastal villages collapsed, and the work for the very few remaining commercial fishers was to help with research relating to the collapse of the fishery after all commercial fishing had been banned.

I hope that our situation has not reached this level but, as insufficient research has been done, we do not know for sure, and it is with some relief that I see the necessary research being undertaken into the spawning and feeding of whiting fingerlings. I am sure that Tom Playford, with his eye always to the future prosperity of this State, would have approved wholeheartedly of this centenary project. He would have appreciated the huge potential of the aquaculture industry that it may initiate. He would have understood the massive potential of tourism and retirement industries that is contingent on being able to catch a fish.Much of this development will be seen in the small coastal towns in Flinders but will not be possible unless the whiting are there. Our whiting could be called our competitive edge in the tourism and retirement industries.

Therefore, it is a great privilege to support the Playford Memorial Trust and the raising of $500 000 for this very important research. I believe that the people of South Australia will get behind this project, which may mean the survival of the whiting industry in this State. All of us in some way have benefited from the existence of this fish in our waters. I have already made a donation to the trust and I will be organising a walkathon in the electorate of Flinders so that the young people, who understand better than we did when we were young the need for the sustainability of any industry within its environment, will have an opportunity to support this project. In addition, the small business people, tourist shops, tourist operators, restaurateurs, commercial and recreational fishers and all the other people who enjoy a feed of whiting will have an opportunity to sponsor these young ones to help raise funds for research into increasing whiting stocks for the future enjoyment of all Australians.

The Hon. FRANK BLEVINS (Giles): I refer to the refusal by the Premier on behalf of the Government to waive certain financial obligations of the State SES in Whyalla, which some years ago purchased a couple of spare vehicles from the former STA. The vehicles are a combined emergency services command vehicle and a meals vehicle. Both vehicles belonged to the STA, which had no use for them, and they had been lying derelict for a number of years when an offer was made by the combined emergency services in Whyalla to buy those vehicles and to do them up as a command centre and a meal vehicle, so that they could respond to emergencies in a much more coherent way than they do at the moment. This was not just for the city of Whyalla but for the surrounding districts, and the vehicles have proved to be of enormous value to the police, the fire brigade, St John's Ambulance and the SES.

The need for the vehicles was identified some years ago after a major fire in a Commonwealth block of offices that caused a considerable amount of damage, I think in the multimillions. It was quite a horrific fire. Fortunately, no-one was injured. However, it was identified that, rather than all the emergency services trying to do their own thing, there ought to be some unified command centre, and that was why I was approached to see whether any suitable vehicles could be found. As I said, the vehicles were more or less derelict in the STA; however, they were valued and the locals in Whyalla took delivery of those vehicles and made a commitment to pay.

I was originally somewhat sceptical that the projects would ever be completed and that they would do the job they were designed to do. I hoped they would but, like all these things that are done essentially by volunteers, you have to wait and see. My view was very clear to everybody concerned at the time that, if they made a success of these vehicles, the outstanding amount of the purchase price of the vehicles I would take to Cabinet and to all the emergency services Ministers and ask that they chip in a few thousand a piece—a very few thousand a piece—and waive the rest of the account.

Anybody who has been involved in examining these vehicles would know something of their role, and I include the present Minister for Emergency Services in that because I am advised that he has seen the vehicles, approves of them and privately approves of the fees being waived. To me it is very sad that the Premier has written to the group that operates the command vehicle stating that they will have to pay the remaining $16 000, I think, that they owe on these buses—and we must keep in mind that these buses had absolutely no value to the State Government. They are now in the hands of other State Government instrumentalities and are being operated and maintained by volunteers.

The least the Government could do is to thank the people of Whyalla who have been involved. It should thank them for the job they have done, for the endless hours of voluntary work they have put in and for the funds they have raised: it should say to them, 'Thank you very much for the job you have done on behalf of the community and the Government, and the outstanding amount will be waived.' I appeal to the Premier and the other emergency services Ministers who are involved—whether ambulance, fire, police or State Emergency Service—to look at this issue again to see whether these people cannot be rewarded for doing the stunning amount of work that they have done to bring the vehicles up to their present level, as these vehicles are used by all the various agencies. The Government ought to reward them rather than giving them a slap in the face.

The DEPUTY SPEAKER: The honourable member's time has expired.

Mr CONDOUS (Colton): It is tragic that I must stand up today to clarify exactly what I said with regard to the gun debate last evening because, as we have a monopolised one city newspaper, the press may report my support for crimping as being recalcitrant or report me, in its words, as 'an uncontrollable backbencher who did not support the Government'. As I said in my contribution:

I would like to place on record my support for uniform national gun laws and also my support for the State Police Ministers and the State Police Commissioners who have attempted—

Mr ATKINSON: On a point of order, Mr Deputy Speaker—

The DEPUTY SPEAKER: There is a point of order, and I think that it probably relates to the fact that the honourable member is referring to legislation that is before the House. The member for Spence.

Mr ATKINSON: You read my mind, Sir.

The DEPUTY SPEAKER: The member for Colton should not refer to legislation that is currently before the House.

Mr CONDOUS: I am not going to debate anything on the legislation: I am just referring to what I said, and it is in *Hansard* already. It is a simple statement.

The DEPUTY SPEAKER: The honourable member is not permitted to do that while the debate is currently under way.

SELECT COMMITTEE ON THE PULP AND PAPER MILL (HUNDREDS OF MAYURRA AND HINDMARSH) (COUNCIL RATES) AMENDMENT BILL

The Hon. M.H. ARMITAGE (Minister for Health): I move:

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

Motion carried.

DE FACTO RELATIONSHIPS BILL

Consideration in Committee of the recommendations of the conference.

The Hon. S.J. BAKER: I move:

That the recommendations of the conference be agreed to.

The Committee deliberated long and hard on this issue and there were divergent points of view about one matter—whether *de facto* relationships of a homosexual nature should be recognised in this Bill. Due to the wisdom of that Committee, it was agreed that we should be dealing only with traditional relationships under this legislation. For those who believe that there should be equality of recognition, this was not believed to be the place for such a change; for those who believe that there should be some capacity for smoother transition when relationships other than those that are traditionally regarded as a *de facto* relationship break up, that should be by way of a separate motion or private member's Bill. The issues then were to what extent should proof be given at the point of settlement on a number of issues, and one matter was appropriate asset disclosure, about which there was considerable debate.

Mr Atkinson: Indeed!

The Hon. S.J. BAKER: There was considerable debate, as the member for Spence agrees. Information was provided to the Committee that, if lawyers had to attest to disclosure by both parties, it could be a very expensive process, because the lawyers who would be giving that certificate would feel honour bound to ask for records and perhaps proceed on their own account to search records to be able to certify that assets had been fully disclosed. Another question that had to be satisfied was whether they were relevant assets to that partnership.

The Committee agreed that a procedure would be laid down under which there would be a certified agreement to allow for the smooth transitional passage of assets according to the wishes of both parties on the basis of each party warranting that he or she had disclosed all relevant assets to a person of legal persuasion, the signature of each party to the agreement being attested by a lawyer's certificate. The certificates are given by different lawyers.

The other issue that was debated at some length in this regard was the extent to which the parties were free agents in the way that they addressed the dissolution of the arrangement. The wording was that the party gave the lawyer apparently credible assurance that the party was not acting under coercion or undue influence. We believe that after considerable debate—and I think some fairly significant intellect applied to the subject—we now have a workable arrangement for the dissolution or the parting of the ways of people in *de facto* relationships.

As to amendment 1, the Legislative Council no longer insists on its disagreement to the amendment. As to amendment 2, I have mentioned the changes as to the certified agreement. As to amendment 3, the Legislative Council no longer insists on its disagreement to the amendment. So, the package was satisfied. We now have a workable Bill which was the Attorney-General's original intention.

It has been a matter of contention over a long period of time that the more formal processes and greater difficulties arising as a result of *de factos* not being treated in the same way as married couples had led to delays and considerable expense on behalf of those parties. We now have a way of smoothing that path, if both parties are in agreement to that process. I commend the resolutions of that conference to this Committee as they are shown on the report of the conference.

Mr ATKINSON: The purpose of the Government's Bill was to replace the use of the doctrine of constructive trust to divide property between *de facto* parties on the dissolution of their relationship with a statutory scheme of property division

akin to division of property on the dissolution of a marriage by the Family Court of Australia. The Opposition supports this principle. Together with the Australian Democrats in another place, we sought to extend that statutory scheme to homosexual partners. The Government resisted that extension and said that, if we insisted upon it, it would drop the whole Bill. We took notice of the Government's point of view and concluded that it was more important to preserve the Bill than to include our amendment. So, the Bill now before the House will not extend to homosexual partners, and we accepted that so we could preserve the Bill. We thought it worthwhile to do so. We were unhappy with the—

Mr LEWIS: On a point of order, Mr Chairman, when the honourable member says 'we', does he refer to the Assembly or is he in fact in breach of Standing Orders by referring to a view of a subset of members even though he was supposed to be a manager for this place?

The CHAIRMAN: I do not think there is a point of order. I am quite sure the member for Spence will make clear the subjectivity or objectivity of his speech when he proceeds.

Mr ATKINSON: On the contrary, Mr Chairman, I thought it was an excellent point of order. For the benefit of the member for Ridley, when I say 'we', I am speaking on behalf of the Parliamentary Labor Party, not on behalf of the House of Assembly whose point of view I manfully represented at the deadlock conference.

The Parliamentary Labor Party accepted the loss of the clause regarding homosexual relationships in order to preserve the Bill. We were dissatisfied that the Government's Bill did not require *de facto* partners to disclose all their material assets, and I am pleased to say we were able to prevail partially in that matter in the deadlock conference. So, the Bill as it leaves the Committee is in my opinion better than when it was introduced to another place, and I commend the outcome of the deadlock conference to the Committee.

Motion carried.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

In Committee.

(Continued from 23 July. Page 2051.)

Clause 3—'Interpretation.'

Mr BASS: I move:

Page 4, after line 17—Insert definition as follows:

'receiver' of a firearm means the metal or plastic body or frame of the firearm that is designed to hold the firing mechanism or the loading mechanism or both in place but does not include the stock or barrel of the firearm;.

I understand the Minister is willing to accept this amendment.

The Hon. S.J. BAKER: This was a matter of some discussion. We have used the definition of 'actions' previously to take account of parts of a weapon. The member for Florey referred us to the definition of 'receiver' which is, if you like, the encasement of all those parts. We believe for at least one or two reasons that there was a sound change, even though 'actions' had been part of our understanding of parts of firearms that should have some level of control, and that issue of what part should be brought under the control of the Act had been in place for many years.

The Government was compelled by the arguments put forward by the honourable member, and we had the Government armourer provide information to us. Indeed, we looked up the international book on firearms, and the definition of 'receiver' was to the satisfaction of the Government. It does make sense, rather than trying to deal with individual parts and creating offences when we may be dealing with individual parts that have no capacity to make up a new firearm or one that is inconsistent with the licence of the individual. It may well be that you will find in many residences around South Australia parts that have been accumulated over a period of time. They might be old or used parts, but they have no relevance to the firearms being used. Therefore, we thought it was unfair for that to prevail as a potential offence. We agreed with the member for Florey that the term 'receiver' was both competent and practical.

Amendment carried.

Mr BASS: I move:

Page 5, after line 11—Insert paragraph as follows:

(oa) by striking out 'will' from subsections (3) and (5) and substituting, in each case, 'may';.

The principal Act at subsection (3) provides:

A person who purchases or sells more than 20 firearms in any 12 month period will, for the purpose of this act, be taken to be carrying on the business of dealing with firearms in respect of the firearms purchased or sold in excess of 20 in that period.

Subsection (5) also provides 'will'. My amendment simply gives the Registrar of Firearms the flexibility to see whether, in actual fact, a person is a dealer in firearms because of how many firearms he has purchased during a 12 month period. I am informed by some of the collectors around town that when they start getting involved in this business they may well buy 25 to 30 firearms in the first 12 months but, in actual fact, they are not dealing, they are collecting. Putting in the word 'may' instead of 'will' allows the Registrar of Firearms or his delegate some flexibility in relation to these two subsections.

Mr QUIRKE: I am not sure what the Minister's attitude will be to this, but I did raise this issue with him. I put on the record how we have this situation of 20 firearms and if it is 21 in 12 months you are a dealer, and if it is 20 or fewer you are not. This provision was inserted and debated as a result of the work of the select committee on firearms in South Australia, which met in 1987 and 1988. At that time, without the approval to purchase system, large numbers of firearms were being transacted, particularly over weekends and through the press. I do not have any problems with that, except to say that it was clear—and I saw a few examples of it myself—that persons conducted several hundred firearms transactions (longarms) during those years. Provided they were sold to a licensed person and all the criteria met, that did not matter. That was not the problem. The problem originally was that under the earlier Act (not under the 1992 Act and the 1993 regulations) the security and storage requirements were different for a dealer than for an ordinary licensed holder. The original provision was to bell the cat which existed at that time but which exists no longer.

In short, what it was seen to do was, if you did transact—and 20 was an arbitrary figure—more than that number of transactions within 12 months, then you had to have a dealers licence, so then you would have the security when it came to storing those firearms recognised because you were a firearms dealer. That was something which the Firearms Branch could inspect and it had a body of law which could ensure that, whatever was the number of firearms stored, they were stored adequately and correctly. I do not want to take up too much time on this amendment. The member for Florey has probably suggested a way of solving this problem. The problem, in my view, is not the number of transactions. Years ago the problem was the security of the number of firearms and because we have moved a long way down the road of

adequate storage within the Act and within the proposed Act—and presumably in the next set of regulations—I do not believe the problem exists any more.

The approval to purchase system for longarms has been with us now for almost three years and with the extra provisions within this Bill (on which I take no point at this stage) this is now a superfluous point. The member for Florey has done the right thing. I also say that, considering the waters in which we are now about to sail, it will not be unusual for people to be of the view that firearms ownership, particularly in large numbers, is unlikely to be a wise investment in the future. Irrespective of my point of view on that subject, that is what is being said to me by a number of the firearms owners who have sought my advice. In these instances, it is possible that under this law a number of people will be allowed to sell up to 20 of their firearms but no more.

Mr Bass: Are you included?

Mr QUIRKE: Possibly. Basically, we will be in the situation where, I believe, we will be solving a problem which existed 10 years ago and which does not exist today. Therefore, I hope the Minister looks favourably on this amendment or, if not, comes up with some other satisfactory response such that a person can enter into more than 20 transactions.

The Hon. S.J. BAKER: It is true that the member for Playford has made representations to me about the existing limitation of 20 transactions against any licensed firearm owner in any one year which puts them into the dealer category. The honourable member suggested, at least as a transitional provision, that there should be a greater allowance, particularly if people are required to quit their firearms because of changes to the Bill which is before us. The member for Florey has also suggested that it is inflexible as it stands and should therefore also be altered. I will accept the amendment. It has some capacity to be used appropriately. I will take further advice regarding whether any caveats need to be put on this, whether it is a form of proof.

I know that the same responsibilities do not apply as they do with motor vehicles, for example, where we know people operate off their own driving licence, if you like. They take cars out of the caryard, sell them in the backyard and they never have to fulfil the obligations of a licensed motor vehicle dealer. I will take further advice. The amendment as it stands is competent because it meets the needs that have been explained to me by the member for Playford and indeed expounded in the House by the member for Florey. I will check to see whether any further caveat is needed in the Bill.

Amendment carried.

Mr BASS: I move:

Page 5, line 18—After 'carried on' insert 'or visits the land frequently for the purposes of the business'.

I move this amendment simply because there are people who have property in the hills and who are primary producers but they live in Adelaide. They do not reside on or near the land. They might be 25 or 30 kilometres away but they travel to that property frequently. I have been advised that the wording is the correct wording to have in preference to the word I originally had, which was 'regularly'. 'Frequently' is the appropriate legal term.

The Hon. S.J. BAKER: In the spirit of accommodation the Government will accept the amendment. It does relate to the director or manager. It is restricted: it is not a free for all. It does not mean that anyone can claim to be a director or a manager; they have to be such in relation to that particular property. For practical purposes, the Government is willing to accommodate the amendment.

Amendment carried.

Mr BASS: I move:

Page 6, after line 4—Insert subsection as follows:

(11a) Subsection (11)(e) does not apply to a domestic violence restraining order that will cease to have effect if a court decides not to confirm the order.

This amendment inserts section (11a). Subsection (11)(e) deals with a person who is or has in the past been the subject of a domestic violence order under the Domestic Violence Act, or any other order of a similar nature. On occasions a domestic violence or restraining order is taken out by a wife or husband. Once the summons has been issued and the subject of the domestic violence order gets to court, on occasions the magistrate finds that there is no justification for confirming the order. In other words, the person taking it out—the spouse, girlfriend or husband—overreacts and there is no reason why the domestic violence restraining order should be in place.

If this amendment is carried, any person who is the subject of a domestic violence restraining order and who has his firearms removed (quite correctly so) but whose restraining order is not confirmed is entitled have his firearms returned. If the order is confirmed, he or she cannot seek to have them returned. Further, a person may want to buy firearms but cannot do so because a domestic violence order has been taken out, even though it has not been confirmed. So, this is a safety valve. It is not right that a person can be punished down the track for something that was alleged to have occurred but has not been proved.

Mr QUIRKE: I intend moving an amendment to this section, in two parts. The first part is identical to that of the member for Florey, so I have no disagreement with him on that point. However, in the second part of my amendment I take the issue somewhat further and introduce new material. How should we proceed?

The Hon. S.J. BAKER: I may be able to clarify this. I cannot accept either amendment, for very good reasons. I take the member for Florey's point. I spent some time dealing with the issue and talking to police officers who have dealt with domestic violence situations. The point was made very clearly that many domestic violence orders do not proceed because of intimidation within the family. This is a very serious situation. Some good, honest citizens will be victims because they have been wrongly accused of domestic violence. But, my information is that in many more instances a woman (in the majority of cases) has reached the end of her tether and has approached either the Department of FACS or the police, some assistance has been provided and a restraining order has been taken out. However, for a range of reasons, it is not proceeded with. A number of those cases involve people with firearms. That is not very fair, as the member for Florey would point out. However, the legislation as it stands leaves the issue open to the extent that it provides that the Registrar 'may'.

I bring members back to this general provision. We are not saying that there will be an automatic refusal. Subsection (11) provides that, for the purposes of the Act, a person may be taken not to be a fit and proper person to have possession of a firearm or ammunition or to hold or have possession of a licence under certain circumstances. It then lists the circumstances, such as where offences have been committed or the Firearms Act has not been complied with. The person can approach the Registrar and say, 'Look, I have been harshly dealt with.' That person may wish to go to the courts to have

the matter expunged or not confirmed. There are circumstances which allow a person in that situation to overcome the disability, if the original complaint is found to be inappropriate.

I ask for the forbearance of the Parliament in this regard. From speaking with the police officers who have dealt with these circumstances, my understanding is that more domestic violence orders are not proceeded with than actually proceed, because some people prefer to live in a violent or semi-violent relationship rather than not have the relationship at all. I do not want to regale the Committee with some of the terrible stories that were told to me or some of the circumstances that were provided to me. I recognise that there will be such occasions, and we know that they do happen. Constituents have talked to us about circumstances where relationships have broken down and there are unfounded accusations of sexual abuse and violence, and someone becomes a victim in the process. However, that is not what occurs in the majority of cases, I might add. The issue which the honourable member has raised is legitimate, but I cannot accommodate either of the amendments.

Mr BASS: I accept what the Minister has said. The Minister did accept a change of wording in previous amendments. I accept that the wording of the provision includes 'may'. I also understand that, under this subsection, if a person were rejected because of this, he or she would have the right to apply to the Firearms Consultative Committee. So, in a spirit of cooperation, I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Mr LEWIS: I do not quite understand what is happening here. I am anxious about one aspect of this. I share the concern of the Deputy Premier over circumstances where one or other of a marital couple (and I do not know how better to describe that: I do not mind whether they are *de facto*, married in law or whatever) fears domestic violence which may involve the use of a firearm. I share his concern.

However, I do not believe that in all instances such reports by a person claiming to be in fear of violence from another are always truthfully put. I am anxious about that aspect. It should be possible for the firearm owner accused of domestic violence, after surrendering their firearm, on their own application to have a court hear their submission to have their firearm or firearms returned to them. It is a way in which a spiteful spouse could really screw up a sporting career or some other legitimate recreational activity. Even though the number of such instances would be small in percentage terms, they would be a significant number and an injustice.

I am sure that the Minister agrees with me that, as legislators, it is not our place to make laws that knowingly perpetrate and perpetuate an injustice without providing the means by which that injustice can be addressed. Is there a provision in law wherein someone accused of domestic violence, and whose firearm or firearms have been removed from them in the belief that they may become part of a problem if things deteriorate, can go to court and get them back again if they are wrongfully accused or if in the opinion of a court they are unlikely to use the firearm in any way in perpetrating a criminal offence against the partner who expressed the fear and took out the restraining order in the first place.

The CHAIRMAN: I remind members that the member for Florey has withdrawn his amendment. The member for Playford has the next amendment, which contains an identical clause plus an additional clause. The member for Playford can canvass his own amendments if he wishes at the same time.

Mr QUIRKE: Thank you, Mr Chairman. That advice will greatly help my remarks. It is not my intention to proceed with the amendment that stands in my name on this matter, and I want to give my reasons for that. The Minister has convinced me that, in an area that is enormously difficult, the solution proposed by us is probably much worse than the problem that exists.

The member for Ridley is correct: in some instances people bear false witness against each other. I accept that and I have seen evidence of that. It is just an unsatisfactory part of life that people bear false testimony against each other. There are instances before the courts in other matters where perjury or proceedings along the lines of perjury can take place. At the end of the day, our problem as legislators is formulating a law that is fair to as many people as possible—indeed, that is fair to all.

I am not happy with the arrangements in the legislation. Like the member for Ridley, I can see room for exploitation in these provisions. I am not sure what the cure is. I believe that my proposal and that of the member for Florey do not adequately address that problem. The process is to accept the lesser of all the evils. The position might be different down the corridor, and perhaps we can address our minds to this problem to redefine the issue. However, at this stage, the lesser of all the evils is to accept the Minister's position and, as a consequence, I will not proceed with my amendments.

The Hon. S.J. BAKER: I point out to the member for Ridley that we canvassed the situations that he has alluded to, where, for reasons of distress, maliciousness or whatever, false accusations are made. I have received further advice on this issue that, if the order is lifted to the satisfaction of the court, the firearms would be returned as a matter of course, any way. However, other Acts are affected, so that complicates the issue. Other orders under this or another general provision might be affected by our inserting this get-out clause, so the police do not feel comfortable with it.

There is a way of returning firearms. When I was in a police station I noticed a number of firearms in a container, and I asked, 'What are they doing here?' They said, 'They have been here for two years because the people concerned have never asked for them to be returned.' In some circumstances, people who have had those orders made against them have not pursued their firearms. The lack of finality has caused problems because we have been accumulating firearms. People may feel that they do not need to own a firearm any more or there may be a legitimate reason why they should not own a firearm any more.

My advice is that there is a level of justice if an order is lifted. However, other provisions apply, and to put this into the Bill would upset the balance of the legislation. I have a reservation about that. However, I am told that the legislation is as competent as it can be under the circumstances, and I know that some orders are not confirmed as a result of intimidation. I understand that it is feasible for these guns to be returned. I am sorry about that. It is not as good as I would have expected but it is practical in the circumstances.

Mr LEWIS: I thank the Minister and the member for Playford for their enlightening remarks. I am probably a bit slow and I am not quite up to speed. If the provisions do not exist in law whereby a citizen against whom false witness has been borne maliciously by another, whether spouse, sibling or anyone else, can go to court and have their confiscated firearms returned to them in exchange for certain assurances

or other conditions as may be written into the order allowing them to recover their firearms, and if their rights to do that are not known, will the Minister give a commitment to address that through amendment in the other place?

The Hon. S.J. BAKER: The general provision says 'may' and, if the circumstances prevail where there has been a malicious act and the person can prove to the satisfaction of the consultative committee that a wrong has been done, that person would have the capacity to have their firearms returned.

Mr LEWIS: This is my last chance. I am not all that comfortable. I hope that the Minister means what I think he means but hope is not a method. I do not have any other method presently at my disposal. I do not wish to antagonise him or members by delaying them. I believe that what he just said reverses the onus of proof: once the allegation is made, it is assumed to be correct, and the firearms are confiscated and held until the person against whom the allegation was made can prove that it is not materially accurate and that they are responsible owners, have been responsible owners and ought to be allowed to continue to possess their firearms.

The Minister has said that you must prove yourself again to be a fit and proper person, even though someone has borne false witness against you and you have lost your firearms in that way. It would be rough on somebody who was involved in a tournament shooting program if their spouse, or another family member said, 'He or she has been threatening me and they are threatening me with firearms,' and so all the firearms are confiscated. That is real leverage in the hands of someone who wants to do mischief.

It is not fair. In any other situation, it is not what we would consider to be just or appropriate law. I do not think I make unreasonable inquiry or pleading on the matter. I leave it at that and trust that the Minister's good grace and goodwill will satisfactorily resolve this issue so that it does comply with the general framework of our law where they are assumed to be innocent until the party accusing them proves their guilt and that they can, on the assumption of innocence and giving reassurance to the consultative committee, say, have the firearms returned to them at least until a court can further consider the matter, given that the consultative committee might impose conditions on where the firearm is to be stored until they are returned. I do not mind as long as we are not unfair and unjust unnecessarily.

The Hon. S.J. BAKER: I had a little confusion about this provision and the full impact of the law, and I feel a bit uncomfortable, I might add. Section 10(2) of the Domestic Violence Act 1994 provides:

> If the domestic violence restraining order is subject to confirmation—
>
> (a) an order for confiscation of a firearm must provide for the return of any confiscated firearm to the defendant if the domestic violence restraining order is not confirmed; and
>
> (b) if the defendant has a licence or permit to be in possession of a firearm—an order will be made in the first instance for suspension of the licence or permit until the court determines whether to confirm the domestic violence restraining order, but if the domestic violence restraining order is confirmed, an order must then be made for cancellation of the licence . . .

If it is not confirmed, the licence is returned. I do not think the provisions are tight enough given my knowledge of the circumstances we are dealing with, but it is contained in the Domestic Violence Act. If the court deems that that person has been wrongly accused, there is an automatic return of the firearms and the licence.

Progress reported; Committee to sit again.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mrs KOTZ (Newland): I move:

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

Motion carried.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

In Committee (resumed on motion).

Clause as amended passed.

Clause 4 passed.

Mr BASS: I move:

Page 6, after line 9—Insert new clause as follows:

4A. Section 7 of the principal Act is amended—

(a) by striking out from subsection (2) 'three members' and substituting 'seven members';

(b) by inserting the following word and paragraphs after paragraph (c) of subsection (2);

and

> (d) one must be a person who carries on the business of primary production, who is a member of the South Australian Farmers Federation Incorporated and who has been nominated by that Federation; and
>
> (e) one must be a person nominated by the Firearms Traders Association in South Australia; and
>
> (f) one must be a medical practitioner of at least seven years standing; and
>
> (g) one must be a person nominated by the Combined Shooters and Firearms Council of South Australia Incorporated.

(c) by striking out from subsection (4) 'may appoint a suitable person to be a deputy of any member' and substituting 'must appoint a deputy for each member';

(d) by inserting the following subsection after subsection (4):

> (5) The deputy for a member appointed on the nomination of a body under subsection (2) must also be appointed on the nomination of that body.

This amendment relates to the establishment of the Firearms Consultative Committee. Under the principal Act, the committee is to have three members: one nominated by the Commissioner of Police as the Registrar of Firearms, a lawyer of at least seven years standing, and a person who has an understanding of firearms and who has been nominated by the Governor.

In the past, this very small committee has done its job but the Firearms Act will be very different because of this amending Bill. I propose that the membership of the Firearms Consultative Committee be increased from three to seven. I accept the three members already nominated under the principal Act but my amendments propose an additional four members.

Primary production is mentioned quite a few times in the Bill and primary producers probably use firearms as often as members who participate in sporting shooting as a hobby. I believe that they deserve a voice or a representative on the consultative committee. I have worded the amendment in such a way that he or she must be not only a member of the South Australian Farmers Federation Incorporated but also a primary producer. It therefore prevents the office manager of the South Australian Farmers Federation from being a member. It must be a primary producer.

One member must be a person nominated by the Firearms Traders Association in South Australia. This is also a very important nomination. There are many times when the

consultative committee must review decisions of the Registrar of Firearms or his delegate, and on many occasions the decision of the Registrar or his delegate would be a matter of opinion about a weapon. Who better to be on this consultative committee than an expert in weapons, a trader and an importer? He imports and is an expert on these weapons. He could contribute to this consultative committee. Paragraph (f) provides for the appointment of 'a medical practitioner of at least seven years standing'. It reflects the lawyer with seven years standing and picks up the AMA's thrust that we must do something about firearms. Here is the opportunity for Mr Emery, who makes many comments about firearms, to nominate someone to be on the consultative committee.

Another member is to be a person nominated by the Combined Shooters and Firearms Council of South Australia Incorporated. I know that the Minister and the council have had words—or a lack of words, I think would be more accurate—since this matter has been in the forefront of the media and while the legislation has been put together. But the Combined Shooters and Firearms Council of South Australia has a membership of approximately 14 000. It covers such clubs as the South Australian Target Pistol League; the South Australian Field and Game Association; the Hellenic Game Shooters Association; the International Practical Shooting Confederation; the Firearms Traders Council; the Western Shootists Society; the Antique and Historical Arms Association; the International Handgun Metallic Silhouette Association; Security Shooters; the Australian Deer Association; the Adelaide Pistol Club; and the South Australian Canine Association.

All those associations are full members of the Combined Shooters and Firearms Council. There are associate members, such as pistol clubs at Mannum, Tailem Bend, the Tatiara and Kingston South-East; there are the Cyclist Smallbore Rifle Club, North-east Security Shooters, the St Hubertus Hunters Club, the Southern Vales Practical Shooting League, the API Pistol and Shooting Club, the Military Arms Preservation Society, the Brukunga Combined Pistol and Shooting Club, Adelaide University Regiment Rifle and Pistol Club (probably one of the bigger clubs), the Balaklava Sport Shooting Club, the Quorn Pistol Club and the 4EME Services Unit Pistol Club. And aligned organisations are the South Australian Revolver and Pistol Association and the Firearms Safety Foundation.

A representative of the Combined Shooters and Firearms Council would be a true representative of 14 000 people involved in the use of firearms either in a hunting situation (such as the Field and Game Association would cover) or in pistol shooting, small bore and just about any discipline. If we are to have a Firearms Consultative Committee, it is no good having a doctor and a lawyer and perhaps one person with some understanding of firearms—perhaps anti, perhaps pro. We have a person nominated by the Registrar of Firearms, and in the past there has been criticism of some people who have been in the Firearms Office. At the present time I think much applause is being given to the way that Cormac McCarron and John White and his group have been cooperating and working on this Bill. The Firearms Traders Association is an excellent nomination, and we do have the primary producers.

So, I would urge this Committee and the Minister to consider my amendment. I know that it provides for four more members. However, further I move that every person will have a deputy, thus the argument that I have heard that you can never get seven people together is broken. It is not an argument when you provide that every person has a deputy. I know it is twice the size of the previous one. This will be a much more complicated Act that will come into being at the end of the day. We need to be fair and be seen to be fair, and we need representation of all the fields that will make up this consultative committee.

If we are to have a consultative committee on racing cars, we must have someone involved in the industry. If we are to have a consultative committee on horse racing, we get someone from the breeders, someone from the trainers and someone from the owners. If we have a firearms committee, we must have people who are involved in the industry. Paragraph (d) provides:

> (5) The deputy for a member appointed on the nomination of a body under subsection (2) must also be appointed on the nomination of that body.

So, it can be handled at the same time. It can be a good working committee. It can be an excellent sounding board for the Registrar of Firearms, and I commend this amendment to the Committee.

Mr QUIRKE: The Opposition has a bit of a dilemma. We will propose our own amendment shortly, but my understanding is that we will have a smorgasbord of three options. The Minister may correct that claim, but I understand that he will move an amendment in his own name under which the committee will be made up of five persons; the member for Florey is arguing for a seven person committee; and the existing provision within the amendment Bill is for a three person committee.

I want to lay down a couple of basic principles. First, it is my hope that the member for Florey and the Minister can sort this matter out between them. We have not moved on the size of the consultative committee, but not because we have any disinterest in the matter. In fact, we will be moving amendments further on that will require a good, strong, competent, well represented consultative committee and, as a consequence, it is important for us, when dealing with this clause, to have the best arrangements available. Quite frankly, the three person committee has all the problems that the member for Florey has illustrated. It may be easy to get three people together, I do not know, but I suggest that it would not give broad representation in a very complex area.

We had discussions with different people and different organisations in respect of this matter, and I had discussions with the member for Florey in which I agreed with his basic stand that the committee needs to be broader. I hope that, if we cannot reach agreement on this, agreement will be reached in the very near future. It will be incumbent, whatever proposal gets up, that we have broad representation on the consultative committee. It is not just about firearms owners; there are a number of other issues. The consultative committee will be dealing with cases of disputation or those that are in the hard or the unusual basket. As a consequence, we need to bring in a mix of skills, but at least one of those skills has to be a knowledge of the industry and the trade and a working knowledge in a whole range of other areas of the sorts of problems that are likely to emerge.

I do not want to be in the position of picking between the two key points, but I have some preference for the member for Florey's position because it is broader. There may be some problems downstream about which the Minister can influence me but, at the end of the day, I would like to see an expanded committee and I think that both the Minister and the honourable member are moving in the right direction. I was under the impression—and this may be my taking it

wrongly—that the seven person committee was to be accepted by the Government. I would also ask the Minister about the role of some groups, particularly the Combined Shooters and Firearms Council. Obviously the issue is to have a committee sufficient enough on which to place various people. How does the Minister see his five person board constructed? Who is likely to be on that board (so that we have some idea of the skills and representation envisaged)?

The Hon. S.J. BAKER: I will choose my words very carefully. The member for Florey's proposal is unacceptable to the Government because it takes away from the balance which I think has served this State exceptionally well. The worst thing we can do for any firearms owner in this State is to have a committee that tips the balance one way or the other. My understanding is that the consultative committee has worked very well in the past.

In terms of expert experience and advice on firearms it has been well served by Mr Tamblyn from the South Australian Revolver and Pistol Association. Those who have dealt with Mr Tamblyn have nothing but praise for his even-handedness and the intelligence with which he approaches his task. I am told that our legal representative who is there for legal interpretation does it without fear or favour. The third person is a retired commissioned officer, Mr Lockhead, who I understand also has considerable knowledge of the firearms industry and has served the committee exceptionally well.

The problem I find in areas of great sensitivity is that the worst thing we can do is appoint a committee that creates an imbalance. I have some difficulty naming organisations as a matter of principle, although we have, for the purpose of the amendment which is not being dealt with here, mentioned the South Australian Farmers Federation. I find that, on a number of occasions, we do not get the representation that we need on the boards because the organisations themselves do not take their responsibilities seriously. I have found that on commercial and other advisory boards people have been nominated because they are next in line, it is their turn, they have the numbers or whatever reason, and quite often it is the wrong reason why a representative of that organisation is to serve on a board.

We are changing the rules to the extent that we are trying to get away from representatives of particular organisations on our boards. If we have in legislation a requirement to have a representative of a particular organisation we are asking for three nominations to be put forward (at least one must be a woman and one must be a man) so that the Minister can choose who that representative shall be on the basis of the quality of the experience of that individual. Even that does not work because the trade union movement, for example, often has one person that it wants on a particular board and it refuses to give other nominations, and if I do ask for other nominations it gives me two nominations which are totally unacceptable. So, with the best will in the world, we are still not getting the greatest amount of experience, quality and expertise on the boards that I would wish from organisations.

In the debate last night I did not mention the role played by various organisations in the lead-up to this Bill being introduced into the House—in fact, the post 10 May deliberations on changes to the gun laws of this State. However, I will now reflect on those circumstances. This has been one of the most interesting periods of my parliamentary life. During this time I have received a variety of threats from individuals spurred on by others who wish to see no real reform to gun laws in this country.

I will not involve myself in deciding whether the fault is laid across our border or within our border. I understand from my colleagues interstate that it may have been that our representatives were less harsh, less intimidating, than some of their interstate colleagues. I will not draw a distinction between the actions that have been taken in various States. However, I remember that I had spoken to people organising a rally in Victoria Square prior to that event and I had made it quite clear to the people concerned that I have never had a problem addressing any audience in my life, whether they were hostile or friendly. Obviously I appreciate them more if they are friendly, but I have never had a problem addressing a hostile audience. I received advice that it was inappropriate for safety reasons (and I will not go through all the detail about certain information that was provided at the time about who may want to string along and cause great difficulty to people legitimately protesting). However, at the time that was imparted to the people we met with from the Combined Shooters Council.

I was then told (and I thought I had given very good reasons why it was inappropriate for the Minister to be at that rally, and it was for security purposes) that the rally had been informed that the Minister did not have the guts, the decency, to turn up. I find that very difficult to appreciate. I know that there are battles to be won out there and if you go into battle you go in there with your heart and mind behind it, but what followed was that my fax number and telephone number were provided and everybody was urged to get on to the fax and phone to the Minister and lobby as hard as possible. For a number of days my office could not get anything in or out of that office; we could not even carry on with our normal duties. But I accepted that people had a very strong view to put and I have never stepped backwards when someone believes they have a strong point of view to put because I can put an equally strong point of view myself. There was some intimidation of my good staff, people who were innocent and did not have any desire to get involved in questions of guns or any other issues; all they want to do is make sure they serve the Government properly.

I found quite unforgivable some of the foul language, the sheer intimidation and threats that occurred at that time. I know that in putting a strong point of view on any program, you will gather up some of the people who belong in the looney basket, people who in my mind should not hold a gun. I have a number of letters on record from people who, if that is their attitude with respect to some of the things they have suggested to me, are not fit and proper people to hold a gun in this State.

When I deal with people, I deal with them on the basis that, if they have a strong point of view to put, I am willing to accommodate that point of view. In terms of consultation, I made it quite clear that I was not going to deal with one person on this issue, irrespective of whether that person was deemed to be the most appropriate representative, because I wanted a broad range of experience of the members of that organisation. There are technical issues I wanted to test against my understanding and the information I had been provided with by the police and the information coming out of Canberra. I like to think I can go fully armed. Those consultations could have taken place, but they did not take place, and we can reflect on the reasons why.

I also make the point very strongly that perhaps part of the strength of determination of the Prime Minister on this issue was in fact reinforced by some of the antics of particular people who put a very strong point of view to the point that many people in this country repudiated them to an extraordi-

nary degree. When we are talking about blood on the streets and other similar statements, I draw the line, and I know that most thinking South Australians draw the line.

In dealing with the combined shooters, which has been one of the suggestions, I have said I have a problem in principle accepting an organisation as being represented on this body, although I have in my amendment mentioned the South Australian Farmers Federation because it just happens to represent the farmers. I am saying that, as a matter of principle, I want expertise on the board. I do not want representatives from organisations on that board.

I am repudiating the amendment moved by the member for Florey on the basis that it does not do the job I want, and it takes away from what I believe this consultative committee should be. It has a tremendous capacity to run off the rails because, if the wrong people are chosen by those organisations for a whole range of reasons—and I have seen many committees go haywire over a period of time—we will have a majority of people on there who may have a very strong feeling about the rights of people to own guns in this country, rather than a balanced point of view on how to make this legislation work and how to give justice to those people who are disaffected because the Registrar has refused to accept their particular proposition, whether or not it be in the exercise of their responsibilities under the Act.

So, I do not accept the member for Florey's amendment to the Bill. I believe there has to be balance. I believe that the balance comes from someone with legal experience, and that means we choose someone. We will not tell them which law firm they should belong to, but someone with legal experience who has an understanding of the industry we are talking about here. We already have someone who is skilled and has expertise in understanding the workings, operations, sale and repair of firearms. That is satisfied under the existing arrangements. We also have a representative who, from a police point of view, has had experience in dealing with firearms and the offences associated therewith.

I know that the member for Eyre was also interested in extending the committee. He showed me a proposed amendment, but I do not know if it has been placed on file. He recommended that we should have someone from the broad farming community as a representative of those people who need firearms for their general occupational use, as they are absolutely essential to maintain their farms.

The fifth person I would like to see on that committee is a member of the medical profession. The member for Florey says this is the Emery amendment. I will not say it is that, but what I am saying is that we are talking now about fit and proper people to possess firearms. If that level of expertise in a constructive fashion can be brought to that consultative committee and broadens the horizons of the group but enables the group to act with complete balance, then I believe we have done our job.

So, I cannot accept the amendment of the member for Florey. I believe it could lead to some problems, which I am sure the member for Florey could imagine, in the repudiation of the role of this consultative committee. I am asking the Committee to reject the amendments moved by the member for Florey, and I will ask the Committee to consider my proposed amendments.

Mr BASS: To say I am amazed would be an understatement. The Minister speaks about the present consultative committee. Mr Tamblyn is no doubt a qualified person, and I do not know who the legal person is. He may well be appropriate. I have some concerns about former Assistant Commissioner Loughhead. He had an excellent career in the Police Force, although he did not have a great deal to do with firearms as far as I can remember. Notwithstanding he would have a good understanding of the law, he has been out of the Police Force for some years, and it does not take long to get out of kilter with what is going on in any industry. I know that when I left the police and went into the union, it was a matter of two years and I was out of touch with the way things worked in the Police Department as a police officer. So, you really do get out of touch quickly.

The Minister talks about taking their responsibilities seriously. I could say that both the combined shooters and the traders whom I have nominated take their job very seriously. I would say they take it very responsibly. The Minister is talking about blood on the streets and threats, and that he gets advice not to go to meetings. Well, I have been in the same boat and have received advice not to do things because there might be anger. Hell, when I was a policeman, I was stabbed three times. I did not have any choice: I had to go. But you still do your job.

The Minister says, 'We don't want organisations,' but if you look at his own amendment it reads, 'one must be a member of the South Australian Farmers Federation Incorporated'. You cannot get a little bit pregnant! You either want them or you don't. It is stupid. I have never heard anything so ludicrous in my life. This is childishness. The Minister was taken on by the Combined Shooters and he did not like it. I agree that they were probably aggressive. They were trying to represent their people. They did not say, 'We will have blood on the streets.' They were not like McAvaney in Queensland. They disassociated themselves from that person. They were not associated with National Action up at Victoria Square. They organised a very good meeting and they spoke sensibly. There was aggression and anger, but they took their job seriously and represented the people. I believe we have now got down to personalities. I know that the Minister can be aggressive and can do his job. I also know that Mike Hudson from the Combined Shooters can be aggressive. He is passionate about what he does, and he does his job.

So, we have two immovable objects. Therefore, the Minister says, 'I do not want to have groups. I want them over here because I want the farmers, but I do not want the shooters.' Come on, let us grow up. We had a clash of personalities and because of this the Minister says, 'I do not want groups,' but when it comes to sport the Minister wants to cover a broad range of issues. We are talking about a firearms consultative committee. Shall we have a medical person on the committee because the Minister believes medical people want to have some input? I agree that they should be represented. I did not call it the 'Emery amendment'. The Minister must have been dreaming of last night, because the member for Playford mentioned the 'Emery clause'. I said it gave the AMA a chance to be up front and to be involved in some firearms control.

The Hon. S.J. Baker interjecting:

Mr BASS: The Minister says, 'It is not what you want.' I think a committee of seven people could do an excellent job. The Minister wants a firearms consultative committee but wants to exclude one of the groups which represents 14 000 people (approximately 35 clubs), as well as the traders, the people who import from overseas and the people who have the experience in respect of size and converting weapons to automatic mode. The Minister wants a consultative committee, but he does not want them. I believe that it is about time

we put personalities aside. We have a group which represents a great deal of people involved in firearms. The Minister says, 'I want the South Australian Farmers Federation.' Why does he want a representative from the South Australian Farmers Federation? Because he wants someone from the rural community to have input on the consultative committee. Well, you have not given me one good reason why there should not be someone from the Combined Shooters and Firearms Council, which represents 14 000 people. You have not given me one reason why we should not have someone from the traders council.

The CHAIRMAN: Order! I ask the honourable member to address the Minister through the Chair rather than engaging in direct diatribe person to person. It is not parliamentary, as the honourable member would know. I think the honourable member should depersonalise the issue.

Mr BASS: Yes, Mr Chairman. I get a little bit passionate about things I believe in. The Minister has not given one good reason why the Combined Shooters and Firearms Council and the traders should not be represented on the consultative committee. The only reason that I can see involves a personality clash, and it is about time that was put aside. In my opinion, the greatest sign of a man accepting adversity is to be able to put it aside and get on with the job. We have had the clash between the titans, Mike Hudson of the Combined Shooters and the Minister representing the police and the Government, so we should let bygones be bygones and get on with this legislation. Let us have a consultative committee that can do the job and get on with it.

Mr QUIRKE: I thought we had finished with the clause on domestic violence and all those orders. I am somewhat concerned about orders that might be made for some of my mates in this Committee in relation to their firearms licences. The Opposition will have to reconsider its position because I understood that the amendment would be accepted and that we would have a larger committee. My Caucus has made it clear. I took a recommendation to Caucus which supported a larger committee. The Opposition believes in the importance of the committee and it was going to use the committee for a number of other consequential amendments. We do not have the problems that the Minister obviously is having with some organisations in respect of this matter. The Minister's argument that he did not want organisations but wanted expertise was a good one until someone mentioned the Farmers Federation. I am afraid that is a weak link.

I had hoped that we would sort this out but, obviously, we have not been able to do so. Consequently, we will formulate our own suggestions and present them in another place at the appropriate time. We indicate to the Minister that we believe an expanded committee is necessary, and that is the principle that we embrace. I gather from the Minister's long explanation about the rally and his response to my second question concerning the Combined Shooters and Firearms Council that his answer is, 'No.' I presume that is the case. In many respects that is a pity because, in my view, we ought to accommodate some of these groups and not necessarily just the Combined Shooters and Firearms Council—there are others. There is an argument concerning what is a good size committee. Is it five, seven, eight, or nine? The Opposition has not addressed that problem but it will now have to address it further up the corridor.

The Hon. S.J. BAKER: During the Bill's passage between the two Houses I am more than happy to include a member of the farming community. That will make my amendments quite pure. I make it clear to the Committee that in the promulgation of boards I believe in expertise, expertise and expertise. I do not believe in organisations foisting people on to boards. It was one of the great failings of the previous Government. I hope we are trying to get out of it with our Government. I know that we are tied by some of the legislation and the refusal of the Opposition to recognise that representative organisations can often put the wrong people on the wrong boards.

I am a great believer in getting the greatest amount of expertise and quality of expertise so that people make decisions without fear or favour. You will find that it has been one of the hallmarks of my administration that I have got the people who can deliver. I do not say I get it right 100 per cent of the time, but I think I get it right most of the time. It is never 100 per cent, but the quality of people I have brought to Government in advisory and administrative positions is far and away better than anything we have seen in this State for many years.

All the other Ministers of this Government have done exactly the same thing; they have looked at the capacity of the organisation as it stands and the needs of the organisation and have taken in people because they have the expertise and can add to the quality of the debate or the argument. So, I ask the Committee to repudiate the member for Florey's amendment. I do not give a damn about particular individuals. I have had my stoush with Mr Hudson and other people along the way during this firearms debate. I might reflect on some of the those things and think that to my mind some of them have been dishonest, but I am not here to say that that happened—

Members interjecting:

The Hon. S.J. BAKER: I am not here to blackball any particular person. Mr Hudson happens to be a deputy to Mr Tamblyn, if we are mentioning case studies at this moment. I have never said that Mr Hudson should not be a deputy to Mr Tamblyn. I am not talking about individuals: I am talking about expertise. I will refuse amendments that deal with organisations having a right on a board, and I have done so consistently. If members feel more comfortable, I am willing to accept a five member board. Members should remember that they have deputies, so there are 10 people to call upon to ensure that there is a quorum. That is quite sufficient for the roles and responsibilities of this organisation: five people with quality expertise, a small, efficient committee that can dispense the requirements of this legislation in a very even-handed fashion. I ask the member for Florey to reflect on what I have said, because I believe very strongly in appointing the best available people and not having people forced onto consultative and advisory committees that the Government does not necessarily wish to have there. I am very firm on this issue.

Mr BASS: I would look ahead a little. The member for Playford will move amendments later tonight on a compensation review committee. I notice that, if the amendments are carried, two people will be nominated to the committee by the Minister, one by the Registrar, one by the Firearms Traders Council and one by the Combined Shooters and Firearms Council. I know why the member for Playford will move his amendments: when dealing with compensation, we will need the advice of firearms experts. The best firearms experts are the combined shooters and traders, but the Minister says, 'No, I want a five member board. I do not want any organisations, but I will have one member from the Federated Farmers; and I want expertise, but I am not prepared to have the experts.'

Members interjecting:

Mr BASS: Well, it could be. I know that the Opposition has not formulated its position and that it will have to do it in the other place. I also know that there are insufficient numbers to support my amendment, but I believe it is a disgrace that the Minister has taken this stand and that he cannot give any legitimate or logical reason why he will not accept this, when he says that we need expertise but he does not want the people who can provide the expertise.

Mr BECKER: I support the member for Florey. It is interesting to note that the previous two speakers on this issue are members of the Economic and Finance Committee. We are currently looking at the composition of boards and committees of this State. Some 3 800 people are involved on those boards and committees. Whilst I can understand and appreciate that the Minister wants persons with expertise, what the member for Florey has proposed makes sense to me, because he has covered the important aspects of this issue, particularly in relation to consumers. Time and again we have heard of the need for the voice and the representation of consumers. To leave out a representative from the various clubs would deny consumers that direct opportunity. For the life of me I cannot believe that a Federal Government would not permit consumers to have a say on a consultative committee. We can look through the various boards and committees of any State Government. We have only to look at the South Australian National Football League, which comprises members representing ex-footballers, administrators and all walks of life.

Mr Quirke: You could have a coal miner from Leigh Creek, probably.

Mr BECKER: You could. This applies to the racing industry, the Casino Authority—no matter what it is. The Minister knows how important it is to have broad representation on those committees. Three members seems too low for me, five can be a problem, but I think seven is better. What the member for Florey is proposing makes real sense. The consumers in this case and the various clubs involved cover a huge range of people who enjoy shooting as a sport, pastime and recreation. Probably, as far as the average metropolitan citizen is concerned, the real 'glorification' (if you want to put it that way) of sporting shooters would be those who compete for selection in the Commonwealth Games, the Olympic Games and the World Shooting Championships.

To me, if I were someone who enjoyed shooting as a sport, that would be the ultimate. I would be very disappointed indeed if they did not have a say in the representation of the consultative committee. We are bidding for future Commonwealth Games for this State, and that is something of which we ought to be extremely proud. We get good support from the shooters in that respect, and it is important to us to have their vote when the decision is made for Australia, and also throughout the commonwealth of nations.

The Minister knows as well as I do that, when you call upon various organisations to nominate a person for a board or committee, you ask for three nominations. The Minister and Cabinet have the right to choose a person from those three nominations, so you can get a very wide range of expertise. Not one club involved in recreational shooting in this State would not have members from the judiciary, commerce, industry and the highest administrators in this State through to tradespersons and unskilled labourers. The Farmers Federation will select three names amongst those who are extremely successful, and those three people will be nominated to cover various aspects of the rural industry, as would the clubs themselves get together as a combined organisation and select three people from three different categories who could make an extremely worthwhile and valuable contribution to the State. That is what we are on about. That is what the member for Florey wants to see: he wants to see a fair go. We are talking about a fair go for consumers and those who love and have participated in the sport all their life.

I appeal to the Minister to reconsider. Do not let the Labor Party threaten us by saying, 'When we get to another place, we will consider an alternative piece of legislation.' Government members find themselves in a very difficult position, because we have had to support the wishes of the Government and the Prime Minister, and we have had to be the opposition. We have had to put the alternative voice, because the Opposition has done a pretty dismal job of that over the past few months. This is the first real test of true government, of true politics, that we have witnessed in this Parliament—that is, when some Government members have to put up the alternative voice so that we get the best possible legislation.

The Minister knows as well as I do that we started with the best legislation in Australia. We have always had the best legislation in Australia, because people such as the member for Florey, the member for Eyre and other members have worked long, hard and diligently behind the scenes to make sure that this State had the best firearms legislation, and they want to continue to have it. I appeal to the Minister rethink this issue.

Ms GREIG: I stress that the Minister should reconsider. We are asking only for two extra members on this board. Farmers will present one point of view but sporting, recreational and collective gun users have the right to be heard. As has been said, they are the consumers and their voice needs to be represented on the board.

Mr CAUDELL: It is important that a balance be put forward. Accordingly, I support the Minister in his statements on this matter.

Mr Bass interjecting:

Mr CAUDELL: Excuse me, the member for Florey. I think that you should give all points of view some consideration, including mine, and mine comes from the 70 per cent of the people who want this Bill passed as it is. Your viewpoint comes from approximately 10 per cent of the population who have a specific interest.

The CHAIRMAN: Order! The honourable member will address other members through the Chair.

Mr CAUDELL: Thank you, Mr Chairman. I have looked at all the boards which have been established by this Government and which have been supported by people such as the member for Florey, and they are based on five members. The WorkCover board, with which the member for Florey has some involvement, has five members: its legislation provides that the committee will consist of at least five members appointed by the Minister after consultation. It goes on to say that five, not seven, is a proper number and that five offers the perfect situation. It is not an overcrowded board. The set-up of those boards does not provide for specific organisations, which come on to a board with a preconceived idea or notion and a peculiar secular interest, the interest that would be—

Mr Becker interjecting:

Mr CAUDELL: Mr Chairman, if you do not want me to address the member for Peake, I expect silence from him while I speak.

Mr Becker: Never!

Mr CAUDELL: In that case, I will address the member

for Peake. He represents a secular interest of 10 per cent of the population who have no interest in the overall safety and betterment of the rest of society. He should sit back and listen to the 70 or 80 per cent of the population who support change to the firearms regulations. None of the other boards that have been established have specific secular interests, as has been proposed by the member for Florey, who suggests that the Firearms Traders Association and the Combined Shooters and Firearms Council should be included in the consultative committee. Accordingly, I ask the Deputy Premier to stand by his original proposal and not accept the new clause proposed by the member for Florey.

New clause negatived.

New clause 4A—'Establishment of consultative committee.'

The Hon. S.J. BAKER: I move:

Page 6, after line 9—Insert new clause as follows:
Section 7 of the principal Act is amended—
(a) by striking out from subsection (2) 'three members' and substituting 'five members';
(b) by inserting the following word and paragraph after paragraph (c) of subsection (2):
and
(d) one must be a medical practitioner; and
(e) one must be a member of the South Australian Farmers Federation Incorporated.

I will ensure that, in the passage of this Bill between this Chamber and the other place, I change the reference to the South Australian Farmers Federation to 'a farmer' to be consistent, because that is what I am interested in. It must be someone who is required to use firearms for the purpose of meeting their business or rural production requirements.

We do not need seven people on a board for this measure. We have had three members and my understanding is that there has been no criticism of that situation. The Act is changing and we have agreed to expand that number. I am more than happy to stick with this new clause on the basis that, before appointments are made, I am willing to consult with the various organisations, including the Combined Shooters Association. I do not have a problem with that, but the Government has to get the best, and the best is not necessarily by representative organisations.

With all due respect to the member for Peake, I suggest that he has been around here during some interesting times, including the changing 1970s and the halcyon 1980s, and we all paid an enormous price for the 1980s, simply because we had people on boards who could not dispense their duties. That was where it started and ended. I have had enough of it. I am determined to get the best available to do the job in a fair fashion, and I assure the Committee that, if the firearms owning community, the traders or whatever finish up with a committee they do not like, they will talk to me very quickly.

I am interested in balance. If I do not get that balance, it will reflect upon me. I will get that balance and I will get it through expertise: I will not have it through representative organisations. I ask the member for Playford to reflect upon that in his consideration of any amendments that he may wish to have moved in another place, and also to remember my stance on this issue in my belief that the Government has to get the best available.

Mr BASS: I should like to make one comment about the Minister's proposition. To move an amendment and at the same time indicate that it will be changed during the passage of the Bill between this Committee and the other place to suit the argument that has been put up against my new clause shows exactly how weak the Minister's argument is, and I would like that on the record.

The Hon. S.J. BAKER: With all due respect to the member for Florey, I think that he has just gone over the top.

Mr QUIRKE: I move:

Page 6, after line 9—Insert new clause as follows:
Section 7 of the principal Act is amended by inserting the following subsection after subsection (2):
(2a) the committee must include at least one man and one woman.

In Caucus, this is what we call the standard Levy amendment to committees. Given that the committee will now consist of five members, the pure version of this amendment would seek to provide for two women and two men, and no doubt there is a member up the other end of the corridor who will remind me of that and deal with it when the legislation gets up there.

Members interjecting:

The ACTING CHAIRMAN (Mr Venning): Order! The Committee will come to order. The member for Peake.

Members interjecting:

Mr BECKER: Do not talk about intimidation on this piece of legislation. As I said last night, this is the most difficult piece of legislation that we have handled for a long time. We have heard already from the Minister about threats and intimidation. Would you like me to relate what happened to me concerning my attitude and involving somebody in this Parliament? You would be hanging your heads in shame.

The ACTING CHAIRMAN: I ask the member for Peake to come back to the subject of the debate.

Mr BECKER: The Minister pointed out that during a certain period, particularly in the 1980s, nominations to certain boards by organisations and acceptance was not up to scratch, and I quite agree with him. That is one of the big difficulties. We have something like 3 800 appointments to various boards and committees. Whilst there is not a clear definition of consumers, sporting organisations or clubs representing Commonwealth Games or Olympic Games, when considering the appointment of people to the new expanded boards, will the Minister consider nominations from people with that expertise?

The Hon. S.J. BAKER: Certainly. I know that you cannot have people for all seasons but I also know that there are a number of people who satisfy a number of these categories and who can bring that expertise to the board.

Amendment carried; new clause as amended inserted.

New clause 4B—'Quorum, etc.'

The Hon. S.J. BAKER: I move:

Page 6, after line 9—Insert new clause as follows:
4B. Section 8 of the principal Act is amended—
(a) by striking out 'two members' from subsection (1) and substituting 'three members';
(b) by striking out subsection (2) and substituting the following subsections:
(2) A decision carried by a majority of votes cast by members at a meeting is a decision of the committee.
(3) Each member present at a meeting has one vote on any question arising for decision and, if the votes are equal, the person presiding at the meeting may exercise a casting vote.

New clause inserted.

Clause 5—'Possession and use of firearms.'

Mr BASS: I move:

Page 6, after line 27—Insert paragraph as follows:
(c) a person has possession of, or uses, the firearm on the grounds of a recognised firearms club for the purpose of shooting in a manner authorised by the club.

Proposed new subsection (4b) of section 11 provides:

No offence is committed under this section in relation to a class

C or D or H firearm by virtue of the fact that. . .

The Hon. S.J. BAKER: I have mulled over this issue. I understand that brings classes C and D into the firearms clubs, and that is not the intention of the Government or the Prime Minister.

Mr CAUDELL: I would have presumed that a person would be taking firearms in classes C and D home with them or will they be leaving them on site? What will happen with the magazines? I have a feeling that this runs contrary to the whole spirit of the Bill before the Parliament at the moment.

The Hon. S.J. BAKER: In fact, the issue that we must address in relation to clay targets will be dealt with under regulation 11(c). We will be accommodating one particular issue. This moves the goalposts to the extent that it is not acceptable to the Prime Minister, the Police Ministers or all the Governments of Australia.

Mr BASS: I beg to differ. Amendments were announced yesterday about clay target shooters (and that is a C class firearm). If this is not inserted and something is not done about it, the next time that Michael Diamond takes up his position on the range to shoot, he is committing an offence.

The Hon. S.J. BAKER: As I explained, it will be covered under regulation 11(5)(c).

Amendment negatived.

The Hon. S.J. BAKER: I move:

Page 7, line 8—Leave out 'rim-fire rifle but' and insert 'rim- fire rifle that does not have an inbuilt magazine and'.

This is to be consistent with the general requirements relating to class C licences.

Mr QUIRKE: I am a little lost. Are you suggesting that there is a difference between a rifle that may have a 15 or 16 round capacity, which is the old Winchester (those types of guns that were around when I was child, although I have not seen many since) and which had a fixed or tubular magazine and the Brownings which have a large magazine capacity? Are they being treated differently from removable magazines of large capacity?

The Hon. S.J. BAKER: There are some problems, as we have all recognised, as to how we keep within the agreements that have been reached in terms of magazine capacity. I am advised that this amendment will assist in that process. I am seeking further clarification on that issue and it does make an exception with the inbuilt magazine. This was one of the matters that I raised in Canberra. The issue was the extent to which a person can own a rifle. If it has a fixed magazine, that defines it either in or out of category C. However, if you have magazines, they can be of different sizes. I have been told that you can actually get a magazine that can take 100 .22 bullets, although I have not seen one, and that may well have convinced the Prime Minister to restrict the magazine size. I am assured that a number of magazine sizes will fit a particular firearm. If a person has control of a magazine greater than 10 rounds, that firearm becomes a category D firearm. If you have an inbuilt magazine, it is either in or out.

The firearm itself is either in or out by definition. It is either 10 or fewer, which means it is in the category of C; if it is more than 10 and a fixed magazine, it is out. When we are dealing with those with a detachable magazine, if a person has a magazine of greater than 10 rounds, has possession of that magazine and it is not destroyed, then that firearm goes into category D. I understand that this amendment makes that distinction possible.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 7, line 15—Leave out 'pump action shotgun but' and insert 'pump action shotgun that does not have an inbuilt magazine and'

This is the same issue. Again, I am told that you can actually get extensions to magazine capacity for shotguns, or you can get magazines with greater than five cartridges. I do not have the expertise to give a definitive answer here, but I understand that you can actually get extensions to take you beyond the five; therefore, if you are in possession of that attachment, you are in category D; if you have a magazine with a limitation of five, you are in category C.

Amendment carried; clause as amended passed.

Clause 6—'Application for firearms licence.'

Mr QUIRKE: I move:

Page 8, after line 37—Insert subsection as follows:

(8a) The Registrar will be taken to have refused an application for a firearms licence if the application has not been granted within 56 days after it was made.

Under the terms of this Bill a licence application cannot be granted within a 28 day period. However, that determination may never take place. The effect of this amendment is to say that we accept the Government's position, but there is a 28 day period within which the licence should be granted. We believe that there should be a backstop position of 56 days; that if the licence application is not granted or there is no communication to the person who has made that application within that time, the licence is deemed to have been refused. That means that you can then go through to the consultative committee that eventually will form up, either in this place or further down the corridor, to review that decision.

The Hon. S.J. BAKER: The Government has great sympathy for the amendment. I will be willing to examine this in the passage between the Houses, but I understand that there should be an end point to the process; people just cannot continue to be denied. The honourable member suggests that, if you do not hear from the Registrar within 56 days, it is assumed that it has been denied. That means that the person then has a right to go to the consultative committee for a decision. I am willing to have this examined. It may well be 90 days. I think there are complications with courts, doctors and a few things that actually elongate this process.

I am more than happy to do that because I think the consultative committee might then have to do the same thing and say, 'We do not believe that the registrar has been at fault here. We have some technicalities that have to be observed.' I will look at the 90 day rule, if members are happy with that, because I understand that some of these cases have gone on for six, nine or more months, and some for very legitimate reasons. If I look at the 90 day rule that would mean we could probably cover most occurrences. It would put some pressure back on the system to make sure that it performs but give adequate time and not overload the consultative committee because of the technicality of its being met over a reasonable time frame and not within 56 days. If the honourable member can indicate that he is more or less happy with a 90 day rule rather than 56, I will get some expert advice on whether that will get the balance between the needs of the firearm potential owner or owner and the needs of the system to be able to give expert advice.

The Hon. G.M. GUNN: This clause is one of the fundamental clauses in this Bill. Does the application of this clause apply only to new applicants or does it apply to all people who apply to renew their licences? If it applies to new applicants that is one thing, but if it applies to all people who currently are law-abiding licensed citizens that is another

issue, and I would want to comment on it. I seek that information from the Minister.

The Hon. S.J. BAKER: My understanding is that the way that the amendment has been moved—and perhaps the honourable member could seek clarification—

The Hon. G.M. Gunn: I was talking to the clause.

The Hon. S.J. BAKER: I think it is about the capacity of somebody not being left in the lurch if it is getting too hard and no decision is taken, and I am a great one for decisions being taken. I think it refers to the whole clause.

Mr QUIRKE: The Minister asked me whether I would be satisfied with the 90 day clause. The basic principle here is that we want a back stop; we want a goal post such that if this is not met then the next stage can be triggered. If the Minister tells me that there are technical reasons and that it has to be 90 days, I will accept it. I would have preferred 56, but 56 was a multiple of 28; that was how it was picked. The member for Florey and I agonised over how many days it should be. I am quite happy with 90 although I would not be happy with 91 or 92. I accept what the Minister is saying and, in the spirit of this debate, I think the Minister has grasped the central issue and his commitment to sort it out is welcomed by me.

The Hon. S.J. BAKER: I can assure the honourable member that I like decisions being taken; I do not like back-door methods used to deny people's rights. People have to front up in this world and make those decisions and therefore I do not want to see prevarication. I do not want the system overloaded with people rushing off to the consultative committee when the normal course of investigation is incomplete. I will take advice and inform both members as to the 90 days, but I believe that there should be a back stop in the system.

Amendment negatived.

[Sitting suspended from 6 to 7.30 p.m.]

Mr BASS: Mr Chairman, I will not be proceeding with my proposed amendment to leave out subsection (10).

The Hon. G.M. GUNN: Clause 6, which deals with the application for firearms licence, is a very significant clause. A great deal of acceptance or non-acceptance of these proposals will relate to how this clause is applied. Can the Minister advise the Committee whether this provision will apply to new applicants for licences, and will people who reapply for their licence have to go through this very strict criteria, or will the law be enforced in a fair and reasonable manner with a view to being cooperative and not unduly inconveniencing people?

The Hon. S.J. BAKER: It will be very cooperative. I appreciate the honourable member's raising the issue. It would be unpalatable for us to expect 106 000 licence holders to go through an extensive question and answer session to qualify. There will be a changeover of licence from the old to the new. We believe that, if they have given good reason in 1980 and beyond, that shall apply. I do not expect there to be any disruption to that process.

The Hon. G.M. GUNN: I am pleased with that answer because we all know that from time to time it takes only one official or one rather over-zealous person to cause more problems than one could ever imagine, with the result that you get more people off side quicker than anything I know. I am pleased that the Minister said that the department, when administering this provision, will be fair, reasonable and cooperative and will not look for reasons to decline applications for licences but will assist all those people who have complied with the letter of the law.

The shooting fraternity in South Australia has clearly complied with the letter of the law, and I am pleased that they will be able to get on with doing what they want to do and not be subjected to the law being enforced in a harsh and unreasonable manner. There are one or two officers around South Australia whom I could name, although I will not, who have a reputation of wanting to make life as difficult as they possibly can for people when they reapply. If a difficulty arises, with whom should members of Parliament and those involved in clubs make contact to resolve the problem as soon as possible?

The Hon. S.J. BAKER: We are putting considerable resources into this area. In fact, we have a considerable budget to achieve two things: one is for the changeover of licences and the other is for the recovery of firearms in the D category and also in the C category where people do not comply with the requirements of the legislation. A number of people will be on board for that process. We have to comply with the audit requirements that will be laid down by the Federal Government as we will be spending taxpayers' money to retrieve the firearms. It will require a lot of effort and cooperation to get the system up and running.

I look forward to all clubs assisting us in the process to make it as smooth as is humanly possible under the circumstances. Obviously that may be tinged with some difficulties with respect to the recovery of firearms. We will make that process as quick and easy as is humanly possible. I do not intend to have consultative committees sitting all day and night for weeks on end simply because licences for firearms have been refused.

Mr QUIRKE: As the Minister has now raised the question of firearms that must be surrendered, and he has assured us that this will be done quickly, will he tell us exactly how this process will unfold? As I understand it from the Minister's public statements, the new regime, including the regulations, will be in force from 1 September this year, and I further understand that the relevant firearms will have to be surrendered by the last day of December. How will this work? Will a person receive a letter in the mail giving them seven days to take their firearms to a police station? Will there be a grace period of three months to allow people to take their firearms to a police station? What is the estimate of the number of firearms that will have to be surrendered, and how many people will be affected?

The Hon. S.J. BAKER: We currently have a team on board to determine the locations, the collection process, the destruction of the firearms (which we will probably occur on site) and whether the payment will be on the spot or within a certain number of days. All those matters are currently being worked through by a committee. In terms of the number of firearms, we believe that there are about 86 000 in the categories we are talking about. Some will be held legitimately after this legislation passes, and others illegitimately.

We are working through the process at the moment. Letters will be sent out. We will determine whether we do the metropolitan area first or the country area, and whether we will contact people in alphabetical order and so on. We will consult with a number of people to make life easy. We would not want everyone to turn up on 31 December. We will work out a procedure that will work smoothly, to give just and speedy compensation, which means that people will feel

comfortable about the arrangements and will be able to get on with their life.

Clause passed.

Clause 7—'Provisions relating to firearms licences.'

Mr BASS: I move:

Page 9, after line 16 insert paragraph as follows:

(ca) the person borrowing or hiring the firearm returns the firearm to the owner within 14 days;.

Section 13 (6) of the principal Act provides:

A licence conditions imposed pursuant to subsection (4)(b) during the term of the licence does not operate until the Registrar has given the holder of the licence (either personally or by post) notice in writing of the condition.

My amendment deletes the words 'or by post' and substitutes 'or by certified mail'. If ordinary mail is used, there is no guarantee that the letter will arrive at the person's address. I would prefer the old registered mail system where the addressee has to sign, but that is no longer available. Someone has to sign for certified mail at the postal address, so we will know that the letter has arrived. It is important that the letter is given to the addressee because the conditions of the firearms licence are being altered.

Mr QUIRKE: I support the amendment very strongly because later in the Bill I will move consequential amendments to achieve the same thing in other notifications. There is a great deal of concern about this, particularly as the penalties for non-compliance are quite severe, including the potential for a custodial sentence, so people must feel that formal steps have been taken to properly notify them. I suggest that certified mail is the way to proceed, if it cannot be done personally.

The old adage 'the cheque is in the post' works both ways. I am sure many people have heard that and, from time to time, correspondence does drop off the table. Constituents have complained to me about Government departments that have not done the right thing. A large number of constituents come to me with that allegation and, in most instances, it is proved not to be correct. In this instance certified mail is essential, and therefore the member for Florey is correct.

The Hon. S.J. BAKER: I have had a good think about this amendment. It is not consistent with most other Acts, as members can well appreciate, where service by post is deemed to be appropriate. I would like to think about the logistics of getting certified mail through and matters such as that. During this period it would be horrific trying to get certified post through on this basis, and it would be very expensive. I reject the amendment now, but I understand what the honourable member is saying. It is an important process. It is important that people receive their mail so that they can comply with the legislation. What I suggest—and I will get some work done on this during the Bill's passage between the Houses—is that the first mail out be by normal post and that, if a follow-up letter is required, it be certified to ensure that the notification is received. I will talk to my officers about that process.

Mr QUIRKE: I am not happy about this. I am now being pushed into a corner, and therefore I will have to make a few strong points. I believe there will be some instances as a result of this legislation where people will not be properly notified and they will become criminals because they will continue to possess something which they legally acquired and are now required by law to surrender. We need to be very careful. What the Minister is putting forward is a two-tiered system. I am unsure about it. I am worried that the Minister will get taken around the corner by his officers and told that this is not necessary. I make it abundantly clear to the Minister that this is necessary, particularly in the ensuing three or four months.

I do not want to have to describe in detail certain things that I have seen in my life as a shooter. However, I have seen certain things that have convinced me that there is a problem in respect of notification. I know when people come through the door they tell you all sorts of things. They tell you only what they want you to hear. If this amendment and later amendments are not carried, it has to be understood by the Minister and his department that people must be properly notified, and they must be seen to be properly notified. Being notified by ordinary post, which would be the effect of this clause, if this amendment is not proceeded with, is just not good enough.

I accept what the Minister is saying. I also know that the Minister is a very busy man. He has been loaded up, and I am sure that when he hears the last word about guns some time next Tuesday or Wednesday he will be a relieved man. He will then have to try to find $5 when he has only $4. That will be his main concern until Christmas, so this issue may slip away. I am concerned about the Committee not securing this amendment now. This is an issue that will not go away, and it will not go away at the other end of the corridor because every member of Parliament knows the justice involved in this without going any further into the whole matter.

The Hon. FRANK BLEVINS: I have some concerns about what the Minister has said on this clause. The Minister suggested that he would have a think about the clause between its passage between the two Houses. That does not convince me that there is any possibility for any change to what the Minister is proposing. What commitment is the Minister giving on this clause, if any? The reality is that the way in which this Bill leaves this Chamber is how it will be presented unless the Government changes its mind. There is no way in the world that the Labor Party can hang out in a conference over one of these relatively minor clauses and say, 'If you do not agree with the Upper House, the Bill can lapse.' That will not happen. All Liberal members of Parliament who think that there is some relief for them in the Upper House are simply wrong. They do not understand that on this occasion, unlike other Bills, the majority in the Upper House is with the Government.

If the Minister is guaranteeing that during the Bill's passage between the Houses he will draft an amendment which will provide some of the assurances required by the members for Florey and Playford, his word is good enough for me, and I will agree to that course of action. Let us hear what the Minister is promising. For the Minister to say that he will simply have a think about it between now and then means that the clause will remain as it is and there is nothing anyone can do about it. If the honourable member feels that his amendment is an important principle, he should fight for it because the amendment will be won or lost in this Committee right now because there is not much that can be done about it in the other place. At the end of the day, the Labor Party will not be party to the Bill failing, however much it is not happy with very many of the provisions, whilst supporting the general principle. I am afraid that, if the member for Florey's amendment is not carried now, he will lose it altogether.

The Hon. S.J. BAKER: I am happy to accept this amendment. I do not feel that there is a great problem with it, but I point out two things. One is the logistics of getting all this information into the post. There are delays with

certified mail, and the member for Giles understands that. One thing has concerned me for some time. I know what happens; I have done it myself. When certified mail has been coming through the post and I have known what it was, I have not gone to collect it. I have not worked my way through that, but I can guarantee that everybody will know what certified mail is going out. A number of people will not want to comply and they will say, 'I have never received it and you do not have my signature on that piece of paper.' It is easy for me to accept the amendment. If members want me to accept the amendment here, I will do so. I am relaxed about it, but I do have some concerns about the time frames on which we are working; it will be pretty intense. The other thing is the non-acceptance of certified mail, because I know it is a real problem.

The Hon. FRANK BLEVINS: I do not see that the logistics are very difficult at all; I am sure Australia Post will sort that out. I take the very valid point that, if somebody does not sign for it, there are some problems, but they can be overcome quite easily. In other Acts we have provided that if something has been posted it is assumed that it has been received. I cannot remember all the words for that, but there are provisions in other Acts to which I am sure that the people advising us on drafting will attest. That can be overcome.

Let me tell you about certified mail. We are talking about something which is extremely important to a great number of people and which has apparently been the most important thing in Australia over the past three months. I think certified mail is the least we can provide. I pick up certified mail almost every week at the post office next to my electorate office, and do you know what it is? It is *Hansard*. I am constantly disappointed. I think I am getting something interesting, and I get *Hansard* by certified mail. *Hansard* is a very noble organisation and I have absolutely nothing against it, but I think it is a tad pretentious to send *Hansard* by certified mail.

If the Government can send out *Hansard* to me by certified mail, I am quite sure the system can organise something as important as this, also by certified mail, with the provision that, if it has been sent to an address and a little card has been presented, it is deemed to have been received. I have received those cards in my letter box: 'Mr Blevins, there is a certified mail article waiting for you at the post office', and I think, 'That sounds all right', but it is *Hansard*. What a let-down! That provision can be included, as it is included in other Acts where that is deemed proof of receipt. As far as I am concerned, the Government would then have done everything required of it and, if people want to avoid picking up certified mail because they know what it is, then tough: they are assumed to have got it, and there is no argument at all.

The Hon. S.J. BAKER: I will accept the amendment and will work on the other end, because I know what will happen. If we can accept another amendment that provides that the delivery of that slip is deemed to be service of notice irrespective of whether it is picked up, I am relaxed.

The Hon. G.M. GUNN: I am very pleased that the Minister has accepted this, because I recollect the experience of a constituent of mine who happened to be in a profession where every few years he was shifted from one part of South Australia to another. This person had never been spoken to by the police in his life, and he held a responsible position. He went from the north to Port Augusta. During that time there was a change-over and the renewal of his firearms licence was misplaced. The next thing this poor fellow knew, he had a couple of police officers at his door demanding to take his firearms. He was dragged before the court and fined $800. He had not received the damn thing. If only an ounce of common sense had applied. It was an absolute disgrace to all those responsible.

If that sort of thing goes on, the only resort those constituents will have is for members to stand in this place and name the people who are responsible. I can assure the Committee that questions will go on the Notice Paper in great detail. That was a terrible thing. After the way he was treated, that person no longer has any confidence in the police. He cooperated and said, 'Yes; I do not have it.' He was happy to pay it on the spot. But, no; the fellow in charge had to put on the big jacket and was really going to move into gear. If we have any of that, let me say to you, Mr Chairman, that there will be a series of questions and, notwithstanding whether in my position it is appropriate for me to put them on, they will be on.

The CHAIRMAN: I point out to members that the Minister has agreed to the amendment.

Amendment carried; clause as amended passed.

Clause 8 passed.

Clause 9—'Acquisition of firearms.'

Mr BASS: I move:

Page 10, after line 23—Insert paragraph as follows:

(ca) the person borrowing or hiring the firearm returns the firearm to the owner within 14 days;.

I understand that the Minister agreed to look at this provision. If the member for Playford and I are at a range having a shoot and my gun malfunctions, I can ask the member for Playford to lend me his and, provided he stays with me, I can use it. But, if he goes home, I cannot use his gun. The same principle applies if we are out shooting together and I lend him a gun; if I go down the other side of the hill, I have broken the law and so has the member for Playford. It goes on amongst the shooting fraternity. They do on occasions borrow each other's guns. We need to provide for this to occur.

I agree that there must be safeguards; we must ensure the right firearms classification for the right purpose of use. There must be some way that this can be checked; in fact, it must be checked before the firearm is lent. I believe it is incorrect to make a person go through the whole procedure of obtaining the permit to purchase and going to a dealer and handing it over, when a simple amendment can right the wrong.

Mr QUIRKE: The member for Florey has given us an example of his thoughts on this issue, but I want to take it a little further. A couple of years ago a telescopic site fell on my firearm, and I am still being paid out by a couple of people about that. My amendment has a couple of other points. I mean no disrespect to the honourable member, but the example that was given a few moments ago is one of the more trivial reasons for having a provision such as this in the legislation.

Unless this provision is in the Bill when it passes, a person will be able to give somebody the use of a firearm only in their presence under strict conditions. A number of people will scream from the rafters and say that is a very good idea. The problem is that is not the way our firearms clubs are set up. If a firearm breaks down, which is a regular feature, particularly in the pistol clubs with which I have been associated over the past 30 years, they are usually fixed by one or two people who are known to members of that club

who have firearms licences but who do not necessarily have a dealers licence. I will come back to dealers licences in a moment.

A number of fitters or toolmakers run part-time businesses and fix firearms for people in a club, sometimes for monetary reward and sometimes for nothing. This provision does not seek to proliferate guns and it does not seek to give to someone a gun that they are not already licensed and registered to own. However, for a limited period—the member for Florey picked 14 days and I have picked 10 days because I understand the spirit of this Bill and a 10-day proposition was a more reasonable one—the Bill allows a person who is not a dealer to fix a gun. He will do it any way, because the 5 000 pistol shooters in this State will not leave their guns broken. They will do what they have done for years.

Under this legislation, the way we have thought about pistols or hand guns will be how we think about category A and category B guns in the future. We are recognising that no longer can they be thrown in the back of the ute and driven around the country, the city or anywhere else. They will be required to be secured just as we have secured hand guns and pistols in the past. This is not an open-ended provision, because I agree with the Minister that this is an inappropriate measure for category D weapons, given the resolutions from the three meetings that he and his friends attended in Canberra.

I have not included category C firearms because I am still confused about that category, and I do not think that I am Robinson Crusoe. If my arguments are valid for category C, that can be addressed somewhere else, but the Government needs to feel comfortable with that. I am saying that, for legally acquired firearms, between two persons with the same licence for a strictly limited period, there ought to be a commonsense provision in this Bill that will not make criminals out of the toolmakers who are part-time gunsmiths, and also for the reasons that the member for Florey has advanced. If we are prepared to trust a person with their own firearm, why are we not prepared to trust them, for a very short period and with good reason, with a firearm for which the person holds a licence?

Mr CAUDELL: Section 14 deals with all the reasons why a person can possess a firearm, can be lent a firearm and can hire a firearm, and the Act deals with licensed dealers and repairers who can handle such guns. The member for Playford is saying that the amendment enables a person to send that firearm to someone else for repair. If that is the case, the amendment should include a provision for the purposes of repair, because the Act already covers all other avenues as to why a person would have a firearm that does not belong to them.

The CHAIRMAN: Does the member for Playford seek to move his amendment as an amendment to that of the member for Florey or as an alternative amendment?

Mr BASS: Mr Chairman, if it would help, I have no difficulty with the member for Playford's amendment, so I will not pursue my amendment. There is not a great difference between 10 and 14 days, so I will support the member for Playford's amendment and seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Mr QUIRKE: I move:

Page 10, after line 23—Insert paragraph as follows:

(ca) in the case of a class A, B or H firearm—the person borrowing or hiring the firearm returns it to the owner within 10 days; or.

What the member for Mitchell says is correct. The amendment contains provisions for a number of the things that I have illustrated. It is my view that a statement of this type makes it absolutely clear about the length of time that such an activity is to take place, and it should also be pointed out that not every firearm is repaired by these people. Sometimes they are lawfully modified and accessories are fitted to them.

In addition, a firearm may well be out of action when a person goes to a club to shoot. As a consequence, that person will borrow a light firearm, for an appropriate licensed instance, with the permission of the owner to use it. Most of the 50 or so pistol clubs in South Australia, if not all—I have never done a survey on this—have club guns. A number of guns are licensed to the person who is called an armourer. They used to be club dealers but we do not use that term now because the concept of a firearms dealer has a number of problems. If that armourer is unwell or working overtime and cannot be at the club, it is a practice that another licensed person picks up those firearms for the day and takes them to the club for the appropriate use on the range of people who are training and for people who come to try the sport under supervision to determine whether or not they want to proceed with it.

My amendment makes it crystal clear that, for classes A, B and H firearms, this is legitimate but only for a certain length of time. I have not addressed the problems of classes C and D firearms, because my understanding is that category D firearms were not to be dealt with in this sense, by Mr Howard's word. I believe that the Minister will need to address this problem with category C when he has worked out exactly what we are doing with category C firearms.

The Hon. S.J. BAKER: I will look at this between the Houses. It concerns the issue of domestic violence. If somebody walks into a house and says, 'We have a dangerous situation. I need to have an order; I need to have those firearms retrieved,' and you take away that person's licence and guns, they will then go to their mate's place after having a real stoush with their spouse and they will say, 'I want to borrow a gun.' There is then no protection. The Bill is very strong on possession: possession should go with the licence.

In terms of getting those weapons fixed, as the member for Mitchell pointed out, it is already provided for under the Act. In terms of mates who want to borrow guns, play with them or shoot with them, I have reservations because I believe that it is open to abuse. If somebody knows, for example, that the law is on their tail they will suddenly say 'I have just lent the firearms,' or 'I have lent them to a bloke at the pub,' and the police then have to search for that person.

There are situations where the owner of the firearm should be ultimately responsible. I will look at this amendment while the legislation is between the Houses. I will have my officers work on this; members can think about it and come back to me. One suggestion is that the person must show the licence before the gun can be borrowed. If that gun is used in the commission of an offence, the person who lent it suffers. I will agree to it under those two conditions. That keeps the integrity of the legislation and the responsibility is then on the firearms owner to keep those firearms in safe control. If everybody is happy with that, I will process it in the amendment.

Mr QUIRKE: I am happy to accept that arrangement. I also suggest that another condition should be imposed that

requires the person to have a photostat copy of the firearms licence. I am more than happy with that arrangement, so that there is no argument about it.

The Hon. Frank Blevins: What about in the Flinders Ranges?

Mr QUIRKE: In the Flinders Ranges it is unlikely that people will be separated in the same sense. In any case, the Opposition will be happy to accept that provision.

Mr BASS: I agree with the Minister that we do need to tighten this. I agree that, if the owner of the firearm lends his firearm to another person for a short period, then the licence should be produced. We now have a photographic licence so there is no doubt about who the person is. The licence must have a classification for the type of firearm which is lent and must have the same purpose of use for which the borrower intends to use it. If any conditions of that licence are breached, then the person should be dealt with. That situation can be handled in the regulations.

Mr QUIRKE: I seek leave to withdraw the amendment standing in my name.

Leave granted; amendment withdrawn.

Mr BASS: I move:

Page 10—

Lines 25 to 28—Leave out subsection (5) and insert the following subsection:

(5) Subject to subsection (6), a person (whether a dealer or not) who sells, gives, lends or hires the receiver of a firearm to another person is guilty of an offence unless the receiver is sold, given, lent or hired in accordance with this Act.

Line 30—Leave out 'an action, or part of an action,' and insert 'a receiver'.

Line 31—Leave out 'actions or parts' and insert 'receivers'.

Line 33—Leave out 'an action, or part of an action,' and insert 'a receiver'.

Page 11, line 3—Leave out 'action or part' and insert 'receiver'.

Amendments carried.

Mr BASS: I move:

Page 11, lines 5 and 6—Leave out paragraph (b) and insert paragraph as follows:

(d) where the firearm or receiver is any other kind of firearm or receiver—$5 000 or imprisonment for one year.

Amendment carried; clause as amended passed.

Clause 10—'Application for permit.'

Mr BASS: I move:

Page 11, lines 20 and 21—Leave out 'and that there are special reasons for doing so'.

New subsection (4) provides that:

The Registrar may grant a permit before the expiation of 28 days after the application for the permit was made if the Registrar is satisfied that it is safe to do so. . .

My amendment removes the words 'and that there are special reasons for doing so.'

The Hon. S.J. BAKER: I do object to the amendment. The requirement of 28 days was part of the national agreement. As time goes on and the States are on the same system, some of the provisions may be amended. Until that time checking on interstate licences without a reasonable timeframe will be hopeless. This is part of the national agreement and we must stick to it.

Amendment negatived; clause passed.

Clause 11—'Insertion of s.15A.'

Mr BASS: I move:

Page 11, lines 34 to 36—Leave out paragraph (c).

Paragraph (c) provides:

The firearm is, by reason of its size or any other factor, more readily concealed than other firearms of the same class and is for that, or any other reason, particularly suited to unlawful use;

There are several models of a wide range of firearms that have different barrel lengths.

This proposed clause is ridiculous, because it means that all the firearms of a particular model, which have the shorter barrel, and there would be three, could be refused a permit to be purchased, because this description simply says that the three firearms with the shorter barrel could by size or other factor be more readily concealed. This would prevent a person registering a short rifle or carbine version of a long rifle. For example, a Mauser bolt action firearm is made in three different lengths. The present legislation works well and there is no need for change.

The Hon. S.J. BAKER: I will not accept the amendment. The member for Florey and I had a discussion about this previously. I understand that some of the bikie gangs have some of these miniatures and we want to keep them out of any licensing system or any available firearms system. That is why this has been placed in there. That is the advice I have received from the police. It is not meant suddenly to take out a group of weapons that are currently acceptable.

Amendment negatived.

Mr BASS: I move:

Page 12, lines 1 to 6—Leave out paragraphs (d) and (e).

I have already spoken to the Minister about this. I understand that he will not support the removal of (d) and I accept his reasoning for that, but from memory yesterday he was in agreement to deleting (e) simply because the reason for acquiring the firearm is for the purpose of collection and display and the firearm was manufactured on or after a date prescribed. This was put in when the date of 1 January 1946 was originally mooted to be the prescribed date, but that no longer exists.

The Hon. S.J. BAKER: I do not accept (d), as the member for Florey suggests, and (e) is now superfluous. We can deal with them separately.

Deletion of paragraph (d) negatived; deletion of paragraph (e) carried.

Mr BASS: I move:

Page 12, lines 7 to 36—Leave out subsections (2), (3) and (4) and insert subsection as follows:

(2) The Registrar must refuse a permit for a class C, D or H firearm unless the requirements set out in paragraph (a), (b), (c), (d), (e) or (f) are satisfied—

(a) in the case of a class C or H firearm—the applicant is a member of a recognised firearms club and needs the firearm for the purpose of participating in activities conducted by the club; or

(b) in the case of a class C, D or H firearm—

(i) the applicant—

(A) must carry on the business of primary production; or

(B) must be an employee of a person who carries on the business of primary production and must live on or near the land on which that business is carried on and must be employed in the carrying on of that business; or

(C) must be a relative of a person who carries on that business and must live on or near the land on which that business is carried on and must be employed in the carrying on of that business; and

(ii) the Registrar must be satisfied that the applicant needs the firearm for the purposes of that business;

(c) in the case of a class C or H firearm—the applicant carries on the business of guarding property and needs the firearm for the purposes of that business; or

(d) in the case of class C or D firearms—the applicant gains his or her livelihood wholly or partly from professional shooting and needs the firearm to destroy animals in the course of professional shooting; or
(e) in the case of class C, D or H firearms—the applicant wishes to acquire the firearm for the purposes of collection and display; or
(f) in the case of class C, D or H firearms—the applicant wishes to acquire the firearm for a purpose authorised by the Minister by notice published in the *Gazette*.

In no way does this allow the class D semiautomatic military style centre fire weapons to be allowed for use by the general public. I have maintained since this Bill was first introduced that I do not believe that military style semiautomatic weapons should be allowed to be used by the general public. In this case, with class C or H firearms, which includes the pump action five shot and a semiautomatic five shot, the applicant must be a member of a recognised firearms club. The amendment proposed by the Minister is really the same. He wishes the membership of a club to have the right to use that firearm. I know the Minister has restricted his amendment to only the South Australian Clay Target Association Incorporated or the Australian Clay Target Association Incorporated and to a member of a recognised club affiliated with either of those associations.

My concern is that, by not allowing my amendment, we are virtually saying that if you are a member of a South Australian Clay Target Association Incorporated or the Australian Clay Target Association Incorporated you are a fit and proper person to have a semiautomatic five shot shotgun and a five shot pump action shotgun, but if you happen to be member of the International Practical Shooting Confederation, the Field and Game Federation, the Sporting Shooters Association of Australia or the Australian Clay Target Association you are not allowed to have those weapons. I cannot see how this is fair and equitable. We are told that the Prime Minister did not want semiautomatic shotguns of up to five shots and pump action shotguns up to five shots available for sporting clubs. Now we find that there is a discipline that takes part in the international, national, State, world championships and, more to the point, Olympic championships, and now we are having a double standard.

I cannot understand how the Minister, in speaking to the amendment, can explain the difference. What makes one group of people unfit to have a firearm and another group of people fit to have it? As a member of the Australian Clay Target Association Incorporated I can participate in the discipline of clay shooting with my semiautomatic shotgun; as a member of the International Practical Shooting Confederation, which has 65 member countries and is a member of the IPSC, I can participate in clay pigeon speed shooting in a course and can be involved in standard exercises involving clay shooting.

The Field and Game Federation also has clay shooting, sporting clays and a field clay event. In fact, recently at Mount Gambier a world championship was held by the Field and Game Federation which resulted in some 400 competitors and was probably a big boon to Mount Gambier, Mr Chairman, as you would know. The Australian Clay Target Association has Olympic trench, trap and skeet, which are international events. The Sporting Shooters Association of Australia has five stand sporting clays, SSAA sporting clays, trap, skeet and field shotgun events.

If I were a member of any of those associations and not a member of the South Australian Clay Target Association I could not have a pump action five-shot shotgun or a semiautomatic shotgun. However, if I whipped across and joined the Clay Target Association, I could have them, but I could not use them in the disciplines with those four groups, notwithstanding that they have international, State and national competitions. We have suddenly drawn a line, and I cannot correlate why this is acceptable. I could not understand why the Prime Minister would accept this until I realised that it would be very embarrassing for Dave Diamond to come home and suddenly have his shotgun taken off him if he was involved in one of these disciplines. That young man started out with a semiautomatic and a pump action.

The Hon. G.M. Gunn: And the females.

Mr BASS: Yes, that's true. I mean no disrespect to females but, because they are lighter in stature, they shoot with semiautomatic shotguns because there is not so much recoil, the recoil being taken up in ejecting the cartridge and reloading. I move this amendment because I think that it is fair and equitable. The D class firearm is mentioned only because the Prime Minister has said that some D class firearms will, in certain circumstances, be permitted. I would be happy to delete D class for all except collectors and those who have a special notice from the Minister, so that there is tighter control. So, if it placates the Minister, we could have only C class firearms. I believe that, in the case of classes C, D or H, if the applicant wishes to acquire a firearm for the purposes of collection and display he should be allowed to do so. I know that the Minister has said that if you have class A, B or C after 2000 you will be able to have them for collection if the working parts are removed and locked away separately so that the gun is deactivated, but not permanently deactivated.

I cannot understand why a collector will be able to have a semiautomatic shotgun with the slide in place but the firing and loading mechanisms removed but he will not be able to have a semiautomatic military style weapon with the firing and loading mechanisms locked away, even if he does not have permission to shoot the weapon and simply has it for display. I know the Minister will not agree with this amendment, but I would like some answers to some of the points that I have raised.

The Hon. S.J. BAKER: The member for Florey knows that this amendment is unacceptable because of the resolutions, and I know that he will continue to fight them as he has always fought them. The fact is that the Police Ministers drafted a resolution on this matter. The honourable member can talk about why this and why that, but let us be quite clear: we have negotiated back from a position where everything below classes A and B were to be either banned or subject to some extraordinarily tight requirements. That was the Prime Minister's original requirement. We have negotiated back to a sensible situation for farmers if they have an extreme need for a category D firearm.

The Prime Minister said, 'Whilst I don't like the idea I understand that we have to preserve our Olympic and Commonwealth sports.' Clay target shooting happens to be one of those. He will not bend on the issue of making them available for everything that flies. I am told that they have international competitions with semiautomatic centre-fire weapons. I presume that somewhere in the world they have international competitions for semiautomatic military style weapons, and I guarantee that somewhere else in the world automatics are used on an international competition basis.

So the issue of how far you stretch the boundary lines has been debated at considerable length. I am simply saying to

the Committee that there has been some accommodation which will not suit everybody—we recognise that—but those matters have been fully debated. I will not go through the whys, wherefores or arguments that were put at the time or the accommodation that was given and lost. I am simply saying that the Prime Minister clearly laid down what was acceptable and changed his mind on a number of issues. The availability of semiautomatic shotguns and pump actions for the purpose of clay target shooting was his last concession, and he said quite clearly that it had to be associated with the Olympic competition and had to be for that purpose and that purpose only, and a very tight set of rules will apply.

If people want to buck it and say, 'Take it out, let's have it clean so nobody gets the opportunity', they should say so, and then there will be no accommodation. I am saying that there has been some accommodation for a very good reason. I understand that you want to stretch those boundary lines, but you cannot do so. I must refuse the amendment. The member for Florey is aware of that and he knew that when he moved it.

Mr EVANS: If a firearm that is banned under this legislation becomes a firearm that is used in a future Olympic or Commonwealth event, which often happens—new disciplines are introduced to those sports—is it the Minister's intention—and will he give a commitment that it is his intention—that this legislation will be amended to allow that firearm to be legally held by South Australians?

The Hon. S.J. BAKER: With respect to Olympic sports, the Prime Minister has clearly said that, if the Olympic events are changed, the Act will have to change accordingly. This does not relate to international competition, because you can have an international competition in tiddlywinks—it must be a recognised Olympic sport.

Mr MEIER: I recognise what the member for Florey is seeking to achieve. I do have problems with his including the category D firearm, which includes self loading centre-fire rifles, namely military style weapons. Of all the people who have contacted me, there would not have been more than one or two who indicated that they would like to see the retention of military style weapons. In other words, 99 per cent said they fully support the total abolition of military style weapons. I hold to that and I am surprised to see that provision in this amendment.

As to the rest of the amendment, I do have some sympathy for it, as I did for the crimping proposal. I will not go through the argument. I went through it very clearly last night and the Minister has just repeated it. This debate has occurred in Canberra, and the Prime Minister has made his position very clear. I believe I would be doing a disservice to the people in my electorate who need to own firearms or enjoy sport in the use of firearms, so I cannot support the amendment.

I am a patron of four firearms clubs in my electorate. Basically the members of those clubs feel that they will not be affected by the new firearms legislation. We have gone through various aspects of the proposed legislation, and I think they have been accommodated. I received a letter from one of my constituents who indicated that, in this State, there are about 300 dedicated 'blokes' who belong to the hunting and conservation branch of the Sporting Shooters Association. He identified a few things I was unaware of. He said that every weekend they go to Narrung Peninsula to aid in feral animal control. There are four goat shoots each year. There are fox and cat shoots in Wilpena Park six times a year. In fact, he identified the dates for this year. He said there are goat shoots later this year. They also recently went to Renmark to aid in wild pig culling at Chowilla. They have been actively involved in mopping up rabbits in the Wilpena Park following the recent calicivirus.

These men do this work at their own expense. He says he would spend $3 000 to $4 000 a year in this work. He said they use guns that will be affected by the firearms legislation. He indicates also that their activities protect native fauna and flora, mainly for national parks, so in essence he says the Government is benefiting from their work. I ask the Minister whether he is able to make provisions for these people who are obviously doing an excellent job throughout the State to help keep down the feral goat numbers, for instance? Are we able to provide for these people either through regulations or through some other provisions?

The Hon. S.J. BAKER: I have heard from two professional shooters who are involved in kangaroo and goat culling, as well as a number of other activities, and they happen to use single shot bolt action rifles. They said they would not use a self-loading semiautomatic rifle—they are too expensive. I would suggest there is a large number of people who do this. If they are using that weaponry at the moment, they will be able to obtain compensation and, if they do not have an appropriate firearm, they can purchase one and still be involved in those activities. They will still get the same level of enjoyment, and they may even become better shots in the process because they will not have to drill an animal with three or four holes.

I am not trying to make a joke of this—I am simply saying that it is feasible to do all the things that are done now, just as efficiently or almost as efficiently. We cannot say that we will make these exceptions because there are special needs. Those needs can be met. My advice on a whole range of issues, from people putting similar propositions, is that they can be met within the requirements that we have laid down.

Mr BASS: I want to clarify one thing for the record. I think the member for Goyder misunderstood my amendments. Nowhere have I said that class D would be used in the clubs; it is only classes C and H. I included class D simply because, in the conditions laid down by the Prime Minister, he said there would be special occasions for weapons in that class. I want to put on record that I do not support the general use of semiautomatic military style firearms. I tried to follow this as closely as I could in respect of what the Prime Minister said about special occasions use for category D. I have not mentioned it with respect to the sporting clubs. I want that clearly understood, because I have never supported the general use of semiautomatic military style firearms.

Mr CAUDELL: The Bill does not define 'an employee of a person', 'a person who is employed by a person' and 'a person living near the land', and there are no amendments to cover these terms. Will the Minister explain the difference between subparagraphs (B) and (C) in respect of a person being an employee and a person being an employee relative? What is meant by 'near the land'?

The Hon. S.J. BAKER: This is to take account of people who have relatives who do not necessarily live on the property. What we are dealing with is a relative who is employed, being active on or participating in a farm management or farm productive effort. We are not talking about the occasional visitor, so it is a concession under the legislation. The member for Davenport raised with me the question of a wife, sister or relative of a land owner. If they carry on the business of primary production, all the people on the farm are employed in the business of primary production. It just caters

for a slightly wider audience without cutting across the intent of the legislation.

Mr EVANS: I want to get on the record the Minister's interpretation of carrying on the business of primary production where it simply means being involved and not necessarily being a director of a company or involved in a family trust or partnership. A person can simply be actively involved. They do not have to be legally tied to the business in an ownership sense.

The Hon. S.J. BAKER: You have to be out there digging a few holes and doing some work on the property.

Mr EVANS: I have some concerns about the word 'employee' in subparagraph (B), because my experience in small business is that the word 'employee' is open to interpretation under different Acts. An 'employee' is treated differently under the WorkCover Act compared with, for instance, the Federal Tax Act. Would the Minister consider including a definition of the word 'employee' to make it absolutely clear?

The Hon. S.J. BAKER: It means he is in paid employment.

Mr EVANS: With all due respect, Deputy Premier, if you are involved in certain industries, particularly contracting—and rural communities have a lot of contractors—there is a real grey area concerning whether you are a contractor or an employee. The Deputy Premier needs to consider—and I do not need an answer tonight—whether there needs to be a clearer definition of employee, because it is a grey area.

The Hon. S.J. BAKER: In terms of wages and salaries, I do not think there is any difficulty with any member in this House. In terms of the contractor, I will take that on notice.

Mr VENNING: I would like clarification. In the lambing season farmers have a fox problem. It has been the practice on farms for many years for most farmers, including ourselves, to have people from the town assist with the shooting. We provide the ute, the driver, the ammunition, the food and the drinks afterwards. Are these people employees of ours because technically we pay them in kind? First, can we continue the practice of these non-farm owning people coming onto our property and shooting with us and, secondly, can they be classed as employees?

The Hon. S.J. BAKER: I will try to demonstrate where the lines lie. If a person comes onto a property for a fox hunt, they are not allowed to have a category C licence. They will have to use a single shotgun. It is either a category A or a category B firearm. If they are employed on that property, they are allowed to have a category C weapon. It is clear and it is one of the restrictions.

In terms of the matter raised by the member for Davenport, a fencing post contractor, for example, has no right to own a category C weapon. If the person is carrying on the business of primary production in terms of being on the property seeding, I cannot see why that person should own a category C firearm. It will get down to case studies when people raise the issue about whether they are legitimately involved in primary production. I could contract out my time and do some accounting work, for example. That should not entitle me to carry a shotgun to eliminate foxes on a property.

The Hon. FRANK BLEVINS: This gets back to the difficulty that we are dealing with a Bill where the parameters were fixed before anyone had thought through the consequences of those parameters. That has been the dilemma all the way through—and I do not want to repeat my second reading contribution. I am afraid for the member for Davenport, and many others, that much of it will have to be suck it and see. We do not know. If it does turn out that the restrictions on primary producers are unreasonable, I assure members that everyone I know in the Labor Party will be jumping up and down to try to sort that out at a later date. Quite frankly, we are all flying blind on this. That is a great pity but that is the way it is, and we have to deal with it as it is and not as we wish it were.

Mr VENNING: Am I able to employ people as fox shooters? Can I pay them to come onto my property and control the vermin?

The Hon. S.J. BAKER: If you want someone to shoot foxes on your property, you can get someone, but they have to be a properly licensed person carrying an A or B class weapon. I do not know how much clearer it can be. They can still shoot foxes with those weapons. If someone's occupation is shooting foxes, they can certainly have a C class.

Mr ANDREW: Last night I referred to bird control in almond orchards and indicated that I have a major requirement in that regard. I do not have the letter in front of me at the moment, but I cited the case whereby large almond orchards involved seasonal employment. This scenario has been put to me by a number of almond growers. I do not know whether I used the colloquial term last night that 'lead in the air' is required. As far as I was concerned, that justifies the need for a class C pump action shotgun and I would expect that to be determined by the Registrar. If there is seasonal labour on a balance with permanently employed labour, and if there is a need for a larger number of C class shotguns to be used than permanently employed people on the property, can the owners hold, for example, two or three C class shotguns when there may not always be two or three employees permanently employed on the property?

The Hon. S.J. BAKER: The C class is a very special licence and it applies to primary production. If a male farmer has a spouse and a son or a daughter on the property, and if they are involved in primary production, they are entitled to a class C weapon. There cannot be an accumulation on the basis that at certain times in the year they will have to have five shotguns blazing in the air. There are other ways of meeting that need.

Mr LEWIS: I join the debate on this clause reluctantly but because of my anxiety about what I am hearing. Does it mean that people who have previously contracted on a piece rate basis for the destruction of starlings, crows and pests such as that in fruit crops will no longer be able to obtain and use class C firearms for that purpose? It is pretty useless if they cannot. Once you open fire, the birds take flight, and you need to be able to get amongst them fairly quickly or otherwise they will be back again 10 minutes later or they will simply migrate to another part of the cherry patch, the strawberry patch or wherever the fruit is at the time. The best, the most simple and the most cost-effective way is to put down some fire power fairly rapidly to get rid of them. That requires a shotgun that can do it.

The Hon. S.J. BAKER: As I said, the class C licence pertains to the people working on the land and that is where it starts and ends.

Amendment negatived.

The CHAIRMAN: I intend to give the Minister's amendment precedence, as it is more expansive than that proposed by the honourable member, if he is happy with that.

Mr QUIRKE: I think the Minister's amendment is superior. My amendment is the same in the first paragraph, as far as I can see, except for one typographical omission. I am satisfied that the Minister has addressed this problem.

This is one area that obviously needed fixing up. I understand that, during my lifetime and in most countries where I have looked at them, firearms Acts have become tighter and much stricter over the years. Last week's resolution opened the door for sorting out the clay crackers' problem. It has not solved the problem for some of the other firearms clubs that get involved in national and international competition. The spirit of that resolution was clearly that the category D firearms and category D competitions would cease. I think we may see further negotiation on this area. My reading of last week's communique was that there would be movement.

I am satisfied with the Minister's amendment. I believe it solves at least that problem. There are other problems, which the member for Florey and others have mentioned, and one would hope that some progress could be made on those points. Of course, I understand that this is outside the spirit, if not the letter, of the meetings in Canberra, but I welcome the Minister's amendment; I believe it solves that problem. It is superior to the amendment I intended to move in that it adds to it.

The Hon. S.J. BAKER: I move:

Page 12, after line 36—Insert paragraph as follows:

(ab) the following requirements are satisfied:

(i) the applicant is a member of The South Australian Clay Target Association Incorporated or the Australian Clay Target Association Incorporated and is also a member of a recognised firearms club affiliated with either of those associations; and

(ii) the Registrar is satisfied that the applicant needs the firearm for the purpose of an activity of the club conducted in accordance with the rules of the Australian Clay Target Association Incorporated; or

There will be a tight line on this, for obvious reasons. The Prime Minister says that, if we are involved in Olympic sport, we must have the capacity to allow young people to participate. We must give anyone that opportunity, provided they are associated with an Olympic activity. It is important that we do not cut off that supply line, because youngsters simply cannot handle an under-and-over or double barrel shotgun. That is the only other alternative.

Mr BASS: Again, I would like clarification. The Minister has moved a succinct amendment that nominates a member of the South Australian Clay Target Association or the Australian Clay Target Association, and he tells us that this is what the Prime Minister wanted; he has agreed to have this provision in the legislation. I have a copy of a letter from Shane Stone, who states:

> Sport shooters (clay) who have an Olympic, Commonwealth Games, international, national or interstate affiliation will now have access to category C firearms, five shot pump action and self loading shotguns.

If this is what is happening in the Northern Territory—and I have no reason to doubt that the letter sent out by the Chief Minister of the Northern Territory is true—what he is saying is virtually that, in South Australia, people such as the Field and Game Federation, the IPSC, the Sporting Shooters Association and the Australian Clay Target Association would be permitted to have a class C semiautomatic and pump action five shot, because all these clubs have international, national or interstate affiliations. Are we now actually going to the letter of the law, according to the Prime Minister, whereas in other States they are interpreting it rather differently?

The Hon. S.J. BAKER: That is a perfectly reasonable question. The Prime Minister was quite clear on what he was demanding. Those extra words were inserted to provide that the definition of 'Olympics' would exclude all the lower levels, which are the means of getting to the Olympics, whether they be the State, interstate or international levels. The Olympics is the standard, and those other competitions' affiliation is directed to the Olympics. It does not preclude but in fact includes other competitions that get you to that standard. It is quite clear what the Prime Minister intended. The way the Prime Minister expressed it, and the way I have expressed it, clarifies that issue.

Amendment carried.

Mr QUIRKE: I move:

Page 13 after line 16—Insert subsection as follows:

(7) For the purposes of subsection (2)(a), an applicant's desire to acquire a firearm that is identical to a firearm that he or she already owns will be taken to be a genuine reason for acquiring the firearm.

I am not sure of the Minister's attitude to this. This is intended to solve a potential problem when this Act is enforced—but I do not know whether this amendment will achieve that. A person needs a genuine reason to acquire a category B or H firearm. That means that someone who already owns a calibre of firearm in those two categories (it does not affect category A, as I understand it) needs to present a genuine reason. So far, so good; we are all in agreement with that.

What constitutes a genuine reason has puzzled a number of minds. I must confess that I am not as confident with this as I have been. The amendment provides that, if a person wishes to procure a firearm that is identical to the one that he or she already owns, that is a genuine reason for acquiring that firearm. I did not wish to achieve that. The outcome I wished to achieve was to prevent the Registrar from stopping me from owning that firearm by dint of the fact that I already had an identical one. As an illustration, as many members know, I shoot with the team at the Dean Rifle Range on a Saturday afternoon. It is a fact that the people who shoot there will soon be part of the State licensed system. Currently, they are members of the South Australian Rifle Association, they own their firearms and they have their licence by dint of Commonwealth regulation.

That will not be the case for very much longer. Serious competitors have a number of firearms and, depending on the rules of competition, they are all of the same calibre. In fact, they are of the same type. In many instances, they are identical in almost every sense of that word. I do not think it is uncommon for a person to have four or five firearms that are of the same calibre, the same basic type or even exactly the same type.

It is a similar scene in the pistol clubs, although it is not exactly the same. Some people have the same calibre firearm. Indeed, it may well be an identical one which suits their competitive needs or they may have a reserve firearm if they are a serious shooter. If they get involved in a tournament, they may need a back-up or reserve firearm. This amendment seeks to establish a case. I am happy enough with the genuine reasons for the Registrar's function, but if a person requests a permit to buy a firearm of the same calibre, just the fact of doing that is not sufficient for the Registrar to decline that permit.

I will be interested to hear the Minister's response because I spoke to him about this concept earlier this week. A number of shooters have identical firearms because they are serious competitors. Some people have a range of firearms and others starting out will purchase one, and they will be at a consider-

able disadvantage in competitive sport if that is to be the application. If I am told that I should not have this fear, that the Registrar will not do this, I will not persist with this amendment.

The Hon. S.J. BAKER: It is the same situation. If the club says, 'You need two,' then you get two. If the club says, 'You do not need two,' you do not get two. You have to take the certificate along for the weapon.

Mr QUIRKE: I accept what the Minister is saying. For category H weapons, there is no problem, but what will happen with the B class weapons? Will there be club certificates for B class weapons? People who hunt will not have club certificates to hand in. What about the B category firearms, because those owners will not be satisfied by the Minister's answer?

The Hon. S.J. BAKER: It is not my intention to check whether they have one, two or three B class weapons. The point is that we do not want arsenals to accumulate, and that sense must be applied in this process. The honourable member asked about hand guns, and I said specifically that, if a club supports it, there is no difficulty. There is no intention to suddenly apply draconian measures to category B. However, if the Registrar sees applications filtering through for an arsenal, the Registrar has a right to ask a question because you have to give reasons.

Amendment negatived; clause as amended passed.

Clause 12—'Insertion of Division 2A of Part 3.'

Mr QUIRKE: I move:

Page 14, lines 36 and 37—Leave out ', where subsection (7) applies,'.

The effect of this provision is that, from now, there will be a duplicate set of books.

The Hon. S.J. BAKER: The Government supports the amendment.

Amendment carried.

Mr QUIRKE: I move:

Page 15, lines 8 to 14—Leave out subsection (7).

The Hon. S.J. BAKER: The Government supports the amendment.

Amendment carried; clause as amended passed.

Clause 13 passed.

Clause 14—'Application for dealers licence.'

Mr BASS: I move:

Page 17, lines 23 to 26—Leave out paragraph (b).

This seeks to delete subsection (3a), which provides that a dealer's licence does not authorise dealing in class C or D firearms or the actions, or parts of the actions, of class C or D firearms unless it is endorsed to that effect. A dealer must be checked by the police to make sure that the premises are secure and that he has all the qualifications. A dealer is a dealer. We cannot say to five dealers that three of them will deal in classes A, B and H and the other two dealers can have C and D, because some people who own firearms will not go to certain dealers. My submission is that a dealer is a dealer. If he passes the police check, he should have the right to deal in all firearms within the context of this legislation.

The Hon. S.J. BAKER: The Government is still assessing the issue of whether a dealer's licence shall apply across categories C or D. I believe that dealing in category D is 'D for dangerous'. There will be very few people, if any (may be professional shooters), where category D comes into play. Under those circumstances, to say that they can legitimately deal in category D is a gross waste of members' time.

The honourable member is suggesting that every dealer should be entitled to deal in categories C and D. I will take that on notice. I will oppose the amendment. As the honourable member would recognise, we have 12 shop front dealers in this State who are full-time dealers. A number of other dealers run multi businesses; it could be camping equipment and firearms or boating equipment and firearms. There are a number of combinations around the State. A number of people for a range of reasons deal in firearms. There could be some small players and large players in the system.

I will not agree to this amendment at this stage. What the member for Florey has said is quite sensible. Why should people be discriminated against? The market does discriminate. There are prime dealers in South Australia and there are lesser lights who are part-time dealers. I will refer the matter to my officers. I have not considered that clause seriously. I oppose the amendment.

Mr BASS: I do realise that there are businesses in the State where the dealing in firearms probably accounts for 10 per cent of the business of the company. I accept the Minister's undertaking to look at the matter, but I am concerned about the shop front full-time dealers.

The Hon. S.J. BAKER: I give my undertaking for the shop front dealers. If that satisfies the honourable member, then I am satisfied, too.

Mr BASS: Under that circumstance, I will not proceed with my amendment, otherwise it will commit the Minister to every dealer in South Australia.

Mr QUIRKE: I agree basically with what the Minister is saying, that shop front dealers are not a hassle. I think that there are about 160 dealers in the State. I doubt that they will sell one category D firearm amongst them in the next decade once the legislation is passed. That is not the issue. I know of a dealer in the Flinders Ranges who is well-known to a couple of members in the Chamber and I suspect that he will be the sort of person who may be needed in the supply chain to the pastoralists, at least for spare parts, and where permission or access to category D weapons has been allowed. I am happy with what the Minister has said about shop front dealers, but I would like the Registrar to be able to grant permission to dealers in remote areas and in other cases where a dealer may need to deal in categories C and D.

The Hon. S.J. BAKER: I am happy to accommodate that. There are people who are professional dealers with whom we do not have a difficulty. We have a difficulty with some of the fringe element, and we should have a right to refuse.

Mr BASS: I seek leave to withdraw the amendment.

Leave granted; amendment withdrawn.

Mr BASS: I move:

Page 17, line 25—Leave out 'actions, or parts of the actions,' and insert 'receivers'.

Amendment carried; clause as amended passed.

Clause 15 passed.

Clause 16—'Term and renewal of licence.'

The Hon. S.J. BAKER: I move:

Page 18, line 6—Leave out 'class C, D or H' and insert 'class D or H'.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 18, line 8—Leave out 'or B' and insert ', B or C'.

Amendment carried; clause as amended passed.

Clause 17 passed.

Clause 18—'Cancellation, variation and suspension of licence.'

Mr BASS: I move:

Page 19, line 23—After 'served' insert 'personally'.

The Hon. S.J. BAKER: There are some extreme difficulties with this provision, especially in remote areas. It may well be appropriate to have the certified provision in there if the honourable member feels comfortable.

Mr BASS: The only problem I have is that, if the cancellation of the licence is served on the holder by written notice and post, the police are condoning the offence of allowing that person to have possession of firearms. If there is something serious and the licence has been cancelled, I think it is wrong of the police, and there would be criticism of the police, if they posted him the letter and two days later he shot someone. If his licence is cancelled, it is imperative that the notice is served personally and they take the firearms away from him.

The Hon. S.J. BAKER: I agree with the member for Florey on the cancellation of the licence. I will take some advice on this, but if someone says, 'I want my licence cancelled', this is where the consultative committee is involved, so it is not a personal repudiation of the licence, it is a variation of the licence, which I have some problems with. If the licence is cancelled and there is a need to collect some guns, I agree entirely with the honourable member. If there is a variation of the licence, and that person may not have firearms that are at variance with the licence in that process, I do not know that the notice needs to be served personally. If it is a cancellation we will do it personally and, if it is a variation, we can do it by certified post. Is the member for Florey happy with that?

Mr BASS: Yes.

The CHAIRMAN: Does the honourable member wish to amend his amendment? It is unorthodox to have an amendment of this nature verbally; it can be rewritten for the other place. It would be tidier.

Mr BASS: Then I seek leave not to proceed with my amendment on the undertaking the Minister has given us.

Leave granted; amendment withdrawn.

Mr BASS: I move:

Page 20, lines 5 and 6—Leave out these lines and insert 'the Registrar must within 72 hours, comply with subsection (6), and then inform the club and the person's employer that the licence has been cancelled, suspended or varied'.

The amendment provides for a person to be informed of the variation, cancellation or suspension of a licence. When we get to clause 19 there is the same onus on a club to notify the Registrar, so what I am virtually doing is saying that these notifications should be done within a time limit, not left over a period of time, especially if a person has had a licence cancelled or suspended. A club should know, as should the Registrar.

The Hon. S.J. BAKER: I have one difficulty with the word 'must'. I do not think the Registrar will know which clubs people belong to. With pistols I understand the current system caters for that. We have 106 000 licence holders in this State, and about 5 000 of them have pistols. I do not know that the Police Commissioner or Registrar will ever know, nor should the Registrar know, quite frankly, unless we are getting fairly draconian with these things, what clubs a class A licence holder belongs to. By inserting 'must' there is an extreme level of difficulty, which means that the Registrar probably will be out of court on almost all occasions, because he or she will not know exactly what clubs a person belongs to.

Amendment negatived; clause passed.

Clause 19—'Reporting obligations of medical practitioners and clubs.'

The Hon. S.J. BAKER: I move:

Page 20, lines 12 to 24—leave out clause 19 and insert clause as follows:

Substitution of section 20A

Section 20A of the principal Act is repealed and the following section is substituted:

Reporting obligations of certain persons and clubs

20A.(1) Where a prescribed person has reasonable cause to believe that—

(a) a person whom he or she has seen in his or her professional capacity is suffering from a physical or mental illness, disability or deficiency that is likely to make the possession of a firearm by the person unsafe for the person or any other person; and

(b) that person holds or intends applying for a firearms licence or possesses or has the intention of possessing a firearm,

the prescribed person has a duty to inform the Registrar in writing of the person's name and address, the nature of the illness, disability or deficiency and the reason why, in the opinion of the prescribed person, it is or would be unsafe for the person to have possession of a firearm.

(2) Where a recognised firearms club has reasonable cause to believe that a member of the club is suffering from a physical or mental illness, disability or deficiency that is likely to make the possession of a firearm by the member unsafe for the member or any other person, the club has a duty to inform the Registrar in writing of the member's name and address and the reason why, in the opinion of the club, it is unsafe for the member to have possession of a firearm.

(3) A prescribed person and a club must comply with this section within 48 hours after first forming the relevant belief.

We are trying to impart a degree of responsibility to a number of people in this process when it is perceived that a person is not capable of handling a firearm. That may be because of physical or mental problems. An onus is placed on all those individuals and it relates to reasonable cause, and it includes the firearms clubs. Often the best people who know are your friends; they are the people who recognise the symptoms and the signs a lot earlier than most. What we have suggested is that, if there is reasonable cause to believe that a club member has really gone over the edge, there is a responsibility on the club to ensure that appropriate action is taken.

In terms of the prescribed person, we believe it should be a medical practitioner, but the intention is to expand that category. There have been suggestions that psychologists and others should be pulled into this net. Where they know, first, that a person owns a firearm and, secondly, that a person for a variety of reasons is a danger to himself, to his family and to his community, there shall be some responsibility on that person to report that fact to the Registrar.

Mr QUIRKE: I want to make a few general remarks about the Minister's proposed new clause. I think that he has grappled with the problem and come up with a superior formulation to other clauses I have seen so far in the legislation. I welcome his commitment to attempt to broaden the range of professions in this area. Whenever you apply a time limit, say 48 hours, on something like this, it makes 47 hours okay. It is clear that 'as soon as practicable' is a more sensible way of dealing with the problem. If it is the middle of the night, obviously there will be some implications, as I understand it: it may not be possible to make an immediate report. If a medical practitioner is involved, it may be that that person has to engage in other activities. I think 48 hours is a bit rich.

At the end of the day one is hopeful that this clause will possibly prevent a repetition of the Port Arthur disaster, although we cannot be certain that it will. It is conceivable

that a person will present with certain symptoms, that the person will be perceived as being dangerous and there will be the knowledge that that person has firearms or access to firearms, and in that instance we would want to get the message across that a report should be made 'as soon as practicable'. I think 48 hours is the wrong approach. However, I must congratulate the Minister; I think the rest of the provision is excellent.

The Hon. S.J. BAKER: We had a debate about the 48 hours in our group, and I am sure that this was the resolution we reached. I am persuaded by 48 hours, and I am persuaded by 'as soon as practicable'. I think the group reached the resolution when we were reviewing the Firearms Act, and we settled on 48 hours. If the members for Florey and Playford want 'as soon as practicable', I am happy with that.

Mr QUIRKE: I seek leave to amend the amendment as follows:

Page 20, line 21—Leave out 'within 48 hours' and insert 'as soon as practicable'.

Leave granted; amendment amended; amendment as amended carried.

Mr BASS: I move:

Page 20, after line 24—Insert subsection as follows:

(5) A medical practitioner or recognised firearms club that fails to comply with this section is guilty of an offence.

Maximum penalty: $5 000.

I think that this is the clause the Minister wrongly attributed to me as the Emery clause. I am sure my colleague, the member for Playford, will speak about this. I really believe that, if we are going along with the Prime Minister—and I do not agree with quite a few things the Prime Minister has wanted—and if we want to tighten up the Firearms Act, this is a very important clause.

If a club, a medical practitioner or, as the Minister's amendment provides, a 'prescribed person', believes that there is something wrong with someone for some reason or another, the Registrar must be notified. If this is not done, I believe there should be a penalty, with a maximum fine of $5 000. I believe that no self-respecting medical practitioner or member of a club would have any hesitation in complying with this, because the club people would be jeopardising their hobby or sport and it would not reflect well on them. I do not think it will be a problem. I am sure Dr Emery would support this amendment, because he would like to see that the police are doing something. I recommend the amendment to the Committee.

Mr QUIRKE: This is the Dr Emery provision. In fact, every time I opened a newspaper and was given more advice on how to conduct affairs by Dr Emery on behalf of the AMA, I did find it amusing, because many members of the AMA have written to me with very different views to those of the former head, Dr Emery. At the end of the day, I do not care whether this is lost. However, I make it fairly clear that, if it is lost, I hope there is genuine compliance with this section of the Act because, if there is not, in the future it will be a different story.

One would hope there will be a reasonable approach to this section of the Act and that there will be compliance with it. Certainly, it is incumbent on the Australian Medical Association, through its representatives, to be dealing with these sorts of issues, because they are calling for tough, strict and, in many instances, prohibitive firearms laws. Dr Emery, in particular, has a lot to say on this issue. I do not care in a democracy who has what to say about what, but here is an example of one of the downstream issues.

The Hon. S.J. BAKER (Deputy Premier): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

The Hon. S.J. BAKER: I appreciate the sentiment behind the propositions of both members. I must admit that originally I was thinking along exactly the same lines. I resisted the temptation, because I am told it could lead to some real difficulties in terms of administration. Last year there were 70 voluntary reports to the police by medical practitioners who believed that someone had become mentally incapable. I believe that I have the statistics correct. Of the 70 cases reported to the police, 33 resulted in licence cancellations and firearms removal; 30 did not have any firearms or a firearms licence; and the balance are still being sorted out.

That suggests to me that there is about a 50 per cent hit rate in terms of reports. So, the medical practitioner must have believed, by whatever that person said, that that person had a firearm. If we insert this provision in the legislation, every medical practitioner who treats anyone who is vaguely unstable, albeit for a small time, will feel compelled to report that to the police. The system will become quite unmanageable. If we bring other professionals into the loop—which is hopefully our intention so that we widen the capacity of anyone to report circumstances where lives could be placed at risk because of the mental state of a particular person—we will have a number of other reports. I think we may be defeating the very things we wish to achieve here.

An expert committee is working out of Sydney on this issue. That committee is taking evidence from a variety of people on what it believes is the most appropriate way of effectively enforcing the provisions that we have in this Bill. My understanding is that there is a belief that, by applying a fine to these circumstances, we will create a number of problems. First, the number of reports will escalate and probably include anyone who has any mental or severe physical difficulty. Secondly, it will lead to a number of civil liberty type problems, which I do not think anyone in this Parliament would want to visit. I am not walking away from the amendment: in fact, the idea quite appealed to me that there should be some compunction to do the right thing.

However, we know that most people do not talk to their medical practitioners about whether or not they have a firearm. Some people might talk to their medical practitioner about going out and shooting one never having owned a firearm in their life, because that is the terminology they use when under stress. I would like the provision to remain as is without penalty. As I said, an expert working party is bringing in expertise from around Australia on this question. I would prefer to leave it the way it is. Once that expert committee has reported, I can report to the House. If we then decide on a fining system, I am more than happy to do so.

Amendment negatived; clause as amended passed.

Clauses 20 to 22 passed.

Clause 23—'Acquisition of ammunition.'

The Hon. S.J. BAKER: I move:

Page 21, after line 2—Insert paragraph as follows:

(aa) by inserting after 'firearms licence' in subsection (1)(a) '(not being a collector's licence)';.

This is simply a tidying up amendment.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 21, after line 6—Insert paragraph as follows:
(ab) by inserting '(other than a collector's licence)' after 'firearms licence' in subsection (5)(a);.

Again, this is a tidying up amendment.

Amendment carried; clause as amended passed.

Clause 24—'Insertion of ss. 21BA and 21BB.'

Mr BASS: I move:

Page 21—
Line 23—Leave out 'post' and insert 'certified mail'.
Line 24—Leave out 'post' and insert 'certified mail'.

This has been discussed.

The Hon. S.J. BAKER: On this issue we will agree regarding certified mail, as we previously said, with the caveat of ensuring that the slip is genuine delivery.

Amendments carried.

Mr BASS: I have discussed my proposed amendment to page 22, after line 3, with the Minister and I ask him to clarify it again. I understand that this will become part of the regulations rather than the Act, which is the defence in relation to this section. Is that correct?

The Hon. S.J. BAKER: That is the way in which we handle the provision now.

Mr BASS: On that undertaking, I will not proceed with my proposed amendment.

Clause as amended passed.

Clauses 25 to 30 passed.

Clause 31—'Notice by owner of registered firearm.'

Mr BASS: I move:

Page 24, after line 14—Insert paragraph as follows:
(d) by striking out 'post' from subsection (4) and substituting 'certified mail'.

Again, I accept the proviso that the Minister will insert in the other place.

The Hon. S.J. BAKER: We agree.

Amendment carried; clause as amended passed.

Clauses 32 to 34 passed.

Clause 35—'Approval of range of recognised commercial range operator.'

Mr QUIRKE: I move:

Page 25, line 14—After 'operator' insert 'and with the consent of the Minister'.

Because the hour is late and we still have much more work to do tonight, I will be as brief as possible. I indicate that my two amendments to clause 35 make up a package of measures to give some protection and security to the private range operator, the Marksmen Indoor Firing Range in Curry Street. I am pleased to see that the Bill contained some arrangements to regularise not only that operation but any other operation in the future that may be set up. The problem became apparent when I took a copy of the Bill to the operator of that private range. Basically, the amendments before us stem from that consultation. The person wishes to see a number of provisions included to secure the operation of what is, at the end of the day, his business. Obviously, it is a very serious business and a person who has invested as much money as this operator has in this enterprise—and it may well be the case that others will do so in the future—needs to be given some protections by law.

At the same time it must be understood that anyone operating one of these facilities has to—and there is no doubt about this—be bound by strict standards of safety and to offer a service to the public which the public feel safe with and which is carried out with the same rigour as applies to most of the pistol clubs of which I have ever had the pleasure of either visiting or being a member. In moving this amendment, I indicate to the Committee that the rationale behind the next series of amendments is much the same.

The Hon. S.J. BAKER: I will have to disappoint the honourable member, and I will explain why. Sometimes I am positively disposed by some of the explanations and entreaties of the member for Playford. We will just create another problem. We are saying that the commercial operators will go to a different system from the paint ball operators and the clubs. We want them all in together. The provisions already agreed to in the earlier part of the Bill (about clause 26) deal with rights to appeal under variations which are unconscionable or revocation which is unconscionable. We have agreed that they should go to the magistrates rather than to the committee. Now at the end of the Bill we are saying that the commercial range operators have to go to the committee. So, I have a problem. Under those circumstances, we should have a consistent set of rules, so I will have to say 'No' to both the honourable member's amendments to clause 35.

Amendment negatived.

Mr QUIRKE: I move:

Page 25, after line 37—Insert subsection as follows:
(8a) The Registrar must give an operator notice that he or she has varied the conditions of an approval.
(8b) Within one month after receiving notice in writing of the Registrar's decision to revoke an approval or vary the conditions of an approval the operator may require the Registrar to refer the matter to the consultative committee.
(8c) If the committee does not agree with the Registrar's decision the committee may direct the Registrar to revoke or vary the decision.

I understand what the Minister is saying, and I have no argument with that, provided he will assure me here and now so that I can tell this person that there is a recourse to an independent arbiter at the end of the day. If that is a magistrate I am satisfied with that; it is an effective formulation. However, I point out two things to the Minister. First, I am happy if the magistrate has that overall umpire's judgment with respect to any changes that occur. But this enterprise not only provides a service to those within the firearms community who seek it; it also provides a club. In a sense, it is a commercially operated pistol club; it is not just a shooting gallery for that purpose, where somebody pays money to access a firearm. They also operate a firearms club for a part of their clientele. Does that pose any problems for this provision?

The Hon. S.J. BAKER: My understanding is that it does not. We can certainly examine the record and determine whether it causes a complication. I presume that, whilst there might be a similar piece of land on which they are situated, as long as there is a clear separation between the activities, a difficulty has not been created. I understand that, to operate, they are forced to become a club.

Amendment negatived; clause passed.

Clause 36 passed.

Clause 37—'False information.'

Mr BASS: I move:

Page 26, lines 10 to 28—Leave out section 29 and insert section as follows:
Handling firearms after drinking alcohol, etc.
29(1) A person who handles a loaded firearm within six hours after drinking alcohol or taking any other intoxicating drug is guilty of an offence.
Maximum penalty: $10 000 or imprisonment for two years.
(2) A person who transfers possession of a loaded firearm to a person whom he or she knows, or could reasonably be expected to

know, has drunk alcohol or taken any other intoxicating drug within the past six hours is guilty of an offence.

Maximum penalty: $10 000 or imprisonment for two years.

I saw the provision in the Bill and, being an ex-police officer, I could see some problems in relation to someone having to make a decision that someone who handles a firearm under the influence of intoxicating liquor or drug was incapable of exercising effective control of the firearm and in relation to a person who transfers possession of a firearm. The shooting fraternity put this clause together with me. They believe, as I do, that alcohol should never go in a boat, in a plane (especially if you are in control) or with a firearm. In my enjoyable forays to the Flinders Ranges with the member for Playford and the Speaker, I do not recall that at the end of the day we have ever stopped, had an alcoholic drink and then gone on. It is just absolute madness to have alcohol anywhere near a loaded firearm.

We were talking earlier about tightening up the laws, and I have formulated this amendment after discussion with the combined shooters, with their blessing. They believe, as I do, that alcohol does not go with a firearm. In fact, they tell me that, when you go to one club to shoot, you get a little green patch to put on your coat. When you go into the bar at any time during the afternoon and have an alcoholic drink, they take off the green patch and give you a red one. If you go back onto the range, the range officer—the safety officer—says 'No'. That is what I call a very well run club. People say, 'How do you know they have had a drink?' If this amendment is carried, most clubs will say, 'This is great.' They can now say to people, 'This is the law, and if you have a drink you have to stay outside.' A responsible person, such as the barman, says, 'Look, I have a obligation under the new Firearms Act that if you have a drink I must make sure that you do not have a loaded firearm.' The important wording is 'loaded firearm'.

When you come in after a shoot, you pack your firearms away and, as any good firearm owner would know, the ammunition and the bolt would be removed. The firearm would probably be cleaned up and packed away. You can then go to the bar and have two or three drinks with your friends; you can lock your firearm in the boot, take it home and put it, the ammunition and the bolt away in security—as you should—and there is no offence. If you are in that club or anywhere with a group of people and you have a beer, that is the end of your shooting; you must pack up and go home.

I really believe that members on both sides should support this amendment. It is a responsible amendment, which the shooting fraternity wants. They, like me, say that this is good legislation because firearms—especially loaded firearms—and alcohol do not mix. I do not think I need to say any more. It is self-explanatory and will tighten up firearms use much more, given the dangers associated with them. Notwithstanding that I have been very critical of the Prime Minister, I am sure that if he were here he would be nodding his head to this amendment. I ask all members of this Committee to support this amendment.

Mr QUIRKE: We have a bit of a problem on this as a Caucus. The other day I was accused of being a TT when I made a similar proposal. I will not say that the member for Napier made that terrible accusation, because I cannot leak from Caucus. We debated how to deal with this. Everybody agreed that handling guns and alcohol is just not a good idea. We raised a lot of scenarios of activity in some of the clubs, and I have to tell the Committee that at the end of the day, after a very long discussion on the point of how to define it, we failed to come to any agreement. We agreed with the Government position that if you are absolutely legless or stoned you are guilty of an offence if you go anywhere near a gun; we could agree on that. There was some concern about how to deal with the problem of the person who may have one or two drinks and who later in the day picks up and handles a firearm.

I must say that the member for Florey's amendment is certainly superior to any of the ones that I offered to my Caucus but, to a man and a woman, they were not keen on pursuing this matter, and I got the impression that I was a wowser and that the problem is largely covered by the Government's Bill. I do not think that is entirely the case but our position in respect of this in Caucus was to stick with the Government's position, namely, that if a person is so intoxicated or is so affected by drugs they are guilty of the offences laid down in the Bill.

Mr CAUDELL: I can understand the sentiments of the member for Florey and I have discussed this issue with the Minister. I have a problem with the six hour limit, which might be all right for a person at a club location, knowing exactly when a person had a drink and being able to show when a person finished having a drink. However, I was reminded of what happened in Victoria with the introduction of random breath testing, where people who had a heavy drinking session the night before and who had a certain amount of sleep the next morning were picked up in the morning for being over .05, not having had a drink for a fair length of time.

I agree with the sentiments and I appreciate the fact that people should not have any alcohol on them when they are handling firearms. I asked the Minister whether the Bill could provide that a person could be alcotested and have a rating similar to people who drive 12-seater minibuses and up. They cannot have any alcohol on them whatsoever, otherwise they are guilty of an offence under the Road Traffic Act. I should like the Treasurer to continue to look at this provision with a view to tightening it up.

Section 29 uses the expression, 'effective control of the firearm'. Under the old Road Traffic Act, it had to be determined whether a person under the influence of intoxicating liquor was capable of handling a motor vehicle. That gets back to the argument about the size of the person, the weight of the person, whether they have had a feed beforehand and whether that amount of alcohol would affect that person. The existing provision is loose and needs a lot more tightening up. I appreciate the intention of the member for Florey with regard to the six hour limit, but I do not believe that is the answer, and there should be further review of this measure.

The Hon. S.J. BAKER: I was floored when I read this amendment. I have been battling right through this Bill, feeling like the boundary lines have been pushed out a bit and the goalposts have been moved, and then I found this amendment which says that a person who has been drinking in the six hours prior to firing or handling a weapon faces a highly significant penalty. I give credit to the member for Florey for putting up the amendment. It is the sort of amendment that, on the face of it, sends a very strong message to anyone who has imbibed alcohol and then uses a firearm. It is a deadly combination, just as it is a deadly combination at the wheel of a car.

In a practical sense, as I mentioned to the member for Florey, it would not be an unusual situation where, on a farm, someone has a glass of wine or beer for lunch, sees a fox and says, 'I have to shoot that fox. Do I wait six hours or do I go

and shoot that fox?' The everyday, normal living habits are the problem. The amendment has some innate appeal to it in a practical sense, but I do not know that I can agree to it.

I heard a comment made by someone who shall remain nameless that this would cause their club grave difficulty, not because they drink at the club, as such, or mix the activities at the club, but they do have a drink in the afternoon and one or two have another shot afterwards without being in any way intoxicated. Over the 14 years that I have been in Parliament, I know of three people who have not drunk for 10 hours, or even 12 hours on one occasion, but who hit the bottle pretty heavily during the night and were still well over the .08 level. In one instance they were incapable of driving their car because they smashed into another car and got picked up. They had not been drinking for 10 hours and they were still blowing over .08. Although I appreciate the member for Florey's suggestion because it has a great deal of appeal, there are practical circumstances to be considered.

The member for Mitchell has been discussing this with me on an ongoing basis, asking whether there is some way that we can insert some teeth into the Bill so that it sends out a much stronger message about the consequences if someone is found half blotto or deemed to be incapable, and then we go through that process. I could not come up with a brilliant idea. I could not agree with the member for Florey.

Members interjecting:

The Hon. S.J. BAKER: Well, I have not come up with one. The member for Mitchell and I normally inspire each other when we have a problem but, on this occasion, we just kept hitting our head against the same brick wall and I could not think of one amendment that would work, respecting the fact that the member for Florey put this up, which came as somewhat of a surprise. I cannot agree with the member for Florey's amendment but, if anyone has a terrific idea on how we can cement an even stronger resolution into this legislation that does not leave us hanging with this amendment, which would cause enormous difficulties in practical circumstances, I would love to hear from them.

What we have in the Bill is a minimum, and I would like to see something more effective in it. If any member has any bright ideas, I would love to hear from them. If the member for Florey can come up with something that is more workable than this amendment, I am more than happy to consider it.

Mr LEWIS: I commend the Minister for the good common sense that he displays in his reasoned response to the proposition from the member for Florey, which I recognise is also well intentioned.

Mr Foley interjecting:

Mr LEWIS: More than you do. However, I put the view, as the Minister has, without reiterating all the remarks he has made, that it needs to be a practical means of preventing people from injuring or even killing others but, at the same time, making it possible in common sense for those people who need to use a firearm to be able to do so. This proposal would preclude someone who has a heavy cold from taking certain cough mixtures that contain alcohol which would stop them from trembling or, more particularly, from coughing unexpectedly during the middle of a shoot. They need to be able to take such cough medicines.

If the Minister is continuing to consider this along with other members such as the member for Mitchell, another aspect that I would mention is that there would be instances under the proposal in the amendment that a good many of the armed forces on parade or manoeuvres would be committing an offence just because they had a firearm in their possession and were not on Commonwealth property. That is an arguable point.

Whether on Commonwealth property or not, if they commit an offence with a firearm and it is within the boundaries of South Australia, it is clearly within the jurisdiction of South Australia's law and therefore our courts. Further consideration needs to be given to that situation and distinctions drawn as to how any such law would apply between circumstances in clubs, on farms and in other situations where firearms may be in the possession of an individual but not in active use. We have more homework to do before we start talking about making it an offence to have alcohol in your blood whilst you have a firearm on your person or in a vehicle with you when driving.

Mr BASS: The member for Ridley has missed the point. The word is 'loaded' firearms. You can drink a dozen beers providing you are not over .05 and you go home after the shoot: but you cannot have a loaded firearm. I am amazed that for the past 20 hours we have been debating ways of tightening up firearms use yet the proposition in the Bill allows a person to handle a firearm until he is nearly completely blotto and he is no longer capable of looking after himself. What are we saying? We are saying, 'We do not mind you running around with your gun while you are drinking, but when you get drunk it is an offence.'

Over the years, as a police officer I learned that one good drink of alcohol can affect your reaction time. It can affect how many people behave. One glass for some people and they carry on like loose tappets. For the past 20 hours we have been saying, 'Tighten it up', and here is one simple amendment which is easy to police. If you are sitting there and a person comes in with a firearm and he proceeds to have a drink, you can say, 'Hang on a minute, there is a law that says you cannot do that.' He will probably tell you to go to hell, buy himself a beer, pull the gun under his arm and wander out but the police can come in and arrest him.

The clubs will love this; in fact, they probably already have something similar as a by-law. The sporting shooters of South Australia are some of the most responsible people around. I cannot understand how the Minister says, 'No, I cannot agree to it.' I accept that the Labor Caucus cannot agree to it—perhaps because the member for Playford put it up and he does not drink. Are members not interested in safety? It is not what the member for Playford does because he does not drink: it is plain commonsense. If members reject this amendment, it makes an absolute mockery of the Bill which we have debated for the past 20 hours in an attempt to tighten up firearms usage and control.

I am now being told that, despite the past 20 hours that I have spent trying to reach fair and equitable legislation (and the Minister has argued passionately with me to keep it tight), at the end of the day a simple amendment that tightens up the legislation even more is not acceptable. I cannot understand why we have been here for the past 20 hours if this amendment is not acceptable.

The Hon. S.J. BAKER: I do not want to prolong the debate. I ask the honourable member to think of the practical circumstances that beset a large proportion of the population. A large number of people belong to firearms clubs, which have strict protocols. If the member for Florey turns his mind to some of the practical issues in normal day-to-day living, I would be delighted to hear from him. I do not think I can live with this amendment, but I would like to tighten the legislation. The current Act does not provide for circumstances where a person is drunk or under the influence of

drugs. We have inserted that as a step forward. If the honourable member can turn his mind to how we can improve on that step, I would be delighted to hear from him. I respect what he is trying to do with his amendment.

Amendment negatived.

Mr BASS: I move:

Page 27—
Lines 9 and 10—Leave out 'action or part of the action' and insert 'receiver'.
Line 11—Leave out action or part' and insert 'receiver'.
Lines 14 and 15—Leave out 'action or part of the action' and insert 'receiver'.
Line 16—Leave out 'action or part' and insert 'receiver'.
Line 18—Leave out 'action or part' and insert 'receiver'.

Amendments carried; clause as amended passed.

Clause 38—'Information to be given to police officer.'

Mr QUIRKE: I move:

Page 28, lines 15 to 17—Leave out subsection (4).

I do not think that we need to spend too much time on this. I have practised some of my oratory during the past 48 hours, although the Minister deflated it like a pin going into a balloon when I bowled this idea up to him yesterday. Our Caucus debated what is generally known in the community as 'the fifth amendment'. The Deputy Premier suggested that next time there is a domestic violence situation and the person says that the gun is not there, it has gone, he has loaned it to his mate or he is just not answering the question, that poses a number of problems. If the Minister can assure me—so that I can assure my Caucus—that that is the reason for this clause, I will not persist with this amendment.

The Hon. S.J. BAKER: This is one of the most difficult clauses. The honourable member is absolutely right. When there is a dangerous situation, it is imperative to get the weapons, and that could be forced through this provision. The member for Playford would be aware that, the way the clause is drawn, the law gives away on the other side. I have been tossing a coin on this one, and I believe that, given the safety issue, I will fall the way the provision is drawn. But it does impede our capacity to prosecute under certain circumstances. So, the issue is priority to safety, and we have given that priority to the Bill. I wish I could have my cake and eat it too, but I cannot, so that is how the amendment stands.

Mr QUIRKE: I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clauses 39 and 40 passed.

Clause 41—'Power to seize firearms, etc.'

Mr BASS: I move:

Page 29—
Line 28—Leave out 'action or part of the action' and insert 'receiver'.
Line 29—Leave out ', fitting or part of a firearm' and insert 'or fitting'.
Line 30—Leave out 'action, mechanism, fitting or part' and insert 'receiver, mechanism or fitting'.
Page 30—
Line 5—Leave out 'action or part of the action' and insert 'receiver'.
Lines 6 and 7—Leave out 'action or part' (twice occurring) and insert, in each case, 'or receiver'.
Line 12—Leave out this line and insert as follows:
'(a) there is a firearm, licence, receiver, mechanism, fitting'.
Line 14—Leave out 'action, or part of the action,' and insert 'receiver'.
Line 17—Leave out this line and insert 'substituting, in each case,', licence, receiver, mechanism, fitting or'.

The amendments are all consequential on a previous amendment.

Amendments carried; clause as amended passed.

Clause 42 passed.

Clause 43—'Forfeiture of firearms, etc.'

Mr BASS: I move:

Page 30, lines 25 to 36;
Page 31, lines 1 to 29—Leave out section 34 and insert section as follows:

34. (1) Where a firearm, receiver, mechanism, fitting or ammunition is seized under this Part, the Registrar may institute proceedings for forfeiture of the firearm, receiver, mechanism, fitting or ammunition before a court of summary jurisdiction.

(2) If, in proceedings under subsection (1), a court is satisfied that—

(a) the owner of the firearm, receiver, mechanism, fitting or ammunition is not authorised by or under this Act to be in possession of the firearm, receiver, mechanism, fitting or ammunition; or

(b) the return of the firearm, receiver, mechanism, fitting or ammunition to its owner would be likely to result in undue danger to life or property; or

(c) the whereabouts of the owner of the firearm, receiver, mechanism, fitting or ammunition has not been, and is not likely to be, ascertained by reasonable inquiry; or

(d) the owner of the firearm, receiver, mechanism, fitting or ammunition has failed to comply with the requirements of this Act in relation to the safe storage of the firearm, receiver, mechanism, fitting or ammunition; or

(e) in the case of a firearm—the firearm can easily be converted to an automatic firearm,

it may order that the firearm, receiver, mechanism, fitting or ammunition be forfeited to the Crown, or make such other order for the disposal of the firearm, receiver, mechanism, fitting or ammunition as it thinks appropriate.

(3) A firearm, receiver, mechanism, fitting or ammunition seized under this Part may be held under this subsection—

(a) until—

(i) proceedings are instituted for an order under this section or for an offence in relation to the firearm, receiver, mechanism, fitting or ammunition against the owner of the firearm, receiver, mechanism, fitting or ammunition or a decision is made not to institute such proceedings; or

(ii) the expiration of 12 months after the firearm, receiver, mechanism, fitting or ammunition was seized,

whichever first occurs;

(b) if proceedings of either kind referred to in paragraph (a)(i) are instituted within 12 months after the firearm, receiver, mechanism, fitting or ammunition was seized—until those proceedings are finally determined.

Looking at it very quickly, this is again consequential in relation to the action or part and the receiver.

The Hon. S.J. BAKER: It is consequential and we agree.

Amendment carried; clause as amended passed.

Clause 44—'Forfeiture of firearms by court.'

Mr BASS: I move:

Page 31, lines 32 to 40—Leave out paragraphs (a), (b) and (c) and insert paragraphs as follows:

(a) by inserting after 'firearm' first occurring in subsection (1) ', receiver, mechanism, fitting or ammunition';

(b) by striking out paragraph (a) of subsection (1) and substituting the following paragraph:

(a) where the firearm, receiver, mechanism, fitting or ammunition was owned by the convicted person—that the firearm, receiver, mechanism, fitting or ammunition be forfeited to the Crown or be disposed of in such other manner as the court directs;;

(c) by inserting after 'firearm' wherever occurring in subsection (2) ', receiver, mechanism, fitting or ammunition'.

This is consequential in relation to the action or part and the receiver.

Amendment carried; clause as amended passed.

Clause 45—'Disposal of forfeited firearms, etc.'

Mr BASS: I move:

Page 32, lines 4 to 9—Leave out subsections (1) and (2) and insert subsections as follows:

(1) The Registrar may sell or otherwise dispose of a firearm, receiver, mechanism, fitting or ammunition forfeited to the Crown under this or any other Act.

(2) Subject to the other provisions of this Act or the regulations, the Registrar may sell or otherwise dispose of a firearm, receiver, mechanism, fitting or ammunition surrendered to the Registrar.

Again this is consequential.

Amendment carried; clause as amended passed.

Clause 46—'Transporting of firearms.'

Mr BASS: In relation to the transporting of firearms, new section 35A provides:

Subject to any exclusions prescribed by regulation, a person who carries on the business of carrying goods must not, in the course of carrying on that business, carry a firearm and ammunition (whether the ammunition is suitable for use in the firearm or not), or cause a firearm and ammunition to be carried, by the same vehicle, vessel or aircraft.

There is a big Easter shoot in Sydney, attended by contestants from Perth, Adelaide and Melbourne. I put the following scenario: a group of the shooters from Western Australia get on the plane and load their firearms. They cannot take their ammunition, so they hand it in to Ansett, which takes take it on a flight two hours later. The plane arrives in Adelaide. The earlier plane took the shooters with the firearms and now they have some ammunition to put on the plane from Perth, but they cannot do that because this Bill provides that ammunition and firearms cannot go together. This really is an unworkable provision. How will Ansett and QANTAS move ammunition and firearms, which they have been doing for years in the hold, locked away where no-one can get it—you have to declare it and there has never been any problem? Why do we have this provision as it stands?

The Hon. S.J. BAKER: It is a very reasonable question. If you look at the beginning it says 'subject to any exclusion as prescribed by regulations'. This is one of the most common exclusions, because it is covered by the civil aviation regulations. They prescribe and we butt out of these when the Commonwealth regulations take over. So, it is business as usual.

Mr MEIER: I had put to me by one of the firearms dealers in my electorate a scenario where he orders some weapons and some ammunition from different dealers here in Adelaide and they are to be transported to Yorke Peninsula: would that be covered by the regulations, that one carrier can cover both firearms and ammunition and there would be, perhaps, different types of firearms and different types of ammunition, which is exactly the way he does it now?

The Hon. S.J. BAKER: For all intents and purposes it is really the practical carrying on of business. We have to guard against the commercial movement of certain weapons and placing people at risk because there is a consignment of weapons. There are some requirements to cover this by regulation. There would be a separation involved.

Mr ANDREW: In relation to the personal use of weapons classified as C, D and H, if individual firearms owners are moving from a place of residence to a place of use with ammunition, my interpretation of the previous answer is that you do not see that as any real practical problem.

The Hon. S.J. BAKER: Currently there are regulations as to how they should be handled. There has to be a separation; you do not have them ready to fire.

Mr ANDREW: In relation to deceased estates (section 46), where the deceased was licensed for any category, in particular for category C or D, and the beneficiaries were unlicensed or could not be licensed, I presume that the firearms would be held by the executor or administrator of the estate, and if they could not sell the firearms for monetary gain to the estate, what would happen to them? Are they to be surrendered to the Crown by the executor for destruction or will the buy-back scheme continue to operate to cater for the circumstances I have described?

The Hon. S.J. BAKER: I did have an answer in my bag to the question raised by the member for Chaffey, but I did not give it to him. Whilst the compensation schemes run, the executor or administrator of the estate may take advantage of the scheme by handing in prohibited or banned firearms so that the estate receives compensation for the firearm. If the executor does not believe that there is a lot of value in the firearm, they can still, during this period, hand in the firearm if it is a category A or B or sell it to a dealer or elsewhere.

After the compensation scheme is finished, the executor or administrator of the estate may either sell or otherwise dispose of the firearm through a dealer in accordance with the amended legislation or surrender the unwanted firearm to the police for which no payment is made. There will still be trade in category C firearms, as the honourable member would know, because the rural community will still be using firearms. But in the case of category D firearms, it would be a big ask to suggest that there would be a big marketplace for those firearms. It could happen in the transition period, but beyond that I am not sure how many category D firearms would be available for that purpose.

Clause passed.

Clause 47 passed.

Clause 48—'Insertion of ss. 36A and 36B.'

Mr BASS: I move:

Page 34, line 15—Leave out 'post' and insert 'certified mail'.

I accept the proviso the Minister has already given.

Amendment carried.

Mr BASS: I move:

Page 34, lines 17 to 19—'Leave out subsection (2).'

Do we need this provision now that certified mail is to be used, which gives the indication that it has been delivered?

The Hon. S.J. BAKER: The best advice at this stage is to leave it in.

Mr BASS: Therefore, I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Mr QUIRKE: I will not proceed with my amendment to page 34, line 18 in light of the Minister's undertaking that he will have an arrangement sorted out that will satisfy these basic propositions.

Clause as amended passed.

Clauses 49 and 50 passed.

New clause 50A—'Insertion of ss. 38A and 38B.'

Mr QUIRKE: I move:

Page 34, after line 37—Insert new clause as follows:

50A. The following sections are inserted after section 38 of the principal Act:

Maximum penalty for offence involving use of a firearm

38A. Where the maximum penalty for an offence against a provision of an Act (other than this Act) is either a fine or a term of imprisonment or both or is a term of imprisonment without a fine, that maximum is increased—

(a) in the case of imprisonment—by two years; and

(b) in the case of a fine—by $10 000,

if a firearm was used in the commission of the offence.

Exemption from requirement of training in safe handling of firearms

38B. A person who is entitled to possess and use firearms under legislation of the Commonwealth, or who was entitled to do so until the legislation was amended or revoked, will be taken, for the purposes of an application for a firearms licence under this Act, to have the qualifications and experience in the safe handling of firearms required by this Act.

There are two unresolved issues, at least as far as I am concerned, and that is unfortunate after some 16 hours of debate on this legislation. In many respects the proposition before the Committee, some could argue, should have been where we started. This new clause provides that, if you commit a criminal act with a firearm, you should have an extra penalty for it.

What we have been debating—not just for the past 16 hours but for the last three months—is what we are going to do to legal gun owners. In fact, what we have decided to do in many instances is to take firearms away from people and, in some instances, we may give them back if they seek permission to have returned what they legally had prior to the passage of this legislation. We accept that. We accept the limitations. Law abiding citizens in this country have accepted that there is a need for change, but the one thing that is absolutely puzzling is what we do to those people who continue to commit criminal acts, particularly using firearms.

We need to send out a strong message that, if you commit a criminal act with a gun, you ought to get an increased penalty for it. I know that in some parts of the United States minimum sentences apply. I make no apology for the fact that this measure does not do that, because I am told that that is not the way Acts are framed in South Australia. Alas, that is unfortunate, because I would like to be standing here saying that, if you commit an act with a gun, you ought to get what is coming to you.

I sought advice from Parliamentary Counsel on this point and was told that, if you want to make this statement, it ought to be included in the Firearms Act. It ought to be clearly placed in that Act so that, in all the other various Acts of Parliament by which we operate, when a criminal has committed a felony, a criminal act, and has used a firearm, clearly under the provision of this Act, that person can suffer an increase of his custodial sentence of up to two years and a fine of up to $10 000, in addition to what is imposed for knocking over the bottle shop, the TAB, the bank or something else. I implore members to support this provision. This is the only provision in this Bill which says something about the criminal who uses a firearm, not the legal firearms owner who will be asked to accept a number of changes in the way they have done business until now.

Mr EVANS: I support this amendment. The member for Playford has put a commonsense argument. He is 100 per cent right and this amendment would have wide support in the community. I also considered the concept of minimum sentencing, and that concept is something the Parliament needs to look at and review. Personally, I do not have a problem if, in certain circumstances, the Parliament does stipulate minimum sentences for certain criminal acts. I strongly support the member for Playford and congratulate him on moving the amendment.

The Hon. S.J. BAKER: It is a terrific idea but the judiciary would have a huge problem because of a technicality. Under section 30 of the Criminal Law Consolidation Act, if you commit an offence with a standing of two years or more, the sentence is 10 years. In fact, anyone who commits these offences can be charged with them. So, there is imprisonment for 10 years under the Criminal Law Consolidation Act.

I do not know whether there is a practical way of addressing this but, when there are a number of offences, and if the primary offence is murder, the person is not charged with having a firearm if a firearm was used in the offence. As you go down the scale of the offence table, the issue of the firearm becomes more important. What happens is that, in practice, they charge for the major offence and, depending on the circumstances, they probably take this other offence into account and maybe not charge in relation to it.

The law provides that, if you use a firearm in the commission of a serious offence—and we are talking about poking it under someone's nose or holding up a garage, shopping centre or whatever (those sorts of offences where the gun becomes important)—the law lays down that you are liable for 10 years imprisonment. The difficulty will be how the judiciary interprets an overlaying or another provision that says, 'You have been naughty and you have used a gun, so you will get an extra two years.' There is no practical way of handling this provision, unfortunately.

The judiciary have the capacity to decide whether that sentence is cumulative or concurrent. If they have a really hard egg, they will make it cumulative. For someone with mitigating circumstances, they might make it concurrent. This is the vagaries of the law, and I am not sure that this amendment will cure anything. In fact, it takes the whole level of the offence a long way below where we are with the Criminal Law Consolidation Act.

Mr BASS: During the 33 years I was a police officer, many times we talked with the detectives about exactly what the member for Playford has put up: if only we could have a law that would tack on something where a firearm was involved. I agree with the Minister and, understanding a little bit about the judiciary, I recognise that it would be very hard to tack on a couple of years.

Sitting here thinking about it, I believe that, if the member for Playford would consider not adding onto the sentence, if a firearm is used, the defendant could have a minimum of two years added to his non-parole period. In that way, the judge or magistrate could say, 'You have just committed this heinous crime; you have used a shotgun. You are gaoled for 15 years with a non-parole period of 10 years. But because of the use of a firearm, we have to add two years to the non-parole period.' Whether or not that is the answer, I do not know, but I do agree with the amendment of the member for Playford, although I just cannot see a way to make it work. I think it is a brilliant idea.

Although the Minister will not accept it tonight, we must look at how we can include this, because I know that the 3 500 police officers and the many bank officers out there who face the dangers of firearms would love to see it.

Mr QUIRKE: I must say that the incident that made me think about this had nothing to do with the events that triggered this legislation: some years ago I referred in this place to a bank robber who was given a suspended sentence. The judge let the fellow go because he had been a millionaire and he had done all his dough in the property crash in 1988. The judge thought that was miserable. He had lost his wife and everyone felt sorry for that guy. At the end of the day, the judge let him go—he gave him a suspended sentence even though he went into a Westpac branch, I think it was, committing a stand and deliver job, and he was caught. I have long thought about that ever since and have been told by a number of people that there is nothing you can do to effect

a change in what, in my view, ought to be a very simple matter.

We have before us today a pile of legislation which has been drafted by a number of people who have flown a number of air miles and who have said, 'We will fix up the legal firearm owners of this country. We will make it illegal for them to have, in many instances, their collections. We will make it impossible for them ever to use certain types of firearms again. We will go about the business of bringing in some very strict law.' They have also said that, in some respects, they will go into areas that, quite honestly, I find are surprising in this legislation. I react to the Act; I am not the architect of it. My work has been to attempt to moderate some of the provisions in the Bill and to make others work much better. At the very least, it is an absolute travesty. I find it absolutely incomprehensible that we have only packages of law for people who do the right thing but we do not have a package of law for people who do the wrong thing with guns. That is just bizarre.

I am told that we have all these technicalities. I make it clear to the Committee—and I could possibly push this to a vote—that I will have words with Parliamentary Counsel and anyone else I can to ascertain how we can solve this problem, and we will bring it in as a private member's Bill if we have to. Under some Act that the Deputy Premier quoted a minute ago one can get 10 years imprisonment, but not many people get 10 years. People have to try pretty hard in our society to get 10 years.

This Bill contains a series of penalties. It also contains many internal inconsistencies about which I can talk all night long, but I have been here for two nights and I do not want to do that. One of the penalties included in the Bill is up to four years imprisonment for owning something that one can legally own today; and one can legally own it until one receives one's certified mail, or whatever they will use to send the little piece of paper out. We have not tidied that up yet, but eventually we will do so. One can legally own that gun at the moment but one might get four years imprisonment once one receives that piece of paper.

It is too hard to do something about the little thug who robs the bottle shop. It is also too hard to do something about someone who uses a gun not to shoot at a target or at something else that is legitimately condoned by the laws of this State but to wave it in the face of someone or physically shoot them with it. No, that is too hard. Well, let me inform members that that is unacceptable.

The Hon. S.J. BAKER: If the member for Playford wants to move his amendment and reduce the penalty by a factor of five, then the Parliament has lost the plot.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: If the member for Giles had been listening, he would realise that under section 32 of the Criminal Law Consolidation Act we have 10 years imprisonment. Under this provision the honourable member says, 'I want to get two years extra out of the system.' That would then mean that, if a person committed an offence, under this Act they would only get two years extra, and the judge would have problems catering for both of those particular—

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: No, they don't. The member for Giles should understand a little about the law. It does not work out at 12. They go to the lowest common denominator, so it does not work that way. The member for Playford knows it does not work that way, yet he is going to go back to the drawing board on that issue. I do not think we need to delay the Committee any longer on this matter. If the member for Playford has some ideas, that is fine. I point out that the four years gaol in the Act does not deal with category C or D, as the member for Playford recognised. We are talking about machine guns or automatics. They have been banned for so long in this State, and a very heavy penalty is involved in that respect. I do not think they can legally own them today: that was the heavy end of the penalty system.

Mr BECKER: Will the Minister inform the Committee of the minimum and maximum penalties for the offence of armed hold-up or robbery?

The Hon. S.J. BAKER: From memory there is no minimum penalty. The penalty is life imprisonment.

Mr BECKER: That is what I wanted to be sure of. I sympathise with the member for Playford because when I came in here in 1970 as a former President of the Bank Officials Association I campaigned for five years before then to have a minimum penalty brought in for the armed hold-up of a bank, because nothing is more frightening than to have someone walk into the branch of a bank with a gun or pistol in their pocket. Even suspecting that someone will hold-up your branch is frightening. The staff usher people into the manager's office so that he or she can handle it. It is a frightening experience. It is even worse to have a gun pointed at you while your branch is robbed.

I tried to increase the penalties from 1970 onwards with Len King as Attorney-General and with Don Dunstan. Len King became Chief Justice. You would not get better people as far as the law and justice of the State is concerned. I include Robin Millhouse and subsequent Attorneys-General in that category. Not one would ever agree to a minimum penalty because there was a maximum penalty. The whole thing is left to the judiciary. If we want to get onto an issue, the judiciary has to get the message, and over the past few years it has got the message.

We should not allow the legislation before the Committee to be sidetracked. I support the Minister in this respect because this type of legislation should not become mixed up in the issue of armed hold-ups. People will use all sorts of weapons. When I worked in a bank we were plagued by replica pistols which used to annoy us. I do not believe that this legislation should be used to address that problem. We have to give a loud and clear message to the judiciary. Judges cannot be dismissed from office; once they are appointed, they remain in office until they turn 70 years of age. If we got rid of the 70 years of age barrier and put them on a contract of service to the State, perhaps we might get some stricter penalties.

The Hon. FRANK BLEVINS: I do not understand the attitude of the Government on this at all. What possible difficulty can there be in framing the law so that a crime that is committed with the use of a firearm attracts a heavier penalty than an equivalent crime that does not? What is complex about that? We have volumes of law here—some of it incomprehensible for those of us who have been dealing with it for decades. There is no difficulty whatsoever for the people who assist us in drafting these laws to put in a provision that the judiciary has to add two years to the sentence for any person found guilty of committing a crime using a firearm. It is not complicated. It would not be a first or very novel. In some places overseas it is already provided for.

In the 30 years that I have been in Australia I have never been frightened of a sporting shooter. I am not somebody who has never seen or handled a gun, but the people who go

shooting at targets down at the rifle clubs on a Saturday afternoon at no stage have ever frightened me or caused me to feel insecure—not for one second. However, I am frightened of the lunatics—and I had to deal with them for about 10 years as Minister for Correctional Services—who go around committing crimes with firearms. They terrify me as I have no means of defence against these people—I rely on the police to put themselves between them and me.

If we were using this legislation to attack those people so that they would not use firearms or to make them think twice before they did so, we would be serving a far more useful purpose than worrying about the rifle club on a Saturday afternoon. Yet somehow we are not doing that. We are told that this is not the right legislation or that it is too complicated—that is rubbish. This legislation is totally appropriate for it and there is nothing complicated about it whatsoever. I commend the member for Playford for introducing the issue by way of amendment.

I hope everybody in the Parliament will support it. The judiciary—and this applies not only in this State but I assume all over the world—do not like being told by members of Parliament what they have to do; they hate it. However, members of Parliament ought to do that more and more. In this State and country we do not have rule by judges: we have rule by Parliament and, if the Parliament determines that sentences ought to be higher for crimes committed using a firearm, eventually a whole range of decisions and precedents will be built up that demonstrate quite clearly that the judiciary are reflecting the wishes of the people as expressed through the Parliament. If you do not want to do that but want to leave total discretion with the judges, okay; say that and use that as your argument, but do not use as your argument that it is too complicated.

It is the simplest thing in the world; there is nothing complicated about it whatsoever. The member for Playford is quite right. Let us just spend a little time—half an hour—dealing with the people who frighten me and who I am sure frighten everybody else in this Parliament, that is, the crooks. By the time we finish, we will have spent 30 or 40 hours dealing with the rifle club that spends Saturday afternoon shooting at pieces of paper or tin. When we are talking about guns and wholesale murder at Port Arthur, I can afford to spend half an hour dealing with the criminals and doing something about them. They are the ones who frighten the people of Australia, not a rifle club on a Saturday afternoon.

Mr EVANS: I may be thick (that comment is made by others), but I do not understand a point the Minister made earlier. If the maximum penalty under the criminal sentencing legislation is 10 years, and the amendment moved by the member for Playford provides that the maximum is increased by two years, I assume that means the maximum is therefore 12 years. I do not understand how that reduces the penalty five-fold, which the Minister said earlier. I do not understand how you can add two years to a maximum and reduce the penalty by a multiple of five.

The Hon. S.J. BAKER: As I said, the judiciary would have a great deal of difficulty dealing with it.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: The member for Giles does not have a clue what he is talking about; he would not have the first idea of what he is talking about. As I said, if the member for Playford wants to think about it and come up with some brilliant ideas on how we can get the judiciary to make an in-principle decision about a sentence on a primary charge and add two years to it, that is fine, but that is not the way the system works. The statutes provide for 10 years gaol on the commission of an offence. We are now saying that it is the same charge, for goodness sake. So, the judiciary considers one Act that provides a 10 year penalty and another which provides an additional two years, which are not added to the 10 years because it is the same offence. You cannot have two different penalties for the same offence; it is incompetent. I will go outside for a while. You can sort it out and tell me when you are ready.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: You said you wanted half an hour.

Mr QUIRKE: I must be missing something, but for the benefit of the Minister I point out that the amendment provides:

> Where the maximum penalty for an offence against the provision of an Act (other than this Act) is either a fine or a term of imprisonment or both or is a term of imprisonment without a fine, that maximum is increased—
>
> (a) in the case of imprisonment—by two years; and
>
> (b) in the case of a fine—by $10 000,
>
> if a firearm was used in the commission of the offence.

The amendment simply means that if a gun was used in the commission of that crime, then the sentence and the fine is increased. If I am told that judges do not like that—

Mr Becker interjecting:

Mr QUIRKE: There are not many who serve life around here. As soon as the judge says 'life', he brings them back the next week to tell them it means eight or nine years and they even get a remission on that. As to this legislation, if someone has a receiver, which is what we were arguing about for two or three hours, a piece of metal into which one screws all the bits for a category D weapon, under this legislation you can get two years or a $10 000 fine for having one. Many shooters are worried about this because they have lost some of these items in the shed and are not sure where they are. Perhaps this provision should apply for some other areas that have been made illegal. But when we come down to dealing with those little hooligans and thugs out in the community, we find it is all too hard. It is not.

My amendment increases the maximum and does not say to the judge, 'Look, you have a smorgasbord and you can use the existing law with 10 years or you can have this provision with two years.' The amendment simply provides for an increase. I am making it clear to members what they are being asked to vote on tonight and its implications. Indeed, this is the only time anyone has been asked to deal with people illegally using firearms, rather than law-abiding citizens about whom we have determined can no longer continue with ownership under the conditions they currently enjoy.

Mr BASS: I agree totally with what the member for Playford says, but the place for this provision is not in this legislation. The amendment should be located in the Criminal Law Consolidation Act and if the member for Playford sees me in the next couple of weeks we can get together to introduce a private member's Bill and work with the Minister to introduce the provision, which is a great idea. I would be happy to work with my colleague to have it provided in the Criminal Law Consolidation Act.

Mr CAUDELL: In the second reading debate I advised members of my concern about semiautomatic and pump action shotguns on the basis that I had a couple of service stations which had all been held up by people using pump action shotguns. I was concerned about those people and the level of sentencing. Accordingly, I can understand what the

member for Playford is intending with regard to his new clause 38A.

However, section 32 of the Criminal Law Consolidation Act 1935 is quite specific because it provides that using or causing or permitting another person to use a firearm in the course of committing an offence punishable by a term of imprisonment of two years or more is guilty of an indictable offence, for which the penalty is imprisonment for 10 years. There is already an eight year variance within the system for a person having committed an offence using a firearm. In addition, if a person wants to make any changes to the system, it should be done within the Criminal Law Consolidation Act, not in the Firearms Act.

The Hon. FRANK BLEVINS: The Minister seems to have taken umbrage at Parliament having the audacity to mention criminals when we talk about firearms. It has been all right to spend day after day talking about the poor old Saturday afternoon shooter down the rifle club and pillorying them but, when we start talking about criminals, the Minister gets all upset, stalks off, gets in a huff, spits the dummy and suggests that people ought not to raise the issue. Members on this side will not be intimidated by that show of petulance.

This provision has been drawn up by the member for Playford, assisted by highly skilled parliamentary draftsmen. They have assisted the member to Playford to draw up the provision in a way that clearly gives effect to the principle. It has not been plucked out of the air as if it were something out of Alice in Wonderland so that it is utterly unworkable and nothing will happen. Of course not. Professional people have drawn this up to be inserted into the Statute Book and to give effect to what the member for Playford and, I hope, the Committee want.

What I do not understand is why this is too hard. Why is it too hard? We are dealing with legislation that is creating a hundred problems, half of which were not foreseen, but that is not too hard, apparently. This is one of the most difficult pieces of legislation that anybody has had to draft, that anybody is going to have to try to implement safely and sensibly. It is extraordinarily difficult because it was not thought through beforehand. Apparently that is not too hard. It is not too hard to get the most complicated web of restriction around the Saturday afternoon rifle club, but it is too hard to give criminals an extra belt if they use a gun.

I have 20 000 people in my electorate who do not give two hoots whether the provision is in the Criminal Law Consolidation Act, this Act or the Closing of Roads Act. It makes no difference. If the provision is on the Statute Book and deters criminals from using guns, my constituents will be more than happy. They will not be too happy when they read in the paper tomorrow that Parliament would not wear this provision, which attacks criminals, not Saturday afternoon shooters, because it is allegedly too hard or because there might be a more appropriate Act.

What utter nonsense! I have never heard anything so ridiculous. I am not sure whether our lead speaker on this issue, the member for Playford, will call a division on this amendment, but I certainly hope he does, so that people who do support an attacking of the criminals in this legislation as opposed to attacking the Saturday afternoon shooters, can get something out of this legislation that gives effect to what everybody in Australia wants, and that is to get the criminals, get the loonies, get the guns out of their hands, make it hard for them to get them and, if they do get them and use them, come down on them like a tonne of bricks. That is what the people of Australia want. I cannot understand why the Prime Minister thought he could not sell that. He must not have a great deal of confidence in his own ability.

The Hon. S.J. BAKER: We have had what I would describe as a fairly difficult debate and a fairly difficult time. The member for Playford understands that his amendment is incompetent. He knows that it does not work. If the member for Giles thinks he is going to keep this House running, I will keep it running until 4 a.m., because I want to get this legislation through. We have had a hard battle, and the member for Giles does not know what he is talking about. If an amendment could have worked, the Minister could have accepted it. It does not work; it cannot work. If the honourable member had sat and listened, instead of being a fool, we might have got through this debate. We have battled hard on this Bill—

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: The member for Giles has pilloried me for the last five or 10 minutes, when we have been battling away at this Bill for the past 20 hours. The member for Giles has wasted the time of this Committee waffling on about something that most intelligent people in this place accept. The member for Playford understands that the amendment cannot work under the current legislation. The member for Playford nods and says, 'It cannot work.' If the member for Giles wants to sit down with the Parliamentary Counsel and draft an amendment that works, then let him do so. We are not dealing with that tonight.

Mr LEWIS: I cannot let the level of argument put forward by the Opposition stand as credible argument when my Minister has clearly been quite improperly impugned by the remarks that have been made. What the member for Giles clearly fails to understand, and probably the member for Playford—I do not know, because he has not said anything which would enable me to come to this conclusion—is that, under these proposed amendments, the results will be that any offences committed under the provisions of the Bill when it becomes law, should it become law, will be treated equally with an additional two years tacked onto them, because they are offences involving firearms.

The member for Playford's amendments fail to identify the kinds of crimes he has been talking about: those crimes currently on the statute books covered by the Criminal Law Consolidation Act, crimes of violence against other persons, and not the kinds of crimes that are now to be created in this proposed legislation. Yet the amendment he proposes casts the net so wide that it will catch all those provisions, perhaps unwittingly on his part. Certainly, in the case of the member for Giles, he indicates that he does not realise that that would be the case. So that if the member for Playford is sincere about his desire, he will do as he suggested and introduce a private member's Bill which does amend the provisions of the Criminal Law Consolidation Act for those crimes which are already on the statute books and which involve violence against other citizens and the use of firearms in the process to deprive them of their property, liberty, or whatever. In that way he can achieve his desired result elegantly in a clean, tidy and respectable fashion that will work. We are wasting our time by continuing to debate this measure now. The sentiment is fine, the substance is woolly and the consequence will be terrible if we support it. The Minister is quite right.

Mr MEIER: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Progress reported; Committee to sit again.

The Hon. S.J. BAKER (Deputy Premier): I move:

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

Motion carried.

ELECTRICITY CORPORATIONS (GENERATION CORPORATION) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1 (clause 2)—After line 14 insert new subclause as follows:

'(2) The different provisions of this Act must be brought into operation on the same day.'

No. 2. Page 1—After line 14 insert new clauses as follow:

'Amendment of long title

2A. The long title of the principal Act is amended by inserting after 'purpose;' 'to provide for the assets of electricity corporations to remain in public ownership;'.

Substitution of s.3

2B. Section 3 of the principal Act is repealed and the following section is substituted:

Objects

3. The objects of this Act are—

(a) to establish corporations for the generation, transmission and distribution of electricity for the benefit of the people and economy of the State; and

(b) to provide for the assets of electricity corporations to remain in public ownership.'

No. 3. Page 4, line 10 (clause 19)—Leave out 'for the disposal of assets'.

No. 4. Page 4, lines 12 to 18 (clause 19)—Leave out subclause (2) and insert new subclause as follows:

'(2) This section applies to a transaction if—

(a) The transaction—

(i) is a sale of assets of an electricity corporation consisting of electricity generation facilities or the whole or part of an electricity transmission system or electricity distribution system; and

(ii) is negotiated with a view to the operation of the assets as part of the South Australian electricity supply system by a person or body other than an electricity corporation; or

(b) the transaction involves the issuing, sale or other disposal of shares in a company that is a subsidiary of an electricity corporation to a person or body other than an electricity corporation or officer or agency of the Crown and assets consisting of the whole or a major part of an electricity transmission system have been or are being transferred to the company by an electricity corporation; or

(c) the transaction involves the transfer by an electricity corporation of assets consisting of the whole or a major part of an electricity transmission system to a company that is a subsidiary of an electricity corporation and shares in that company have been or are being issued, sold or otherwise disposed of to a person or body other than an electricity corporation or officer or agency of the Crown.'

Consideration in Committee.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I move:

That the Legislative Council's amendments be agreed to.

I indicate that the Bill, as it is returned from the Legislative Council, for all intents and purposes will enable the Government to put in place as recommended by the Industry Commission and as clearly required by interstate jurisdictions—the Commonwealth, New South Wales, Victoria and Queensland—a separation of the generation function of the Electricity Trust of South Australia from transmission and distribution.

It will ensure that competition payments as introduced by the former Keating Government and followed through by the Howard Liberal Government will not be compromised in the electricity sector industry structure within South Australia. It is absolutely essential for South Australia not to financially disadvantage itself by putting at risk those competition payments of some $1 billion over the next 10 years. As it relates to the electricity industry, some $35 million is at stake in terms of annual disbursements to South Australia. This takes South Australia another step forward in meeting the requirements of a national electricity market. We seek to introduce a national electricity market and be a full participant in that to ensure that the benefits of a competitive marketplace in electricity are available in South Australia, particularly to large companies in this State that rely on competitive electricity tariffs to meet international competition.

Companies such as Mitsubishi and General Motors, which are producing products that go to the international marketplace and which require input costs to be at internationally competitive prices, will, in the introduction of a national electricity market, have the capacity to purchase electricity at competitive rates interstate if they are more competitive than the rates at which ETSA can generate those tariffs. However, given the changes that the Electricity Trust and the Government are making in terms of improvement, the expenditure of some $100 million at Torrens Island, Port Augusta and Leigh Creek to position the generating capacity of South Australia to meet the national market competition, and other efficiency and productivity gains that have been put in place over the past five years in South Australia, as it relates to the Electricity Trust of South Australia, means that we are best positioning ourselves to meet that market opportunity.

I thank both the Upper and Lower Houses for support of this measure with some amendments. Those amendments will, as the Government and I interpret them, not interfere with those commercial practices that would be required of a Government trading business such as the Electricity Trust of South Australia. I commend the amended Bill to the House.

Mr FOLEY: The Opposition supports the amendments made in another place. Those amendments, briefly, are a result of earlier amendments that I moved in this House. The Minister, in discussion with the Opposition, made it very clear that there were a number of unintended consequences from the amendments moved by the Opposition. In discussions, we reached agreement that a compromise package could be put together and, without boring the House with the full details, there was also some further discussion and further issues that needed sorting through. It would be fair to say that some of the further amendments proposed by the Opposition were not satisfactory to the Government.

In conclusion, we were able to come up with a set of amendments that primarily changed the title of this Bill. The substantive Bill will become a Bill for the assets of the Electricity Trust to remain in public ownership. The objects of the Act have now been amended to provide for the Electricity Trust to remain in public ownership. It is not just a clause in the Bill that precludes the Government from selling the assets of ETSA, its subsidiary corporation or the new structure: it is now the principal purpose of the Act. Clearly, any move by a future Government to privatise ETSA Corporation or the various corporations would go against the objects of the principal Act. We believe that makes a more substantial statement by this Parliament as to future ownership issues relating to ETSA or electricity corporations.

Further to that, subject to further discussions, we have amendments that will also preclude the Government of the day from putting in place a company structure that would

allow a company to be formed of which ETSA could become the 50 per cent shareholder and sell the other half of the company to a private entity which would obviously reap some money for the Government but would be against the spirit of the Act. I do not need to go into the full details of that, but it was the subject of the document the Opposition obtained some weeks ago that indicated that it was a proposal that certain officers within Government were considering. The Minister has indicated to me that that was a proposal which was looked at by Government but which was rejected. I accept that from the Minister. However, as is the case with many of these things, we also felt it needed to be in legislation. I thank the Minister for his preparedness to accommodate that. That is a very useful decision of the Government.

As the Minister has said, it is fairly significant legislation. It is not so topical now, given other Bills that have been dealt with and other items that people are concentrating on in debates in the House at present. However, essentially we have now provided for the establishment of a publicly owned ETSA generation company, as well as the ETSA Corporation. We are seeing the formal disaggregation, for want of a better word, of the major core elements of what was the Electricity Trust of South Australia. That is substantial, and I am glad that, as an Opposition, we have been able to negotiate with the Minister, who, I will put on record, is a Minister who will deal and who will constructively work towards an outcome. I welcome that, notwithstanding one or two moments of difficulty, as is the case with all these things. As of this day forward, ETSA will now move into a totally new structure. It will allow the Government to receive the $100 million compensation payments. I would hope—and I obviously expect that the Howard Government will not renege on this, given that it is flagging an intention to cut significant budgetary expenditure—that those compensation payments remain in place.

This is yet further evidence that the Opposition is not as the Premier would have people believe—an obstructionist, anti-development, anti-jobs, anti-South Australian Opposition. Yet again the Opposition has demonstrated its ability to roll up its sleeves, work with the Government and negotiate decent, constructive reform in this State. We did it some weeks earlier when assisting the Government in a significant structural change to the national electricity market and the national electricity code. We did that quickly and in a short time, enabling this State to be the lead legislator. That was done with Opposition cooperation. One of the immediate effects of that is that we will now have the national office of one of the major core administrations of the new national electricity corporation based in Adelaide. That involves some 35 to 40 jobs, I understand, as a direct result of the constructive work done by the Government and the Opposition to facilitate that Bill.

We also relatively smoothly negotiated the restructuring of the ETSA Corporation quickly on the heels of that. That is a significant achievement, and it puts to rest any notion or any position put forward by the Premier that we are not a constructive Opposition, that we are an Opposition that obstructs this Government. We have aided in the restructuring of the electricity corporation—the most sweeping, dramatic and substantial changes that have occurred to electricity corporations in this State since they were established by Tom Playford. That is hardly from an Opposition that is obstructionist and negative—indeed, quite the opposite.

In conclusion, I thank the Minister for his preparedness to negotiate. I hope that this style of performance by a Government Minister will in some way be reflected in the style of the current Premier, because we may find that things could move a little more smoothly than they currently do. In short, the Opposition supports this package of amendments.

Motion carried.

GOVERNMENT BUSINESS ENTERPRISES (COMPETITION) BILL

Returned from the Legislative Council with an amendment.

LOCAL GOVERNMENT (WARD QUOTAS) AMENDMENT BILL

Returned from the Legislative Council with an amendment.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2098.)

The Committee divided on the new clause:

AYES (10)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D.	De Laine, M. R.
Foley, K. O.	Hurley, A. K.
Quirke, J. A. (teller)	Rann, M. D.
Stevens, L.	White, P. L.

NOES (28)

Andrew, K. A.	Armitage, M. H.
Ashenden, E.S.	Baker, S. J. (teller)
Bass, R. P.	Becker, H.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Gunn, G. M.	Hall, J. L.
Kerin, R. G.	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wade, D. E.

PAIRS

Geraghty, R. K.	Brown, D. C.

Majority of 18 for the Noes.

New clause thus negatived.

Clause 51 passed.

Mr QUIRKE: I have another amendment, but there seems to be a problem. I would like to move to insert a new clause 50B.

The CHAIRMAN: For the information of members, the Committee passed the insertion of new clause 50A, which comprised two parts. It also passed clause 51. The member for Playford has requested that he be allowed to introduce a new clause 50B to allow the two sections of the original

clause 50A now to be separated and for section 38B to be included in the new clause 50B.

New clause 50B—'Exemption from requirement of training in safe handling of firearms.

Mr QUIRKE: I move to insert the following new clause:

50B. A person who is entitled to possess and use firearms under legislation of the Commonwealth, or who was entitled to do so until the legislation was amended or revoked, will be taken, for the purposes of an application for a firearms licence under this Act, to have the qualifications and experience in the safe handling of firearms required by this Act.

This issue is the South Australian Rifle Association (SARA) provision. It seeks to solve a problem which will be created when the Commonwealth withdraws its rifle regulations and will affect those persons who shoot at the Dean range as well as those who are involved in small bore rifle shooting. When the Commonwealth withdraws its regulations, those persons who shoot at the Dean range and in the Small Bore Rifle Association will need to acquire a South Australian firearms licence which will authorise the ownership, use and handling of firearms for their particular disciplines.

The problem is that some people have been conducting their sport using the Commonwealth rifle regulations which exempts them from the South Australian Act for 30 or 40 years. Through the collapsing of the Commonwealth regulations firearms owners who currently enjoy that provision through the Commonwealth Act will be required to meet all the necessary goal posts to get a South Australian licence. This amendment simply suspends the training provision which, in many instances, if it was enforced, would mean that some of these people would be teaching themselves in the TAFE course because a number of them currently instruct people so that they can obtain a South Australian firearms licence.

The Hon. S.J. BAKER: The honourable member is correct. This was addressed at Commonwealth level. It was agreed by all States that they would accept their licensing under the various State Acts. It was also agreed that there would be a waiving of the training provision which normally applies to a new licence application. There will also be progress on this to ensure that no problem is created in the interim between the changeover of the two licences. The matter was raised at Federal level, and it was recognised by all the States. All the States have undertaken to accept these shooters into the various State licensing systems and they will not have to go through a training course in order to qualify for a firearms licence. This will be done by regulation. It will not be inserted in the legislation, and I have explained that to the member for Playford.

Mr QUIRKE: On behalf of SARA, of which I am a member, although I point out that I have a State licence, I believe that the Minister has grappled with the problem and we look forward to seeing the regulations to ensure that that smooth transition occurs. I thank the Minister for the commitments he has given.

New clause negatived.

Clause 52—'Substitution of schedule.'

The Hon. S.J. BAKER: I move:

Page 36, line 17—Leave out 'or B' and insert 'B or C'.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 36, line 18—Leave out 'C'.

Amendment carried.

Mr BASS: I move:

Page 36, lines 39 to 41—Leave out subclause (5).

This provides that an old or new licence that authorised the holder to have possession of a now defined class C weapon on the grounds that he or she carries on the business of primary production only authorises the possession and use of one C class rifle and one C class shotgun. It is completely unworkable for a primary producer who may have five employees and three or four family. One employee might be going 40 miles to the north of his property and another 30 miles to the south. It is not workable and there should be scope for a primary producer, if he can prove the need, to have more than one of those firearms.

The Hon. S.J. BAKER: This matter was looked at by the Ministers in Canberra. The issue is clearer in South Australia than it was in one or two other places where they have corporate licences. Under the provisions of the Act, if a primary producer has a spouse and a couple of siblings, he is entitled to the use of a weapon under category C. It must be deemed necessary for that property. There are many properties where nobody owns a gun, but on some of the larger properties obviously there are a number of guns which means that they have access to all category A and B weapons. The restriction was placed on each person and there is further provision for an employee. When we are dealing with large properties there is significant scope to more than adequately cater for the needs of farming properties without breaking the nexus or agreement that was made and allow for a large accumulation of weapons.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 36, after line 41—Insert new subclause as follows:

(6) The Registrar may refuse to grant a new licence to an applicant—

(a) if the licence would authorise possession and use of a class C or D firearm that is in the applicant's possession; and

(b) if the applicant were proposing to acquire that firearm, the Registrar would not be prepared to grant a permit to the applicant to acquire it.

Amendment carried.

Mr BASS: I move:

Page 37—

Line 13—Leave out 'action, or part of the action' and insert 'receiver'.

Line 14—Leave out 'action or part' and insert 'receiver'.

These are both consequential.

Amendment carried; clause as amended passed.

New clause 53—'Insertion of schedule 2.'

Mr QUIRKE: I move:

Page 37, after line 29—Insert the following schedule after schedule 1:

SCHEDULE 2

Review of Compensation

PART 1

THE COMPENSATION REVIEW COMMITTEE

The Compensation Review Committee

1. (1) The Compensation Review Committee is established.

(2) The committee consists of five members appointed by the Governor of whom—

(a) two will be nominated by the Minister;

(b) one will be nominated by the Registrar;

(c) one will be nominated by the Firearms Traders Association in South Australia;

(d) one will be nominated by the Combined Shooters and Firearms Council of South Australia Incorporated.

(3) The committee must include at least one man and one woman.

(4) The Governor may appoint any member of the committee to be the presiding member of the committee.

(5) The Governor must appoint a suitable person to be the deputy of each member of the committee and that person, while acting in the absence of the member has all the powers, authorities, duties and obligations of that member.

(6) The deputy of a member appointed on the nomination of a person or body under subsection (2) must also be appointed on the nomination of that person or body.

Procedure at meetings

2. (1) Three members constitute a quorum of the committee.

(2) A decision carried by a majority of the votes cast by members at a meeting is a decision of the committee.

(3) Each member present at a meeting of the committee has one vote on any question arising for decision and, if the votes are equal, the member presiding at the meeting may exercise a casting vote.

(4) The committee must cause accurate minutes to be kept of its proceedings.

(5) Subject to this schedule the committee may determine its own procedures.

Vacancies in appointment of members

3. An act of the committee is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

Function of the committee

4. The functions of the committee is to hear and determine applications under Part 2.

PART 2
REVIEW OF COMPENSATION

Review of compensation

5. (1) A person who is dissatisfied with the amount of compensation to be paid pursuant to regulations made under clause 8 of schedule 1 may apply to the committee to review the amount.

(2) The application must be in a form approved by the committee and must be accompanied by the prescribed fee.

(3) If the committee is satisfied that the amount of compensation proposed to be paid has not been determined in accordance with the regulations the committee may direct that an amount determined by the committee be paid.

(4) The amount determined by the committee under subclause (3) is the amount to which the applicant is entitled under the regulations.

(5) A decision of the committee and the procedures of the committee cannot be called into question before any court or tribunal.

This deals with establishing the Compensation Review Committee. Here we have tried to come up with a way to deal with the question of valuation if there is a dispute. I think we have a reasonable proposal here. The other day the Minister provided me with a list of valuations of firearms. I think I have a reasonable eye for most firearms and their values, second-hand and new. When I looked through that list, I thought it was fair and reasonable. In fact, I think there was generosity with some kinds of firearms that saw them slightly ahead of the market. I was satisfied with that, even though I still intend to move this amendment establishing this Compensation Review Committee and leave the door open for some form of this type of thing in the other place. When I looked at the *Advertiser* of the day before yesterday, I saw a different list. When I checked one with the another, I found significant discrepancies. For instance, I think a lot of people out there think they will get a lot more money for certain types of firearms than that shown on the list supplied to me. There were a few quite dramatic differences in the other direction—in many instances, of 100 per cent. I checked with the Minister, and he can speak for himself in this debate. He assured me that the list he supplied me was a much later one than that which was in the *Advertiser* and consequently probably closer to the final valuation.

I am very uncomfortable with a take-it-or-leave-it list of valuations. These items belong to people lawfully. This Government has determined that it will not buy unregistered firearms out there; these are lawful firearms that are being taken from law abiding citizens, so we should be careful how we proceed. I want to address a couple of issues on which the Minister can cast some light. My understanding of the list is that it does not matter whether the firearm is good, bad or ugly, whether it has gone beneath a tractor or whether it has been left out in the rain for a while; it will attract more or less the same value. That is the first issue. The second issue that concerns me is the question of accessories. If I look at the list I was given the other day I find that if I have a Luger 10.22, I will get $200 if it is a blue steel job.

The problem is that there are people who have telescopic sights and, while it can be argued that they can be taken off and put on another rifle, mounts are distinct to that type of firearm. If it is a Bruno self-loading .22, the mounts on that rifle can be reused and so can the scope. The valuation for that rifle on the *Advertiser* list was $400, but members should not rub their hands yet if they own one because on my list the value is $250. In fairness to taxpayers, $250 is what they sold for prior to the clamp and the passage of the regulation saying there would be no more of it. What about accessories and items distinct to that type of firearm that will be no use on any other kind of firearm? Such issues need to be addressed.

Mr ANDREW: I want to raise general issues about compensation. Because those matters are included under regulation, it is a weakness that I alluded to in my second reading speech. I have three questions of the Minister. First, who compiled and has approved or will approve what I call the official list of valuations? Secondly, when firearms are handed in, how long will it take for owners to be paid out? Thirdly, am I right that there is no appeal provision under the Bill because compensation is federally arranged?

The Hon. S.J. BAKER: As to the first point, the list has been compiled and modified and the member for Playford has a list hot off the press because there has been debate about certain firearms. A number of experts compiled the original list and it has been sent to all jurisdictions. There has been feedback and dealers from all Australian States have been involved as far as I am aware and we are now down to one or two items on the list. It is fair to say that payments will be on the generous side so that people will not feel they have been disadvantaged in the transactions. People can walk in with confidence, place their gun on the counter and receive appropriate compensation.

As to the timeframe, we are going to move this along as quickly as possible so that people do not wonder what is going to happen. We are grappling with two possibilities. One is a pay as you hand in scheme and the other is to be paid a short time after the firearm is handed in. That is being looked at in terms of logistics because I do not like cheque books running around the country without my knowing that the signature is going on for all the right reasons. As to appeals, the vast majority of weapons involved are standard weapons. Some will be in terrible condition and others will be in good condition. Owners will be compensated at the higher order of condition rather than the lower order. That has been ticked off. Whether there should be appeals in the system occupied the attention of Police Ministers and their technical officers for a considerable time. There was a belief that, if we had a standard firearms appeal mechanism, this process could take years to transact. The Commonwealth has said that it will only provide money for standard firearms, and these are of a particular value, on the basis that there is no appeal mechanism, because the sums are generous and appropriate.

Disputes might arise over firearms that are not on the list, which means that they are very few in number but that they could be very high in value, or no-one knows their value

because they are not regularly traded. Most of the firearms that we are talking about have been regularly traded and they have their list prices. Those values are basically well established and they have tended to go towards the higher end of the value rather than the lower end. I will read out the resolution for everyone to understand, as follows:

> Council resolved that:
> (a) all jurisdictions would appoint arbitrators to assess the value of firearms which are either listed at over $2 500 and the value is disputed by their owner, or unlisted;

We are using a cut-off point of $2 500. The resolution continues:

> (b) all jurisdictions agree to the following arbitration process:
> (i) an owner who is unsatisfied with the list price for his high value firearm may submit it to an arbitrator for valuation;
> (ii) where the valuation arrived at by the arbitrator is lower than the list price for that firearm, the arbitrator's valuation will prevail;
> (iii) the cost of the valuation is payable by the owner of the firearm;
> (iv) the cost of the valuation is non-compensable; and
> (v) there be no appeal from the arbitration process.

There will be special valuers who are skilled in this area, and a consistent system will be set up across all States so that anyone who has a special firearm will have the capacity to have it independently assessed.

Importantly, the member for Chaffey would be heartened by the fact that people with high value firearms will be able to sell them on the overseas market. I am talking about very expensive firearms. If they choose, they can go through a dealer process to have that firearm sold overseas. I am told that some firearms may be worth up to $20 000 or $30 000, and I am sure that some are even more valuable than that in the various categories.

If a person still wants to keep a category D firearm, and does not want compensation, it will have to be disabled. One or two people may like to hang on to their firearm and so disable it, and that is their choice. However, owners of high value firearms have two other choices, that is, the independent valuation system or sale overseas. That is the system that will operate. We are working through a regime that will control the process. A committee will be set up and proper procedures will be put in place to control the process for the payment and the assessment, so that when people come in they get either a chit or a cheque, depending on how well it can be organised. There will be speedy delivery in terms of payment so that people will not be left lamenting and the system will work as smoothly as we can make it work.

Mr QUIRKE: The Minister missed out on the point that I asked about accessories for firearms, and I have one other issue to raise with him. When a person decides to deactivate a category D firearm to, I assume, the satisfaction of the police ballistics section, what future obligations do they have in respect of their firearms licence or registration of that firearm? How does it work? Once it is welded and a certificate is issued, is that the end of the matter?

The Hon. S.J. BAKER: As far as I am concerned, it is. I have said that, if a firearm is permanently deactivated—and there are ways of doing that that are not reversible, as all members would know—then, as far as I am concerned, the matter is finished and that person will no longer have a firearm: they will have a memento.

Mr QUIRKE: What about accessories?

The Hon. S.J. BAKER: Agreement has been reached on the issue of accessories. In this respect the system will need to be very well organised. The Commonwealth has said that it is willing to compensate for accessories, but they must be particular to a firearm: they cannot be a general type accessory. For example, ammunition for a self-loading firearm should not be capable of being used in a single shot firearm.

Mr QUIRKE: A legal firearm could use the same ammunition.

The Hon. S.J. BAKER: That is right. If there are tripods, as mentioned by the member for Playford, that are unique to a particular firearm, there will be compensation. A specialist group will be formed to overcome what would involve a lot of paperwork. Whether we do that in a two-part process, which means we pay for the gun and then follow on with the accessories, or take in the whole package at once, are matters that we are working through currently in order to make the transition as smooth as possible.

In terms of how we will organise it, I am currently looking at a proposition of doing it by regions, which sounds sensible to me. During a particular period we might concentrate on the South-East, the Mid North or parts of metropolitan Adelaide. We will probably do it by area and designate a time. It is our intention to send out notices to indicate what is happening during that period. Obviously when we have done our reconciliation at the end of the period—which I hope will be 31 December, but it may not be because this is a very large exercise—and, where firearms are still on the register that have not been handed in where they should have been handed in—and that will mainly apply to firearms in category D (category C will be a different matter)—we will need a follow-up system, which will initially mean a further mail out or contact.

That is the nub of the process, as best I can describe it today. When the legislation has been passed by the Parliament, it is my intention to provide people with an information kit which not only describes the new legislation but also gives some idea of how the buy back process will work. That information kit will be mailed out—and not by certified mail—to the 106 000 people who have licences. It is a very large and demanding exercise, but we will be putting on extra resources to achieve it.

Mr De LAINE: What mechanism will be put in place to avoid the situation that has occurred in some other parts of Australia where weapons have been surrendered to the police and have found their way into other people's hands, whether they have been given or sold by the police or by someone who has had custody of them? What mechanism will be in place to ensure that this cannot happen and to give some sort of accountability to the police who take in the weapons? What will happen to the weapons that are surrendered? Will they be destroyed and, if so, what sort of accounting mechanism will be in place to make sure that all is fair and above board.

The Hon. S.J. BAKER: When the firearms are handed in, it is our intention to cut through the receiver immediately so that the firearm is useless. We currently have a process, which I presume will continue, whereby the butts are knocked off and the metal part of the gun goes to a foundry to be melted down. I presume that is the process we will continue to follow.

Mr De LAINE: What sort of mechanism will be in place to ensure that this is done and that the previous owner of the weapon knows exactly what has happened? Is he or she given a proper numbered receipt, which is *bona fide* and which gives complete accountability? Is he or she notified when the weapon has been destroyed and given proof that that has

happened? Is there a system which makes the police accountable and which can prove that the weapon has been destroyed?

The Hon. S.J. BAKER: I assure all members that there will be a strong oversight of this process. Extraordinary amounts of money are involved—$35 million to $40 million just for South Australia. Those huge sums of money will demand a huge amount of effort.

Mr Quirke interjecting:

The Hon. S.J. BAKER: It may be much larger. The Federal Government will demand very strong oversight. I intend to start the initiatives and we may be one of the first States to actually process firearms. The ACT is probably in a better position than most States, because there are fewer guns and the situation is much easier to handle than in a State the size of South Australia. It is my intention to have the protocols in place and ticked off by the Federal Government to ensure that the weapons are destroyed when they are received and that payment is fair and on time, so that there is a limited amount of angst among people who feel aggrieved by the process.

Mr EVANS: I support the amendment. I disagree with the principle of a Government introducing legislation that allows the Government to seize private assets and not allow a right of appeal on the valuation. I disagree with that principle. I think it is bad law which sets a dangerous precedent. My family has experienced a government or local government authority seizing assets and it is not a pleasant experience. It is wrong to have a piece of legislation that allows a Government to seize assets and not allow a right of appeal on the valuation of those assets. I support the amendment which, if successful, would allow the owner of the asset (in this case firearms) to have a right of appeal. I support the amendment on that basis.

Mr ANDREW: I recognise the Minister's explanation in relation to the provision of appeal mechanisms but I certainly endorse the principle that an appeal mechanism is only fair and reasonable. While the Minister is providing explanation in relation to the compensation issue, and while we do have a clearer picture of the specific values which will be provided for specific firearms, I express my disappointment and my strong sympathy for the many law abiding gun owners who have class C firearms that must be handed in. They will have to pay a significant increase in cost to replace that firearm to do the same job, whether duck shooting or whatever.

In many cases this issue relates to the fact that they currently use a semiautomatic shotgun, and they have moved, quite appropriately, to the requirement to use steel shot. To replace that weapon with a similar firearm to do the same job, whether it be an under and over or a side by side shotgun to provide the same ability in terms of the classification of a class B firearm, I suspect that many of them, to provide a replacement of the same calibre or same quality of firearm, could well be up for about an extra $1 000. I am particularly unhappy and disappointed that as a result of this process that will eventuate in some cases. Does the Minister acknowledge that this is a real impost for those gun owners?

The Hon. S.J. BAKER: Taking up the issue raised by the member for Davenport, I think the compensation is on the generous side. The Prime Minister and every Minister around Australia has decided that, if we go through a process of valuation of each weapon and then go through a valuation appeal process on each firearm, the changeover will take years. The majority of people in this country do not want that to happen. That is why, as I said, the compensation errs on the side of generosity: so that people do not feel discomfited that they have been cheated out of their firearm.

In terms of what the member for Chaffey suggested, he would recognise, with his rural constituency, that there is a capacity to have A, B, and C class firearms.

Mr Venning interjecting:

The Hon. S.J. BAKER: The ones who need them can have them; the ones who do not need them will not have them.

Mr Andrew: My reference in this case was particularly to sporting shooters.

The Hon. S.J. BAKER: People can make decisions on what they want to do with their lives. There may be some very valuable class D weapons out there that are fantastic for putting big holes and a lot of holes in a target in a big hurry. I do not know that those same people would wish to do that if they did not have that available to them. They might find that they get their sporting pleasure out of a different style of gun that is much cheaper. I do not know that the honourable member can say that suddenly, because this is no longer available to them, they will go to a much more expensive weapon. They may do that if they have had some of this Chinese rubbish, such as the SKS's, that have been bought for a couple of hundred bucks with a bucketful of ammunition. I concede that if that is what they have been relying on they may well be paying more for the next firearm that they buy, but they should not have had them in the first place.

I take the point that the honourable member is making. However, I cannot draw a conclusion that, in order for people to do what they need to do, they will finish up with larger bills, because it all gets down to a matter of choice as to how they meet those needs—whether they raise the hurdle, lower it or keep it much where it is.

New clause negatived.

Title passed.

The Hon. S.J. BAKER (Deputy Premier): I move:

That this Bill be now read a third time.

Mr LEWIS (Ridley): As the Bill comes out of Committee, it is unquestionably a vast improvement on what it was when it was introduced into the House. I commend the Minister for the commonsense and good grace with which he accepted the propositions and the arguments supporting those propositions put to him by members, in particular the members for Florey and Playford. Of course, I am disappointed that some of the amendments, such as that which we considered over 24 hours ago from the member for Chaffey, did not pass.

Notwithstanding my remarks about the legislation as it now appears before us, it will not achieve what so many Australians have been led to believe or what they thought they were supporting when they expressed support for the Prime Minister's view of how the firearms law needed to be standardised nationally, and that this was groundbreaking legislation that would prevent another Port Arthur massacre. Of course, that is a vain hope on their part. I certainly have always had a sober view: there is no way in which it would stop the next Port Arthur massacre. That will happen.

Tragically, the legislation does not address the root cause of that problem, that is, the bad behavioural characteristics instilled in people of inferior intellectual ability and unfortunate introspective social attitudes. Their introversion and isolation is reinforced by their interaction with what they come to accept as reality in the films and videos they watch

and the games they play, to the point where they eventually cannot tell the difference between virtual reality and reality.

In conclusion, I state that it will not be on my head when the next massacre occurs; it will be on the head of the Prime Minister and that of the other proponents of this form of legislation. I accept no responsibility whatever for the ultimate differences that will arise in the different State Legislatures following their attempts to deal with the demands made of them by a Prime Minister who did not understand the constitutional differences between his desires, his capacity and, indeed, the legitimacy of his involvement in what is quite clearly the domain of the State in legislative terms. Sad though that is, we must accept the legislation in its present form. I simply regret that we were first cab off the rank and that we did not wait to see what happened in Tasmania and Western Australia, let alone Queensland. I am not sure whether the desired result of standardised firearms legislation will be achieved; in fact, I am certain that it will not be achieved.

Mr VENNING (Custance): I rise briefly to say that I am quite sad that I and some of my colleagues were not successful in amending the Bill to the satisfaction of the many constituents whom we represent. I want to pay tribute to the responsible gun owners and clubs, particularly the supporters who have sat through the whole debate and are still here with us. I know that it is against Standing Orders to refer to people in the gallery, but they are still there and I say, 'Good on them.' They are a fine example of what enthusiasts are all about.

I also want to pay tribute to the standard of the debate. I have been a member of this place for six years, and this is the first time that I have seen a truly bipartisan constructive debate in this House. I have appreciated the debate across the House. I commend particularly the member for Florey who battled hard and long. I might not always agree with what the member for Florey does or says, but in this instance I pay him the highest tribute because he put a lot of work into this and battled hard for what he wanted to achieve. I commend the honourable member for that. I also commend the member for Playford and you, Sir. I know what firearms mean to those three members in their private life. They all put forward a good debate.

I was disappointed that the member for Chaffey's amendment in respect of crimping was not successful, because it would have solved the problem that I have. I still have difficulty understanding why people who once had firearms on a farm, because they now no longer own that farm can therefore no longer own or use a category C firearm. Clearly, crimping would have solved that problem. I commend the House and the Minister. As I said two nights ago, it is no wonder that the Minister is grey. I commend him on keeping his cool. On one occasion he showed a bit of anger, but I understand that he has had an extremely difficult job to do. In fact, in six years this has been the most difficult Bill that I have seen pass this House. The time and the effort that he put in particularly on our behalf in Sydney and Canberra has been noted, and we are pleased. I hope that after all this is over, he will go away for a holiday and not even think about guns.

Bill read a third time and passed.

NATURAL GAS (INTERIM SUPPLY) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 July. Page 1922.)

Mr QUIRKE (Playford): The Opposition has a few concerns about this Bill. My understanding is that the Natural Gas Act will be amended. If this Bill is successful in both places, I believe that the reserve of gas that we have in legislation—I understand that it is 500 PJs—which was a product of the Natural Gas Act in the late 1970s, will no longer be the case. I have been told that this is to do with the February 1994 Council of Australian Governments' decision to withdraw any anti-competitive legislation across the whole of Australia. The first question obviously must be about adequate gas reserves in this State, because my understanding of what this means is that gas producers will now be able to sell more gas on the competitive market, and that may lead to an increased price at the end user level of the gas reticulation chain. If that is not the case, that is fine; but I want to place on the record that we have some concerns about that.

There is another area of concern. We would like to know what the Government is doing about the Cooper Basin and the indenture under which it operates. Does the Government intend to bring in other legislation which will have an effect on the Cooper Basin indenture? Will there be further deregulation, such as this, which will affect arrangements in the Cooper Basin in particular? I understand that the Natural Gas Act applies to the Cooper Basin gas field and that the other gas fields are covered by other pieces of legislation.

Mr VENNING (Custance): I rise briefly, as the parliamentary secretary—

The SPEAKER: Order! That is not a recognised position in the House.

Mr VENNING: I am proud to be a parliamentary secretary and I was pleased to be at Moomba last Friday where we saw the ethane plant come on stream and pipe the gas to New South Wales. The Natural Gas (Interim Supply) Act was passed in 1985 to address the gas supply crisis facing South Australia at that time. The existing contract with the South Australian Cooper Basin producers was to expire in 1987, and there were no reserves of gas available to allocate to the Pipelines Authority of South Australia future requirements agreement, which was designed to provide for a continuation of the supply of gas to the State.

The Australian Gas Light letter of agreement with the South Australian Cooper Basin producers gave to the AGL contractual priority over any of South Australia's post-1987 requirements. That means that it took precedence over the PASA future requirements agreement. The Act replaced the then current gas sales contract, voided the PASA future requirements agreement and reserved for South Australia all the gas remaining under the then current gas sales contract, sales gas set aside as fuel gas for a petrochemical plant in South Australia and, of course, all the ethane. It is sad to reflect that we never got the petrochemical plant and the ethane has been stored underground ever since, but it is interesting now to see it being taken out and sold to New South Wales.

The quantity of sales gas reserved was 546 Petajoules (PJ), comprising 322 PJ of sales gas and 224 PJ of sales gas reserved as fuel gas for a petrochemical industry in the State, plus an estimated 334 PJ of ethane. By 1 January 1989 the

State had consumed 341 PJ of sales gas, leaving a balance of 205 PJ. It will be seen that we have been using gas in ever increasing quantities.

In February 1989 the Government and the producers entered into the current gas sales agreements. By agreement between the Government and the producers, some of the reserved ethane and all the remaining reserved gas forms part of the current gas sales agreements. However, the reserved gas can only be used towards the end of the contract period; that is, after the year 2001. Since 1985 the reserves of ethane have been fully committed, as we learnt last Friday. Some ethane has been allocated for mixture with methane to form part of the sales gas stream, part has been used in oil recovery and the remainder has been sold to ICI in New South Wales, delivery of which began last week.

Under the February 1994 COAG agreement, the South Australian Government is required to repeal all anti-competitive legislation. The Natural Gas (Interim Supply) Act 1985 contains three sections deemed to be anti-competitive: sections 8, 9 and 11. Section 8 restricts the use of ethane from the Cooper Basin to meeting the needs of the industrial, commercial and domestic sectors within the State; section 9 requires the Natural Gas Authority of South Australia (NGASA) to restrict its activities to South Australia; and section 11 places conditions on the production of natural gas under a petroleum production licence. These conditions are listed in the second reading explanation, so I will not refer to them now.

Secondly, sections 8, 9 and 11 are a restriction to free and fair trade in gas and should be replaced, or that is what COAG decreed. I have some difficulty in agreeing with that. The Act has been identified by the ACCC and some other places as an impediment to free and fair trade in gas and therefore should be repealed entirely. Considering it is late in the evening, I am very pleased to support the Bill and commend it to the House.

The Hon. S.J. BAKER (Minister for Mines and Energy): I thank both members for their contribution to the debate. The changes basically result from the 1994 COAG agreement. There was agreement amongst all States to remove anti-competitive legislation from our books and to remove impediments to competition. One of the areas obviously targeted was the gas provisions of this State. We are now going through the process of determining how we can hang onto our future in terms of gas supplies at the same time as the impediments that are being placed on Santos and the Government as a result of previous agreements and how they can be changed.

The COAG agreement, for the edification of the member for Playford, did recognise the validity of indentures and past contracts. In answer to the honourable member's question, there are 300 petajoules, and the member for Custance has already outlined a number of the aspects that would be of interest to the member for Playford, but 300 petajoules have been reserved. That is in the process of being negotiated. The Act will not be totally suspended until that 300 petajoules is satisfied. That is our remaining right. We are maintaining our right to access the 300 petajoules of gas.

So, we are suspending those sections of the Act which the ACCC and the National Competition Commission believe are uncompetitive. We still have a contract in place which gives us first right of call on the 300 petajoules of reserve gas. The Interim Act was the result of a supply crisis during the 1980s. Certain agreements were reached at that stage; certain price rises were granted at that stage; and certain preserve rights for the State were needed at the time. They have served the State well. We are now going to a process where the Federal Government is requiring a greater level of competition than previously was in place. Therefore, we are removing those elements which we believe are appropriate and which the ACCC and NCC believe are appropriate in order to conform to the national competition imperative. That is basically it.

I would have thought we would have changed some of those arrangements anyway, given that they are outdated and they do not serve the State as well as they may have done at the time. However, the 300 petajoules of reserve gas is still within our bailiwick.

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

WESTPAC/CHALLENGE BILL

Adjourned debate on second reading.

(Continued from 10 July. Page 1918.)

Mr FOLEY (Hart): The Opposition will support this Bill for a speedy movement through the House and the other Chamber. Very briefly, the Bill is clearly designed to assist Westpac in the tidying up of its acquisition of the Challenge Bank of Western Australia. The Challenge operations involve some 20 to 25 employees and, I think, two branches.

We understand that Westpac under existing State charges—taxes, stamp duties, FIDs, milk money and paper money and whatever else—owes the State on paper $1.3 million. Clearly, the payment of those moneys is at the discretion of the Treasurer. I understand that State Treasury in concert with the Commissioner for Taxation has arrived at a figure of $300 000 deemed to be adequate compensation in lieu of full payment. That seems to be a reasonable sum of money given the very small nature of the Challenge Bank's assets in South Australia and, clearly, it is more than appropriate for us to tidy up this very small piece of legislation. With those comments, we give the Government our full support.

The Hon. S.J. BAKER (Treasurer): I thank the member for Hart for his support for the Bill. I think New South Wales are getting it right. I received a note from Michael Egan in New South Wales, for whom I have a lot of time. We share some very interesting incites together on occasions. He is going to have a bank amalgamations Bill so that we do not have to go through this process every time banks amalgamate. I suspect that there will be a continuum of change in the finance industry. These matters are covered under State legislation but they are regulated at the Federal level, and every time there is a change we have to somehow go ahead and make the changes under State legislation. We will get around some of those problems and I think I will go the Michael Egan trip and have a generic Bill and then I can either do it by regulation or force of power of ministerial fiat, which will make life a bit easier, rather than on each occasion, in every State of Australia, going through this process.

Mr Foley interjecting:

The Hon. S.J. BAKER: Yes, there certainly will continue to be change. As I said, I will be looking into a generic Bill which will give us the right under certain strict conditions to allow for these amalgamations to take place. It is a bit of a farce really. We should not have much of a say in it, quite frankly, given that the operation of the banks is controlled

totally from the Federal level through the Reserve Bank and the Commonwealth Banking Act. We are going through the procedures, we are meeting our commitments and I thank the member for Hart.

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

ADJOURNMENT

At 1.13 a.m. the House adjourned until Thursday 25 July at 10.30 a.m.