LEGISLATIVE COUNCIL

Thursday, 19 November 2015

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:17 and read prayers.

Petitions

WATER LEVIES

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 993 residents of South Australia requesting the council to urge the state government to—

1. Remove part (b) of the interpretation of infrastructure in the Natural Resource Management Act 2004 so it cannot be defined to mean dams or reservoirs.

2. Remove Chapter 7, Part 2, Division 2 of the Natural Resources Management Act which restricts the amount of water a landowner can use from dams and reservoirs.

3. Ensure that a water levy cannot be imposed on water captured in dams, reservoirs or rainwater tanks that started out as rainfall.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Auditor-General—Supplementary Reports, 2014-15—
Government Marketing Communications
New Royal Adelaide Hospital

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

Reports, 2014-15—
Police Superannuation Board
SA Metropolitan Fire Service Superannuation Scheme

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

Reports, 2014-15—
Administrator National Health Funding Pool
Country Health SA Local Health Network Inc.
Country Health SA Local Health Network Advisory Council Inc.
Department for Health and Ageing
Health Services Charitable Gifts Board
Lifetime Support Authority of South Australia
National Health Practitioner Ombudsman and Privacy Commissioner
Northern Adelaide Local Health Network
Pharmacy Regulation Authority of South Australia
SA Ambulance Service
SAAS Volunteer Health Advisory Council
South Australian Public Health Council
Southern Adelaide Local Health Network
Southern Adelaide Local Health Network Health Advisory Council Inc.
Veterans Health Advisory Council

Ministerial Statement

STOLEN GENERATIONS REPARATIONS SCHEME

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:20): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.J. MAHER: A person's place in the world—where they have come from, their heritage and their culture—is one of the most fundamental aspects of human identity. It gives us a sense of belonging that informs the very foundations of who we are and how we see ourselves. For many Aboriginal Australians, cultural identity can stretch back hundreds, even thousands, of generations. For members of the oldest living culture on the planet, it is possible to place yourself in a context that stretches further back than most of us can possibly imagine.

But there are many Aboriginal Australians who know little of where they came from because they have been denied the opportunity to know. Forced removals of Aboriginal children from their families, which occurred for many decades of our history in every state and territory of our nation, broke apart thousands of important legacies of history and culture. This is not even to mention the unspeakable human tragedy that forced removals brought upon Aboriginal people.

For those people who are parents, merely imagining the loss of your child is capable of reducing you to tears, but you do not have to be a parent to have a tremendous amount of empathy for anyone who loses a child to a tragedy, an illness or an accident. I would venture to say that we have all known someone or heard the story of someone who has experienced the terrible suffering of losing a child, and by imagining ourselves in their place we can easily get a sense of the unbearable grief that would cause. Even just a hint of that profound sense of loss is painful.

It is that loss and grief that too many Aboriginal families have endured. The brutality of the act of stealing a child away from their family is almost too great to comprehend. It goes against our most fundamental human values. It is quite simply unthinkable. It is unthinkable knowing that past governments were not only complicit but, in many cases, direct perpetrators of cruel acts that ripped Aboriginal families apart, often never to be reunited.

It is unthinkable knowing what this has done to families, entire communities and an entire people. It is unthinkable knowing that we as a nation robbed thousands of children of the fundamental human right to grow up in a loving environment and a belonging environment. It is unthinkable knowing that we as a nation desecrated and denigrated tens of thousands of years of Aboriginal history by denying those children the opportunity to know their cultures, their language and their identity.

It is unthinkable knowing that as a nation we condemned them to live lives of hardship and deprivation in institutions to which they were taken. It is unthinkable knowing that we as a nation deprived them of the freedom to live their own lives, instead forcing them to live lives that were chosen for them. Most disturbing of all, it is unthinkable knowing that successive governments in our nation were capable of endorsing the act of ripping children out of their crying mothers' arms and leaving them with absolutely no power to do anything about it. It is a disturbing part of our history that should not be forgotten.

Imagine that you cannot speak English and some strangers show up in a truck and take your child with no court order, giving no explanation you can understand, leaving you with no documentation as to what they have done, and leaving you with no trace of the children that only moments before were a crucial part of your family and of the future history of your ancient culture. Now they are gone and you have no idea where. You do not have a phone, and even if you had one you would not know who to call. Even if you knew who to call, it is likely you would not speak English, so you would not be able to talk to anyone.

This is how powerless many Aboriginal mothers were when their children were taken away. In today's society, the fact that it all happened beggars belief, but it happened. It happened in our state and across our nation not even so long ago and certainly well within the lifetime of some of the members of this place.

It is essential that we acknowledge the effect that forced removals of Aboriginal children have had, not only on the individuals, families and communities who suffered, but on the whole Australian community. Whether we accept it readily or stubbornly deny it, forced removal policies are a glaring stain on our national identity, and the suffering caused by these policies is far from being limited to the individuals who were directly affected—whole, entire communities were devastated.

The life of a nation is much longer than the lives of its generations. Long after the last person who was forcibly removed from their family as a child has passed away, the harmful effect of these policies on our community will remain. The suffering caused by forced removals manifests itself in many ways in our shared social life; in ways that we can prove and in other ways that we cannot.

The damage to Aboriginal culture as a whole in many ways is untraceable but it is undeniable. We cannot change our history but we can face up to it and we can do what is within our power to both change the way our history is regarded and to ensure that we create a better future, especially for the Aboriginal South Australians who were affected by forced removals, and for their children and their children's children.

Over the past couple of decades, as a society we have taken many steps in the direction of taking responsibility for the wrongs of the past. Twenty-three years ago next month, the then prime minister Paul Keating acknowledged this in his Redfern speech. He said:

> We took the traditional lands and smashed the traditional way of life. We brought the diseases. The alcohol. We committed the murders. We took the children from their mothers.

Prime Minister Keating then established the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families. Two days after the Bringing Them Home report was tabled in federal parliament in May 1997, the then South Australian minister for Aboriginal affairs, Dean Brown, led this parliament in saying sorry. He said:

> To the children who were taken from their mothers and fathers, to the mothers and fathers who watched in pain as their babies and children were taken from their side or from their schools. To these people, we apologise.

More than a decade passed before the federal parliament did the same thing. Kevin Rudd, on behalf of the nation, in recognising this said:

> The hurt, the humiliation, the degradation and the sheer brutality of the act of physically separating a mother from her children is a deep assault on our senses and on our most elemental humanity.

That apology had a profound impact on properly acknowledging and recognising the immense pain that these wrongs have caused for those who have suffered and for those who continue to suffer.

Today we take another step in the direction of facing up to past wrongs. The state government has today announced a Stolen Generations Reparations Scheme, including ex gratia payments for members of the South Australian Stolen Generations.

I wish to acknowledge members in this chamber, particularly those who serve on the Aboriginal Lands Parliamentary Standing Committee who have championed this cause. I also want to thank the shadow minister for Aboriginal affairs, the member for Morphett, Dr Duncan McFetridge. On this and a range of issues, Duncan and I have worked very closely together in a constructive way; a way that I think most people would expect and hope that the political process would usually operate.

Most of all, though, I want to thank members of South Australia's Stolen Generations who have patiently shared their stories, hopes and visions with me this year. Meetings facilitated by the Aboriginal Legal Rights Movement, meetings with small groups and meetings with individuals have been difficult and emotional but extremely helpful in guiding the development of this scheme. This scheme encompasses some elements found in bills that have previously been introduced and also incorporates elements of the reparations scheme operating in Tasmania.

Under the Next Steps—Stolen Generations Reparations Scheme, South Australian members of the Stolen Generations who were forcibly removed from their parents will be eligible for an ex gratia payment of up to $50,000. An application will be made to an independent assessor and individuals will be able to meet with and speak directly to the independent assessor about their experiences.

Many have told me of the importance for recognition of what happened. The independent assessor will provide advice to the government about the making of a payment and the level of a payment. Any individual who receives an offer will be provided with $1,000 to seek legal advice about whether to accept it. If the offer is not accepted an individual can still pursue legal action through the courts. The scheme will commence operation on 31 March 2016 and individuals will have 12 months in which to apply.

The government has set aside up to $6 million for individual reparations. The second part of the scheme will extend to the broader Aboriginal community, with a $5 million whole-of-community reparations fund. Many members of the stolen generations have made it clear to me that while individual compensation is important, it is not the only, or even the most important element of the next steps.

Although a number of ideas have been put forward already, we will continue to listen to the community on what and how we can best recognise the grief, the loss and the pain whole communities have endured.

No amount of money will ever be enough to undo the wrongs of the past, but it is an important offer we will be making to those members from our community—stolen from their family by past governments—as recognition of these wrongs.

We have said sorry. Now it is time to take the next steps. The next steps to recognising the pain and loss that was caused, the next steps to making South Australia a more inclusive place and the next steps on from saying sorry.

Question Time

REPATRIATION GENERAL HOSPITAL

The Hon. S.G. WADE (14:30): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation some questions in relation to state heritage places at the Repatriation General Hospital.

Leave granted.

The Hon. S.G. WADE: Yesterday, the government launched an expressions of interest process as they tried to sell off the Repatriation General Hospital site. A plan included in the expression of interest documentation indicates that the government plans to sell off seven of the 10 heritage-listed buildings on the campus. This includes selling the old guard house and all of the 1940s-era buildings that face onto Goodwood Road. The government also plans to sell off the SPF Hall, a building that was paid for with funds raised by South Australian schoolchildren and the Red Cross during the Second World War.

More than two months ago—on 10 September 2015, to be precise—I asked the minister to explain the processes that the government had followed to determine which of the Repat's heritage would be retained and which would be sold off. In reply, the minister said he would take further advice on that matter and bring back a cross-government response. Two months later, I do not believe that I have had a response. My questions to the minister are:

1. When will the cross-government response be provided?

2. Do I take it from the minister's comment about a cross-government response that he has been involved in the process of identifying heritage assets to be disposed of as heritage minister?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:32): I thank the honourable member for his most important question. As he has raised this issue in the past, and as I have indicated to the chamber, I will be seeking a response across many agencies of government that are impacted by this. I will bring back that response when it is prepared.

ABORIGINAL AFFAIRS

The Hon. R.I. LUCAS (14:32): I seek leave to make a brief explanation prior to directing a question to the Minister for Manufacturing on the subject of Aboriginal affairs.

Leave granted.

The Hon. R.I. LUCAS: In February 2014, the former minister and the Premier released the Labor Party's Aboriginal Affairs policy. The press release was headed, 'Partnerships to support Aboriginal economic prosperity.' In the accompanying documentation from the Labor Party's policy statement it said, in part, under the heading 'Labor will work with Aboriginal communities to:'

> …Seek to partner with Jawun to build capacity and cultivate business in Aboriginal communities encouraging economic activity and creating jobs.

In the costing document, there is a reference to this particular policy initiative over the four years of forward estimates costed at just over $1 million. My question, given the current minister's longstanding involvement and interest in Aboriginal Affairs policy for the Labor Party is:

1. Was the current minister involved with the former minister, minister Hunter, and his ministerial staff in the process of developing this particular policy?

2. If so, what was the original intended purpose of the $1 million as outlined in the Labor Party's policy platform that it took to the election in February 2014?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:34): I thank the honourable member for his question, and it is quite a simple answer: no, I wasn't involved in the formulation of this particular policy.

ABORIGINAL AFFAIRS

The Hon. R.I. LUCAS (14:34): Supplementary question: is the current minister aware of the original purpose of the grant to Jawun?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:34): I will see if I can find that information for the honourable member and bring back a reply.

SA WATER

The Hon. J.S. LEE (14:34): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about the Annual Report of the Energy and Water Ombudsman SA.

Leave granted.

The Hon. J.S. LEE: In his Annual Report for 2014-15, the Energy and Water Ombudsman stated that:

> Billing, sales and marketing and credit management were the top complaint issues this financial year. Of concern, credit management issues increased by 25 per cent when most other complaint categories declined. This may indicate that more customers are experiencing difficulty in paying for energy and water or [are] unable to negotiate suitable payment arrangements with their suppliers.

The report further outlined, under the heading 'Credit management—financial hardship', that the results highlighted that the percentage of hardship cases in the metropolitan north was the highest, with 31 per cent of total complaints. This is higher than the area's share of the state population at about 25 per cent. My questions to the minister are:

1. With credit management issues identified as the top complaint category, when will the government address the high cost of utilities in South Australia?

2. With the northern suburbs recorded as one of the highest complaints areas in South Australia, how will the government address the cost of living pressures for the most vulnerable people and families living with financial hardship?

3. What measures and targets have been put in place by the government to ensure that the credit management issues are addressed promptly?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:36): I thank the honourable member for her most important question. I do need to explain to her, though, why the premise of her question is completely wrong, and I will do that in the course of my answer.

SA Water has implemented several initiatives aimed at providing assistance to customers, including targeted assistance to customers experiencing financial hardship through its Customer Assist program, water and sewerage concessions to eligible property owners on behalf of the government and flexible ways to manage water usage. SA Water has provided tailored support and assistance to approximately 7,000 customers, I am advised, who are experiencing financial hardship through its Customer Assist program.

SA Water is continuing to improve this program by implementing early identification strategies to ensure that hardship customers are identified and receive necessary support early in the debt cycle; providing training for SA Water's customer service staff to easily identify early indicators of hardship; attending community events to promote the Customer Assist program and affordability issues for customers; and implementing the Free Plumbing program to enable hardship customers to maximise the water efficiency of their homes.

These initiatives have assisted SA Water to actually get out into the front line and talk to customers, in many cases before they actually experience difficulties with paying their bills, and to offer customers right up-front some assistance if they think into the near future they could take advantage of these customer hardship provisions and supports the agency is providing.

The number of customers fluctuates each month, depending on SA Water's billing cycle, which has a major effect on when customers join or complete the program. SA Water has recently implemented an early intervention strategy which, as I said just now, is expected to see a continuing increase in metro and regional customers participating in the Customer Assist program. That is because of proactive engagement by SA Water. Rather than waiting for people to get into difficulties and trying to help them sort them out, SA Water is actually engaging with customers early up-front and encouraging them to participate in some of our assistance programs.

I am advised that the average debts of customers participating in the program continues to increase as customers with lower debts or those who have completed the program are being replaced by new customers with higher debts. That is just an axiomatic outcome, indeed, of assisting customers to come out of debt and getting new customers coming through the system.

As part of SA Water's water industry retail licence issued on 1 January 2013 by the Essential Services Commission of South Australia, SA Water is required to participate in an industry ombudsman scheme, as the honourable member outlined. Eight water authorities are members of the Energy and Water Ombudsman SA (EWOSA) scheme, with two new water members joining during the last financial year, I am advised.

EWOSA is an independent body established to facilitate the resolution of complaints and disputes between customers of energy, water and waste water services and the providers of those services. On 29 October 2015 EWOSA released its annual report for 2014-15. I understand the number of inquiries and complaints about water and waste water services remained at a very low level compared with those relating to energy services.

Of the 12,355 cases received by EWOSA in 2014-15, 638 cases were related to SA Water services. That is just 5.165 per cent of the total. It is worth repeating, for the honourable member's interest, that of the 12,355 cases received by EWOSA in 2014-15, only 638 cases were related to SA Water services. Of the 342 complaints requiring referral to SA Water, 13 complaints related to financial hardship, which is just 3.8 per cent. During 2014-15, SA Water provided assistance to an average of 3,052 customers per month suffering financial hardship under its Customer Assist program. I am advised that the average time a customer was registered on the program was approximately 343 days, and the average debt per customer was approximately $1,500.

SA Water advised that it continues to address initiatives to improve this program by implementing early identification strategies to ensure that hardship customers are identified and receive necessary support early in the debt cycle (I have already covered off on that), providing training for SA Water's customer service staff to easily identify early indicators for hardship, attending community events to promote the Customer Assist program and affordability issues for customers and implementation of the free plumbing program to enable hardship customers to maximise the water efficiency of their home, as I just mentioned.

I understand that the EWOSA annual report references a 6 per cent reduction from the previous financial year in the number of inquiries received for SA Water. Overall, the number of

complaints requiring referral to SA Water decreased by 5.62 per cent on 2014-15, and the most common case type for 2014-15 received by SA Water remains their billing of customers.

So, it is worthwhile the honourable member reflecting on the tone of her question and her preamble, trying to engender some sense of emergency or panic when there is none. In a proactive and useful way for our customers, what SA Water is doing is engaging with them early before they get into difficulties and encouraging them into our assistance program and also training their customer service staff to more easily identify people who would benefit from that assistance program. Encouraging people into the assistance program is a worthwhile thing to do, not something to complain about, because we are giving our customers a much better service and trying to help them avoid getting into large debt by entering into time repayment billing processes.

THREATENED SPECIES

The Hon. J.M. GAZZOLA (14:42): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister update the chamber on the South Australian government's initiatives to halt and decrease the number of threatened species and raise awareness within the community about this important work?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:43): I thank the honourable member for his most important question. South Australia has a quite diverse range of species across the state, many that we share with other jurisdictions but also quite a number of endemic species. Australia is one of only two developed megadiverse countries in the world, I am advised, countries with extremely high levels of biodiversity, and these plants and animals are essential to our identity and wellbeing, as well as our long-term economic prosperity. I see a quizzical look on the face of the Hon. Mr Parnell. He is bound to ask me a supplementary about what the other country is; it is the USA, Mr Parnell.

The fight to halt the growing numbers of species that are threatened with extinction is a significant part of the work the Department of Environment, Water and Natural Resources undertakes. An important part of this work is achieved through strategic partnerships and raising awareness in the community about the importance of such efforts.

The Bounceback program is one fantastic example of how the state government is partnering public and private land managers across the Flinders, Olary and Gawler Ranges. It was the first such conservation program in the state that brought together pastoral, Aboriginal, non-government and government land managers to oversee entire landscapes. The benefits of such a collaborative approach include protecting important species and sites of cultural significance to Aboriginal people, the recovery of a number of threatened species, including the iconic yellow-footed rock wallaby, and making pastoral businesses more viable.

An exciting development in the Bounceback program has been the establishment of a major public-private environmental partnership with the Foundation for Australia's Most Endangered Species (FAME). This will see an additional investment of $1 million of privately sourced funds flow into the Bounceback program to support the return of the local extinct western quoll and common brush-tailed possum to the Flinders Ranges. I understand the common brush-tailed possum has just been reintroduced and is doing very well, according to the latest reports.

A further example of the innovative initiatives that the government is involved in to protect threatened species is Goanna Watch. This is a recently launched public campaign to gather information about, and track the status of, the heath goanna, one of our state's endangered reptiles. Goanna Watch is a fantastic partnership initiative that was conceived in 2014 between the Adelaide and Mount Lofty Ranges Natural Resources Management Board and the Discovery Circle. It was co-funded by the state government, the Adelaide and Mount Lofty Ranges NRM Board, the Marion and Salisbury local councils and the University of South Australia.

The Cleland Wildlife Park joined the Goanna Watch partnership in 2015 with the addition of two Rosenberg's goannas to their collection. People are being encouraged to report any sightings, including location and photos, if possible. I understand—and I hope they are still in stock; I probably should not raise this—there are some very handy fridge magnets for Goanna Watch with a Goanna Watch phone number to call, which encourages people to get involved in this very useful program.

Each of these programs illustrates how we can and indeed must play an important role in the protection of our native flora and fauna. The intervention required to halt our biodiversity decline will take dedicated planning, innovation and endeavours across government, the private sector and the public sector.

Ongoing decline will see not only the loss of species that are culturally and ecologically important to the state, but also lost tourism and lifestyle opportunities, deteriorating water and air quality and lower primary production. I would therefore like to take this opportunity to congratulate DEWNR staff and other partners and members of the community who were involved in making these programs so successful and look forward to an ongoing partnership with them all into the future.

NUCLEAR WASTE

The Hon. M.C. PARNELL (14:46): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about a proposed nuclear waste dump in South Australia.

Leave granted.

The Hon. M.C. PARNELL: As members know, the commonwealth government's search for a site for a proposed radioactive waste dump has been narrowed to six sites, three of which are in South Australia. Two of the sites are near Kimba and one site, Barndioota, is north of Port Augusta. In relation to the Barndioota site, there has been some commentary in the media around the interest in the property of former Liberal Senator Grant Chapman. However, Mr Chapman does not own the land. The land is actually owned by the state and is the responsibility of the minister. It is apparently leased to a company that is part owned by Mr Chapman.

According to a Lands Titles Office search, the land in question is a perpetual crown lease under the Crown Land Management Act 2009. This means that it is owned by the state and merely leased to the current occupiers. The rental is a massive $111 per year for 6,280 hectares.

Despite the existence of a perpetual crown lease, the minister has the ability under section 38 to resume the land (or part of the land) at any time provided he gives three months' notice and pays compensation to the affected leaseholder. The minister has ultimate control over how this land is used.

Under the South Australian Nuclear Waste Storage Facility (Prohibition) Act 2000, the construction of a nuclear waste storage facility is against the law. It is also illegal under section 13 of that act for any public money to be appropriated, expended or advanced to any person for the purpose of encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in the state. My questions of the minister are:

1. Does he support state government owned land being put forward by lessees for a nuclear waste dump in contravention of his party's policies and in contravention of the South Australian Nuclear Waste Storage Facility (Prohibition) Act 2000?

2. What action will the minister now take to prevent this crown land being used for a radioactive waste dump?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:49): I thank the honourable member for his most important questions. The Australian government established the National Radioactive Waste Management Facility project in 2014 to implement Australia's radioactive waste management policy. Earlier this year, landholders in all states and territories were invited, I am advised, to voluntarily nominate for this facility to be built to dispose of Australia's low level waste on their land. I understand the Australian government received 28 nominations between March and May 2015.

On 13 November 2015, the Australian government announced that six potentially suitable sites would be part of a community consultation process to determine a short list of two or three sites. The six sites are: Sally's Flat in New South Wales, Hale in the Northern Territory, Cortlinye in South Australia, Pinkawillinie in South Australia (I think that is on the Eyre Peninsula), Barndioota in South Australia and Oman Ama in Queensland.

I understand that over the next 120 days, the commonwealth Department of Industry, Innovation and Science will be consulting with local stakeholders with an interest in these sites. I also understand the federal government expects a final site being identified before the end of 2016. I am advised that the sites at Cortlinye and Pinkawillinie (near Kimba) are privately owned freehold land, but the third site (situated at Barndioota, outside of Hawker) is a perpetual crown lease (Crown Lease Volume 1215 Folio 28). I understand the lease is for agriculture and personal residence and consists of 6,280 hectares.

The royal commission currently underway in South Australia will look at the opportunities and risks associated with the nuclear sector. We want all South Australians to be able to explore this complex and often emotive question, to look at the practical, financial and ethical issues raised by the prospect of greater engagement in this sector in the state. There will be a wide range of views and evidence taken as part of this process, that is fairly obvious, and many are deeply held, of course, but this process will allow everyone to have their say and to have evidence assessed to inform the public debate. That is important. I think public debate is at the heart of this matter.

There are significant factors to take into account, including of course the current legislative provisions of the Nuclear Waste Storage Facility (Prohibition) Act 2000. Those provisions would mean that the use of crown land, I am advised, would be prevented at this stage. I am confident that the royal commission will allow the facts to be presented in a way which enables all to engage in what is an important debate for our state's future. I encourage all honourable members and, indeed, members of the community who have a strongly held view on these matters, to ventilate them with the royal commission so that we can all be a part of this very important and informed discussion.

NORTHERN ADELAIDE IRRIGATION SCHEME

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:52): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray questions about the Northern Adelaide Irrigation Scheme.

Leave granted.

The Hon. D.W. RIDGWAY: On Tuesday 17 November, a joint press release was issued by the Minister for Water and the River Murray and the Minister for Agriculture, Food and Fisheries in the other place. It identified up to 20 gigalitres of additional recycled water from the government's Bolivar Waste Water Treatment Plant that could be used by growers in the Northern Adelaide Plains region, predicting that it could create up to 1,000 primary production jobs.

I note in the press release that the minister claimed that the Liberals were late to the party on the Northern Adelaide Irrigation Scheme. It has obviously skipped the minister's attention that the South Australian Liberal Party had a policy at the 2014 election to commit $6 million to the Northern Adelaide Irrigation Scheme project. In the press release, the Minister for Agriculture, Food and Fisheries said that he has been calling on the federal government for funding for this project for over a year.

It seems ridiculous that the two ministers couldn't collaborate to at least match the $6 million the Liberals promised in the election campaign, from their respective budgets, for a project that their own press release predicts would create up to 1,000 primary production jobs. It is interesting to note that in this time (a bit over 18 months since the election) the government has not been afraid to waste taxpayer dollars on dead ends, political propaganda and cheap headlines; for instance, $10 million to entice OZ Minerals to relocate its headquarters here, while also laying off a number of contractors; $8 million over four years on the ministerial office of Martin Hamilton-Smith; and $160 million on the O-Bahn extension for a saving of just a few minutes.

It is reported they spent $1 million on an update to the EPAS system which was never installed; hundreds of thousands of dollars were spent to send 84 public servants on a holiday as part of the Premier's trade delegation to China; $236,000 to rent police stations that will remain empty for the next 18 months; and $120,000 wasted on sending letters to pensioners criticising the federal budget. South Australia has the highest unemployment in the country and the state government is sitting on its hands refusing to commit any of its funds to a project that the government itself predicts will create up to 1,000 jobs. My questions of the minister are:

1. How much funding has the state government itself committed to the Northern Adelaide Irrigation Scheme?

2. If no funding has been committed, why has the state government not taken the initiative to match the Liberals' $6 million spend, as promised at the last election, to create up to 1,000 primary production jobs?

3. Given the government is predicting this project could create 1,000 jobs in the state's northern suburbs, can the minister confirm that the state government has made a formal application to the federal Department of Agriculture and Water Resources for funding for this project?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:55): I thank the honourable member for his very important question. I guess I should say at the outset in his preamble in trying to rebut the government's position that this is an old, stale, copied idea, which is actually a very good idea because it is ours, has just highlighted the point that it is very old because it is a recycled Liberal Party election policy from the last election, not even a new policy that the Leader of the Opposition in the other place highlighted in his little jobs plan that he put out this week.

It was a couple of photocopied pages with some press releases tacked to the back of them, and I suspect that someone in his office did not understand, because one of those press releases must have been one of mine from a previous statement about the Northern Adelaide Irrigation Scheme (NAIS) and they have just adopted it. But credit where it is due. He saw that it was a great idea that we were putting out and he slipped it into his own job statement.

That is fantastic. We like to encourage the opposition to think more broadly and, if they need to pinch one of Labor's policies to show they actually have a plan, that is fine too. We are not precious about it, if they want to adopt our plans, we are very happy. The Northern Adelaide Irrigation Scheme project aims to expand the use of recycled water from the Bolivar Wastewater Treatment Plant for horticulture irrigation on the Northern Adelaide Plains.

Members interjecting:

The Hon. I.K. HUNTER: Just hang on, there is more to come for you, but let me get some background information. It is very important you understand the background to this. The expansion of recycled water aligns with this government's premium food and wine from our clean environment and exported to the world strategic priority and supports the development of the Northern Adelaide Industrial Food Park which is included in our 2015-16 budget. There is just one issue for you.

It will support economic development, including job creation, and is a more sustainable use than ocean disposal. The NAIS has been identified in the federal Agricultural Competitiveness White Paper 2015 as a project having potential. I understand that the existing Virginia Pipeline Scheme currently supplies approximately 17 gigalitres each year to around 350 customers for horticultural irrigation.

The NAIS represents the opportunity to provide an additional 20 gigalitres per annum of recycled water for intensive horticulture and primary production on the Northern Adelaide Plains. By optimising the operation of the existing Bolivar Dissolved Air Flotation Filtration plant, 8 gigalitres of recycled water can be made available each year during winter. By increasing the treatment capacity at the Bolivar Wastewater Treatment Plant, an additional 12 gigalitres of recycled water will be made available each year resulting in a total of 40 gigalitres of recycled water each year and 100 per cent re-use of treated wastewater from Bolivar.

I am told the Virginia Pipeline Scheme is currently at maximum capacity during summer but has the ability to transport approximately an additional 3 gigalitres during winter. In order to make the winter recycled water available for irrigation during summer it needs to be stored. One method of storing the winter recycled water and making it available during the summer months is to inject the recycled water into the aquifer during winter and extract it during summer—a process known as Managed Aquifer Recharge (MAR) which we do in Adelaide.

Two investigation bores have been drilled at a site in Two Wells to enable feasibility assessments and technical evaluation to occur. No recycled water has been injected into the aquifer; however, these bores are capable of becoming production bores into the future. I understand there is concern within the Virginia and Two Wells communities regarding the use of the aquifer for recycled storage, and this concern specifically relates to how the recycled water proposed to be stored in the aquifer may impact native groundwater and, therefore, water used for domestic purposes in a few dwellings.

There is no potable water supplied by SA Water in the area surrounding the proposed MAR scheme. No more work has occurred on site since the bores were drilled, and I understand that no recycled water has been injected into the aquifer to date. I further understand that SA Water has begun engagement with the Northern Adelaide Plains communities to identify acceptable options and possible locations for recycled water storage in the Northern Adelaide Plains.

As part of the community engagement strategy, briefings have been provided to key industry groups, the City of Playford, the District Council of Mallala and involved government agencies. A series of eight community information sessions have been held for SA Water to share information about NAIS and potential storage options. These sessions have allowed community members to express their views and concerns about what should be considered in selecting storage solutions. The next step in the community engagement process will be to establish a committee to work with SA Water to establish a master plan for recycled water in the Northern Adelaide Plains.

I am advised that in parallel to these community sessions, SA Water has opened an expression of interest process to elicit proposals to deliver up to 20 gigalitres of additional recycled water each year. I understand that this recycled water will be made available to Bolívar Wastewater Treatment Plant for irrigation or primary production areas in the Northern Adelaide Plains.

Final proposals from shortlisted EOIs received will be required to take the outcomes of the community engagement process into consideration. SA Water will work closely with the Department of State Development and the Department of Primary Industries and Regions SA to assess which proposal will provide the most sustainable and economic benefits for this state.

As I said, the Liberal opposition leader released his job stimulus package earlier this week and on the face of it, it would seem that the opposition leader has finally heard some feedback from South Australians; it is about time. Feedback that South Australians are not after constant negativity from the opposition. Feedback that South Australians have had enough of the opposition constantly talking down the future of the state. Feedback that instead, South Australians want the Liberal Party to engage in constructive debate about policy which will ensure the future prosperity of our state.

Unfortunately, a closer inspection of the package that the opposition leader produced this week for media consumption shows that those opposite have learnt absolutely nothing at all. They continue to be a party without ideas and without a plan for this state, except in one respect and that is the respect that I talked about earlier. When they are not rehashing the same old ideas, the same old failed policies that never saw them get elected, they are borrowing from government. The Hon. Terry Stephens says, 'Tell us about our successes.' In his case, imitation must be the most sincere form of flattery. He is happy to imitate the government plan—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: It is totally out of order. Allow the minister to finish answering the question you have asked.

The Hon. I.K. HUNTER: Thank you, Mr President. I do apologise for the Hon. Mr Stephens' behaviour. It is unseemly of him.

The PRESIDENT: Just go on with your answer, minister.

The Hon. I.K. HUNTER: It is indeed shameful, but we will let him get away with that today. As I say, imitation is the sincerest form of flattery. They have no original ideas of their own. They take ours. I am not being churlish about it. I am happy to offer it to them, because we only want the best outcomes for this state. I welcome the opposition's support for one of the government's priorities, the Northern Adelaide Irrigation Scheme. The project will be a fantastic opportunity for the region. As I said, it will provide an additional 20 gigalitres per annum. We should be able to bring it about, and we want to involve the private sector, crucially.

All these guys come up with is some idea to splash cash around and come up with a solution. They have no idea about the amount of research that needs to go into it, no idea about the community consultation that is required, and no idea about actually finding where the forward contracts are going to come from. That is why, crucially, you need to involve the private sector. That is why we have gone down a process of looking for an expression of interest to elicit proposals to deliver that 20 gigalitres of additional water through winter.

As I said, we are expecting those expressions of interest to close this month. I encourage any water users in the area who want to make access for that water, want to form some collectives to actually put in place the infrastructure that is going to be needed to store it and utilise it in the dry months, to come forward and put their propositions to government through that expressions of interest process.

As I said, the state government has submitted the project to Infrastructure Australia and the National Water Infrastructure Development Fund for support from the federal government, and I am very pleased and hopeful that the federal government will recognise the potential of the project, which has been identified in the federal Agricultural Competitiveness white paper 2015 as a project having potential.

I had a discussion with Senator Anne Ruston and minister Barnaby Joyce on this very subject only a few weeks ago and told the two ministers of our interest in working with them in a cooperative way to see this project come to fruition. This is a state government working cooperatively with a federal Liberal government. We would love to be able to do it with the opposition here, but all they are interested in is negativity, bagging the state, driving down confidence. We will get on, we will work with the federal government to deliver for our state.

NORTHERN ADELAIDE IRRIGATION SCHEME

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:04): I have a supplementary question. I do hope the answer isn't as long-winded as the first one. Given the press release that the minister had his name to, that he had been calling on federal government to fund this project for more than a year, can the minister confirm when a formal application was lodged for funding from the Department of Agriculture and Water Resources? When?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:04): That is a very interesting question which I will take to the responsible minister in the other place and seek a response for the honourable member.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: —order this instant! Just behave yourself.

NORTHERN ADELAIDE IRRIGATION SCHEME

The Hon. J.S.L. DAWKINS (15:04): Supplementary question: in the minister's answer he mentioned the community consultation that has taken place in the Playford and Mallala council areas. Given the existing irrigation infrastructure that exists in the areas of the Light Regional Council adjacent to Playford and Mallala, have there been any consultation sessions in the Light Regional Council area?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:05): I do not have advice from SA Water about running engagement strategies in that area, but I can inform the honourable member and this chamber that, in fact, the cabinet, which was recently in the Barossa, received a delegation of local government mayors, officers and officials who spoke to us about this very situation. Of course, we have the BIL project up in the Barossa and the Virginia pipeline further over to the west. This project, the Northern Adelaide Irrigation Scheme, has the potential—

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: —has the potential, and I will leave it at that, to link up those two existing schemes to drive extra efficiencies for the region, further growth in agricultural production—

The Hon. J.S.L. Dawkins interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —and, of course, jobs for South Australians in the north of Adelaide. But, again, all you hear from the opposition is criticism, and 'We were robbed, it was our idea and you stole it from us.' All they have admitted to today is recycling old, failed Liberal plans that fail them at every single election, and to help them out I have let them take on one of our ideas. All power to you. Embrace it and come and work with us.

The Hon. J.S.L. Dawkins: You're a fool.

The PRESIDENT: The Hon. Mr Dawkins, I do not think that was very parliamentary.

The Hon. J.S.L. Dawkins: I withdraw it.

The PRESIDENT: Thank you. The Hon. Mr Ngo.

BUSINESS TRANSFORMATION VOUCHER PROGRAM

The Hon. T.T. NGO (15:06): I have a question for the Minister for Manufacturing and Innovation. Can the minister tell the house about the government's Business Transformation vouchers and how they are growing South Australian business and industry?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:07): I thank the honourable member for his important question and continued interest in programs designed to support industry in South Australia. The South Australian government's Business Transformation Voucher Program was established in 2014 to support South Australian companies to improve their efficiency, productivity and international competitiveness. We have committed $4.5 million to this program, which will run until June 2017, to support business growth and businesses growing their market share and, in turn, having a positive impact not only on retaining jobs in the economy, but establishing the right conditions to create new industries and jobs in the future.

The program is targeted at companies to assist them in accessing specialised expertise, to identify business and manufacturing process improvements, marketing and brand strategy, business model development, business planning, management training and mentoring, export readiness, and implementing business review recommendations.

I can advise the council that in the most recent round of grants, $160,000 was awarded to a number of successful applicants. Electrolux Home Products is a leading South Australian manufacturer that has been manufacturing quality products since 1853. I am advised that the company currently employs over 500 staff at its Dudley Park manufacturing facility.

I had the opportunity to visit the Dudley Park site earlier this year and was impressed by the world-class facility and, in conversation with the general manager, Ed Lawley, was pleased to learn that the company is continuing to perform strongly in this state. Electrolux has five oven assembly production processes that consolidate into one line for testing and packaging, and it is expected that around 290,000 individual units will be processed through the plant each year.

The $50,000 grant provided to Electrolux will deliver a project with Sage Automation to identify operational improvements to the production line which is anticipated to enable the company to increase its efficiency and capacity. I look forward to learning of the progress of this project when I next have the opportunity to visit the facility.

Eire Cafe was established in 2013 and specialises in the manufacture of artisan chunky-style pies that are sold raw-frozen. The company was successful in its application for a grant of $25,000 with Baker Marketing to develop a strategic marketing plan. Also, Moo Premium Foods was established in 2005 and has developed its wide range of premium flavoured yoghurts and puddings to now supply nationally to supermarkets, independent retailers, cafes and hotels.

The government has provided a $35,000 grant to Moo Premium Foods for a project with SAGE Automation. SAGE will provide an independent expert review of manufacturing and packaging processes to identify real opportunities to improve the company's operations. I understand a study will be undertaken to investigate the feasibility of establishing a new purpose-built facility that will support the continued growth of Moo Premium Foods into the future.

The Business Transformation Voucher Program continues to support South Australian companies committed to transforming their businesses to improve their efficiency, productivity and international competitiveness. The government is committed to assisting businesses grow their market share and, in turn, creating growth and jobs for South Australians. I congratulate these companies; they are some of the companies who have had successful applications under the Business Transformation Program.

WATER AND SEWERAGE CHARGES

The Hon. J.A. DARLEY (15:10): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray questions about water and sewerage rates for retirement villages.

Leave granted.

The Hon. J.A. DARLEY: As I briefly outlined on 10 February, I understand that at the beginning of the 2014-15 financial year, SA Water sent out individual accounts for some units within a retirement village rather than billing the village as a whole. This was done as the result of a policy decision made by the Valuer-General and saw one village face enormous increases in its water and sewerage rates. I have asked several questions on this in the past and have been advised by the minister that SA Water are investigating the issue. I understand a resolution has now been found. My questions are:

1. Can the minister provide details of the outcome and the resolution?

2. Can the minister advise whether there was an agreement reached with the Valuer-General with regard to having future separate assessments for each unit within a retirement village and, if so, provide details?

3. Can the minister advise what reason, if any, the Valuer-General provided for changing her policy on this matter?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:12): I thank the honourable member for his most important question. As I have said in this place many times now, we were very concerned when the member for Florey and the Hon. Mr Darley approached the government with these issues around retirement villages. At the behest of the honourable member and the member for Florey, Frances Bedford, we investigated the issues that were raised by questions in this chamber or through correspondence.

It is worth going over a little bit of the history. The Valuer-General has formulated a policy that she believes addresses the inconsistent manner in which retirement villages are valued, I am advised. This policy seeks to have all independent living units individually assessed within a retirement village rather than the village having a single assessment.

The Valuer-General has been creating separate assessments for independent living units since 1993, I am advised. To date, 11,000 separate assessments have been completed, approximately half of which are for newly-built retirement villages. This policy was reissued in 2014 following approval from the Valuer-General, who has proposed to conduct the remaining 9,500 independent living units assessments over a five-year period starting from 2016-17

In the past, residents of independent living units generally paid a portion of a single SA Water bill, which was issued to their retirement village. With the Valuer-General's new policy resulting in separate assessments for each ILU, each resident now receives an individual account for SA Water and local government council rates which, in a number of circumstances, has resulted in increased bills for the residents.

As an example, recently 26 separate valuations were undertaken at the Para Vista Lutheran Homes Retirement Village and the financial impact of these assessments ranged from between $60 and $400 extra per annum per unit for water and sewerage services, taking into account each resident's eligibility to receive concessions from the state government.

As a result of this, the government has conducted a review of the policy to ensure that residents are not adversely impacted by this policy change in this way, and I am pleased to advise

that the government has finalised its review of this issue and a solution has been formulated to ensure that existing retirement village residents will not be worse off by this policy.

Effective from 9 July 2015, SA Water has revised all bills issued to the Para Vista Lutheran Homes during the 2014-15 financial year to ensure that they are no worse off due to this change in the assessment methodology by the Valuer-General. SA Water has contacted the Para Vista Lutheran Homes to discuss the new billing arrangements, I am advised, and revised bills were issued and sent out on 10 July 2015.

To ensure impacted residents are not disadvantaged by the Valuer-General's single-assessment scheme, SA Water will levy a limited period Retirement Village Discounted Single Assessment (RVDSA). This initiative will run for a period of 10 years. To allow this to be implemented, the Valuer-General has agreed to not conduct any further separation of assessments on existing retirement villages until 2016-17.

The RVDSA ensures that current residents will not be disadvantaged as a result of individual assessments of independent living units. New villages or villages already subject to a separate ILU assessment will not qualify for the RVDSA scheme. A finish date in 10 years' time has been proposed in order to allow time for the Valuer-General to complete her review. It is expected that many of the existing residents will have left their ILU by this stage, and where the residents have stayed, they will have had 10 years to understand and prepare for the change.

To qualify for the RVDSA scheme, the Valuer-General will assess whether the retirement village is a single property as at 1 July 2015, except for the Para Vista retirement village, which will automatically be included. To support the RVDSA, a memorandum of understanding will be drafted and signed by the Valuer-General and, I understand, SA Water, Revenue SA and the Department for Communities and Social Inclusion. The MOU will support the timely exchange of information and provide proactive and coordinated communication and service standards. The MOU will set out arrangements with respect to:

- a timeline for residents transitioning to introducing separate assessments for ILUs;
- a proactive communication strategy;
- an ongoing communication strategy to ensure all parties are aware of the expiry of the grandfathering arrangement;
- applications for concessions being issued prior to invoices and bills, where possible;
- working with retirement village owners to support their residents;
- timely exchange of data between signatories to assist in identifying impacted residents, including the creation of a new land-use code by the Valuer-General; and
- the service performance expectations for the provision of valuation information from the Valuer-General to SA Water, Revenue SA and DCSI.

It has been a long process. I thank the honourable member and the member for Florey for bringing this to my attention. Through bringing together these different agencies across government we have been able to solve the problem in a pragmatic way which will certainly address the current issues and will have a 10-year lead time for people to get used to the new system of independent living units being separately levied.

STOLEN GENERATIONS REPARATIONS SCHEME

The Hon. T.J. STEPHENS (15:17): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about the stolen generations scheme.

Leave granted.

The Hon. T.J. STEPHENS: I too join my leader, Steven Marshall MP, in welcoming action on the compensation to stolen generations. Also, like my leader, I'm a little disappointed that it has taken so long to get to this particular point. Given the minister has provided a ministerial statement with some brief details, can the minister tell the house:

1. Why has this scheme taken so long to be finalised?

2. Which budget, or where are the funds sourced from to fund the scheme?

3. How many members of the stolen generations has the minister estimated will be eligible to claim in South Australia?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:18): I thank the honourable member for his question and his longstanding interest in this matter, both in this chamber and on the Aboriginal Lands Parliamentary Standing Committee. I'm sure he will remind me if I haven't answered all of his questions in this answer, but I think the first question was the length of time taken to implement this scheme. I think we were determined to make sure we got this scheme right and were not guided by some artificial time limit on doing it. I know there are many aspects of this scheme, and there was a lot of consultation and a lot of different views about how such a scheme should operate.

Individual reparations are important but certainly haven't been the only thing or, as I said earlier, even the main thing many people have talked about. A community reparations aspect, which I think is unique of any scheme that's been introduced or proposed around Australia, I think has been something a lot of people have been calling for. Of course, things should be done as quickly as possible, but I am pleased that this scheme addresses a lot of the concerns that people have certainly raised with me over the last nine months when I've been talking to members of the stolen generations.

In terms of budget lines—and it was a question I had earlier from others about what programs are going to be cut to fund this—this is new money. This isn't taken from a budget line or repurposed: this is new money for this scheme. It is not from the Victims of Crime Fund. This is a new fund with up to $6 million for individual reparations, $5 million for whole-of-community reparations and about $1½ million for administration of the scheme, so that the administration does not come out of the money for reparations.

I think the final question was: how many people might be eligible for the scheme? The best estimation is from the Aboriginal Legal Rights Movement, and there may be up to 300 people who might be eligible. Obviously, not everyone who is eligible is going to apply for the scheme. I know some won't apply at all: there are very deep wounds that I know some will not want to reopen by making an application and going through the process.

There will be others who may not want to use this process but may wish to pursue their legal options and rights through the court system. The best estimates of the ALRM are that there may be up to 300 people who could potentially be eligible to make applications, if that's what they chose to do.

STOLEN GENERATIONS REPARATIONS SCHEME

The Hon. T.J. STEPHENS (15:20): Supplementary question: does that 300 include next of kin? Are you considering next of kin in this?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:21): I thank the honourable member for his supplementary question. The scheme is open to members of the stolen generations—those people who were removed without court order while they were resident in South Australia. For next of kin, other family members and other members of the community who were affected by forced removals in the past, that is what we will consult about with the fund for whole-of-community reparations.

STOLEN GENERATIONS REPARATIONS SCHEME

The Hon. T.A. FRANKS (15:21): Supplementary question: will it include members of the stolen generations who were removed to the Northern Territory?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:21): Once we appoint an independent assessor, we will work on the guidelines and exactly how they will work, but the intention is that it will be Aboriginal people in South Australia who were removed without a court order while being resident in South Australia.

WASTE RECYCLING

The Hon. J.M. GAZZOLA (15:21): My question is to the Minister for Sustainability, Environment and Conservation. Could the minister inform the chamber about South Australia's recycling rates and how the state government plans to increase these rates into the future?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:22): A fantastic question, and I would be tempted to talk about how the Liberal opposition recycles old policies and failures but, Mr President, I will refrain. The week of 9 to 15 November was National Recycling Week—a Planet Ark initiative which is now in its 20th year and which aims to raise awareness of the environmental benefits of recycling.

The Hon. D.W. Ridgway: A fair bit of recycling is going to happen here next sitting week by the sound of it.

The Hon. I.K. HUNTER: If the Hon. Mr Ridgway wants to talk about recycling, Mr President, I can give it to him. How many policies have they had that they have recycled over the last, what, five elections you have lost on the trot? How many policies have they lost, put in the too-hard basket, recycled again, or pinched from somebody else?

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Where are they on their websites from the last election? They seem to always disappear, and that's probably why they forgot what their policies were in the first place. We certainly can't find them; we're not even sure they had any. This is something that South Australians—

Members interjecting:

The PRESIDENT: Minister, sit down. Now listen, I'm going to make sure that the crossbench get their full entitlement of questions. If you are going to consistently interrupt the answers, you will miss out on the questions, not the crossbench. Minister.

The Hon. I.K. HUNTER: Thank you for your protection, Mr President, and I will refrain from the temptations being offered up by the Hon. Mr Ridgway to talk about their failures in the past. I want to talk about something positive, because that is what this government does—a Planet Ark initiative now in its 20th year that aims to raise awareness of the environmental benefits of recycling.

This is something that South Australians have long been aware of, as we can see in our national and world-leading recycling rates. South Australia's Recycling Activity Study 2013-14 shows that 80 per cent of all waste in South Australia, or 3.59 million tonnes of material, is being diverted away from landfill.

This is an extraordinary effort and one that South Australians can all be very proud of. It has prevented the equivalent of about 1.13 million tonnes of carbon dioxide from entering the atmosphere—the environmental equivalent of taking more than 257,000 cars off the road. In order to build on these achievements, the state government has put together the state's third Waste Strategy 2015-20, which I released on Friday 13 November.

The new strategy maps out how South Australia will meet its target of reducing landfill from 2003 levels by 35 per cent. Importantly, the new strategy also aims to capitalise further on the fundamental shift on waste management that we have seen over the recent years.

Increasingly, waste is regarded as a valuable resource. The waste management and resource recovery sector is an important and growing sector of the South Australian economy, and is similar in economic value to the fishing and aquaculture industries.

The sector has an annual turnover of approximately $1 billion. I am advised that it contributes about half a billion dollars to the gross state product directly and indirectly, supporting over 4,800 full-time equivalent jobs. Nationally it is estimated that the waste sector is worth about $14.2 billion per year, and our new waste strategy explores ways of growing the sector by developing and adopting innovative products and services. It sets out three new objectives:

- creating a resource efficient economy that secures the best or full value from products and materials produced, consumed and recovered across the state;
- ensuring a stable and efficient market for investors through clear policy that provides a solid platform for investment decisions; and
- encouraging the South Australian community and businesses and all institutions to continue to strengthen their role in implementing zero waste strategies and programs locally, nationally and internationally.

The waste strategy also sets new targets for diverting waste from landfill, including 90 per cent of metropolitan construction and demolition waste, 80 per cent of metropolitan commercial and industrial waste, and 70 per cent of metropolitan household kerbside waste by 2020.

The key focus of the strategy is to create new jobs by encouraging activity in product development, remanufacturing and refurbishment. Importantly, through this waste strategy we aim to help reduce cost-of-living pressures for South Australians through a rapidly growing momentum of the collaborative economy and through high performance recycling systems, which will help keep council rates lower.

Realising the economic potential from innovation and technology is the overriding ambition of this third waste strategy. We want to take full advantage of the enormous economic potential arising from new technologies and the trend towards remanufacturing. I sincerely thank the many organisations and individuals who contributed comments during consultation for the waste strategy and who have offered input to the state government's planned reforms to the sector.

I think we released recently funding grant rounds for innovation funding through green industries, $300,000 worth of grants—$100,000 to three recipients. From memory, one was for CDL Solutions, and they are trying to make an innovative, mechanised way of sorting containers from the container deposit legislation.

Another one is Aspitech, an organisation that would be well known to members. They are doing great work in assisting in the recycling and pulling apart of electronic waste, so computers, TVs and other digital electronic equipment that I will never touch and never use, but I am sure many members do. If they recycle their iPhones over the years that would be very helpful as well. There was another $100,000 to another organisation, Plastics Granulating Services, and they are involved in more efficient disposal of mixed plastics.

All up, I understand those three projects, the proponents tell us, will for a small amount of government money, $300,000 (which I suppose is not that small) involve another $7 million of private sector investment on top of that. So our contribution is unleashing those innovative potentials, and hopefully they will employ another 70 South Australians through those programs.

So we congratulate them for working in this very important sector, for employing South Australians and for innovating in the technology sense, because waste management is going to be a growing sector for this state. It has been over the last decade, will continue to be and is a very important economic driver for us.

BAROSSA VALLEY

The Hon. D.G.E. HOOD (15:28): I seek leave to make a brief explanation before asking the minister representing the Minister for Planning a question relating to character preservation on Barossa Valley land.

Leave granted.

The Hon. D.G.E. HOOD: My office was recently contacted by a constituent with concerns regarding the Planning, Development and Infrastructure Bill, and the Character Preservation (Barossa Valley) Act that was passed not that long ago. Several constituents have expressed concern to my office about some provisions within the bill and the act, although they are broadly supportive, which impose land use restrictions for the purpose of character preservations and the implications that this act would have on the land that they specifically own.

For example, a particular constituent owns land at Concordia within the Barossa Valley district, which is not sustainable or suitable for agricultural purposes. This is due to a number of

environmental and geographical restrictions unique to the area, and specifically to this individual's particular parcel of land, which makes their land difficult to maintain and unprofitable when used for agricultural purposes. However, despite this, the land is not allowed to be used for other purposes, such as residential purposes, under the Character Preservation (Barossa Valley) Act.

Thus the land is essentially made useless and worthless by the legislation. Whilst this is not true in general terms, it is true for him. In comparison to farmland in other regions, the Barossa Valley land in question produces much poorer yields, causing a significant amount of economic loss to the constituent's family, and you can imagine that that is of grave concern to them. My questions to the minister are:

1. What has the government done to ensure that land in the areas that are subject to character preservation, such as the Barossa Valley district, are in fact agriculturally viable or suitable for some other legitimate purpose?

2. Is the government considering amendments to address oversight in their planning policy which has caused considerable loss to individuals in areas that are subject to character preservation regulations or other restrictions?

3. Will the minister consult with members of Concordia and meet other rural communities within character preservation areas to hear their concerns?

4. Will the minister agree to meet with this constituent or one of his representatives in order to see whether a solution can be formed?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:30): I thank the honourable member for his most important questions. On behalf of his constituent in the Barossa Valley, I undertake to take that question on notice for the Minister for Planning in another place and seek a response on the honourable member's behalf.

SA WATER

The Hon. J.S.L. DAWKINS (15:31): My question is directed to the Minister for Water and the River Murray. I refer the minister to the answer he gave in this place yesterday regarding the removing of the processing of cheque payments for SA Water bills from South Australia to Victoria. Given the minister's answer, can he advise whether SA Water has investigated opportunities for keeping this service of processing cheque payments for SA Water within South Australia? If not, will he commit to directing SA Water to look into keeping this business in our state, even if it means them changing their banking agency?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:31): I thank the honourable member for his most important follow-up question from yesterday. It is indeed an issue that is important to me. I sympathise and empathise with the honourable member because I also pay my bills by cheque—

The Hon. J.S.L. Dawkins: As I do.

The Hon. I.K. HUNTER: Indeed.

The Hon. M.C. Parnell: What's a cheque?

The Hon. I.K. HUNTER: The Hon. Mr Parnell asks, 'What's a cheque?' I think he's firmly got his tongue in his cheek and is trying to demonstrate to the chamber his relative youthfulness and modishness when it comes to the use of technology. I am sure that he moved to electronic banking 50 years ago, before the rest of us. I find, and I am sure the Hon. Mr Dawkins does as well, that the use of a cheque book is a very efficient way of keeping on top of one's finances. It was with that degree of interest that I took the honourable member's question yesterday.

The response that came back through my office very quickly that I gave the chamber was that this is an issue that the banks are pursuing. I think I said that, from memory, SA Water banks with the Commonwealth Bank of Australia and this is an issue that they have been pursuing. I am also advised that all banking institutions are considering the exact same outcome.

I do not know and I cannot say from direct knowledge, but I would imagine that this arrangement the Commonwealth Bank has entered into in some sort of contractual manner will probably involve a period of time for that contract to be in play. I have asked my office to get some further information on this matter for the honourable member and for my own interest as well. Once I have that I will bring it back for the honourable member.

Bills

STATUTES AMENDMENT AND REPEAL (BUDGET 2015) BILL

Committee Stage

In committee.

(Continued from 17 November.)

Clauses 1 to 10 passed.

Clause 11.

The Hon. R.I. LUCAS: While the minister is waiting, the minister's advisers have provided, by way of email to my office, prepared responses for the minister. I think that previously minister Gago was handling the bill. When the advisers arrive the minister might seek advice as to at what stage of the committee debate he will put on the record the government's response. It might have been more appropriate to do have done it at clause 1 perhaps, but at some stage during the many clauses there were some questions raised in relation to some further amendments that were suggested. It may well be that at various clauses the minister can put on the record the government's response to those.

There were also some questions in relation to what I refer to as the negotiations with local government which he can probably put on the record when we come to those particular amendments and which relate to what I refer to as the local government negotiated amendments. So, I think that is probably clear, but if I could seek an indication from the minister as to his willingness to put on the record the government's response to the further questions I put at clause 1 earlier this week.

The Hon. I.K. HUNTER: I am very sensible of the questions the Hon. Mr Lucas wants put on the record and needs an answer to in the committee stage. The Hon. Mr Lucas asked the government to respond as to whether or not it sees merit in two new sets of amendments relating to trust interests and mixed use properties, suggested by two prominent Adelaide tax lawyers, I am advised.

In relation to the first set of amendments regarding trust interests and mixed use properties suggested by two prominent Adelaide tax lawyers, I am advised in relation to the first set of amendments regarding trust interests that the wording that has been suggested requires careful consideration to ensure that no inadvertent outcomes result and, given the relatively short response times available, I cannot be satisfied that it is appropriate to adopt the wording as proposed.

However, I am advised that on initial analysis it is Revenue SA's intention to administer the provisions as currently drafted in a manner not inconsistent with the approach suggested by the two prominent Adelaide tax lawyers. Further, Revenue SA proposes to release public guidance detailing their administrative practice which will take into account the suggestions of the two prominent Adelaide tax lawyers.

In relation to the second set of amendments regarding mixed use properties, the predominant use test is considered to be the appropriate test as it can be readily identified from information presently available via the Valuer-General. This provides greater assurance to taxpayers on how the property will be assessed for duty purposes. Introducing a mixed use or intended use test as suggested will in both cases be complex to administer, involving significant costs and resources to Revenue SA, the Valuer-General and more importantly the taxpayer. I am advised that rights are available to challenge the opinion of the Valuer-General as to what she considers is the predominant use of the land. This set of amendments is therefore not supported by the government.

The Hon. R.I. LUCAS: I thank the minister for the responses from government officers. As I said, it was probably more appropriate that I should have put those questions to the minister at clause 1. They do not directly relate to this particular clause and I think looking at them they probably

relate to clauses 38, 50 and 53 of the legislation, so for those avid readers of *Hansard* they have been incorporated in this particular section. I thank the minister for that.

I also thank the Revenue SA officers for their indications, certainly in relation to the first package of amendments. If I can read between the lines, there appears to be a willingness to consider these submissions that had been made by the senior tax lawyers. I note the advice the minister has read on the record that given the shortness of time—and that is, I only received the suggested amendments on Tuesday. I read them onto the record I think on Tuesday and Revenue SA officers and crown law have obviously only had 36 hours to consider them. Clearly, they have deemed them to be of merit, worthy of further consideration and Revenue SA officers have indicated, together with crown law, a willingness to further consider them. I think more importantly, Revenue SA officers have indicated a preparedness to implement, under the terms of the Revenue SA office guidelines, policies which are not inconsistent with the nature of the suggested recommendations.

I am not sure what the process is. Clearly Revenue SA are going to issue guidelines. I would be interested, at the appropriate time, if the officers of the department were able to forward to me copies of the guidelines which will be issued at some stage in the future. I would be interested in pursuing this particular issue. I am sure the prominent lawyers will probably pick it up through their own processes anywhere, but I would nevertheless like to be, once they have been formulated and distributed, kept abreast of the officers' new guidelines in relation to this issue.

I note that the advice from Revenue SA is not to accept these submissions in relation to the second package of amendments in relation to mixed use. I do not intend to pursue those issues, given the shortness of time today. I will have further discussions with the tax lawyers and there will be plenty of opportunity I am sure at some stage in the future to further pursue those issues should there be merit in pursuing those issues. I note the officers' advice. I thank, through the minister, the relevant officers for their willingness both on these issues and in the two or three pages of amendments we are about to do in the committee stage, which have been significantly influenced by the advice of these prominent tax lawyers, to consider those. Whilst not agreeing with all of the submissions that have been made, nevertheless they have been prepared to accept that in some areas further amendment to the government's legislation might be useful, and that is why the government is moving the amendments that they have.

The Hon. I.K. HUNTER: I move:

Amendment No 1 [EmpHESkills–2]—

Page 10, line 22—After 'a council' insert 'other than an exempt council,'

Amendment No 2 [EmpHESkills–2]—

Page 11, line 15—After 'Fund' insert 'but the designated amount on account of that royalty must be paid into the prescribed fund for the purposes of the *Local Government Research and Development Scheme'*

Amendment No 3 [EmpHESkills–2]—

Page 11, after line 16—Insert:

designated amount means the amount that represents 40 cents per tonne of extractive minerals recovered under this section, other than extractive minerals recovered by operation of section 20C of the *Highways Act 1926*;

exempt council means, in relation to a financial year commencing on or after 1 July 2015, a council whose total annual revenue for the financial year immediately preceding the relevant financial year, as reported in its audited financial statements, does not exceed the prescribed amount;

Amendment No 4 [EmpHESkills–2]—

Page 11, after line 18—Insert:

(3) Section 294(8)—after the definition of *minerals* insert:

prescribed amount means—

(a) in relation to the 2015/2016 financial year—$5 million;

(b) in relation to a succeeding financial year—the amount obtained by multiplying $5 million by a proportion obtained by dividing the CPI for the March quarter of the immediately preceding financial year by the CPI for March 2015;

prescribed fund means the Local Government Taxation Equivalents Fund under section 31A of the *Local Government Finance Authority Act 1983*;

My advice is that we are inserting the words as printed so that there can be a determination of which council will be paying the royalties.

The Hon. R.I. LUCAS: I just cannot put my hands on it, but the government has provided me with an email which actually explains—

The Hon. I.K. Hunter: That would be handy.

The Hon. R.I. LUCAS: Mr Tuffnell might have it, I think. It was an email which explains the package of amendments. I put a question in the second reading saying, 'Is this the result of a negotiated agreement with the LGA and councils in relation to this whole area?' and I received an email on behalf of the government which in essence said yes, but also gave a bit more detail. I think if the minister could put that on the record, it would indicate the background to all of this.

The Hon. I.K. HUNTER: Fantastic suggestion. I am happy to do that. That will obviate my need to actually explain every amendment as we go through them. Following the budget announcement, several meetings have been held between the Treasurer, the Department of State Development and the Local Government Association to discuss the impact of the budget measure. The government reiterated that the purpose of the bill is not purely revenue raising, but rather about equalisation and consistent treatment to all parties recovering extractive minerals.

Along with the LGA and DSD, the Treasurer agreed to changes to the bill to alleviate the financial burden for rural councils with limited financial resources. It is proposed that councils with total operating revenue of equal to or less than $5 million per annum will be exempt from a requirement to pay a royalty. From a royalty payment of 55¢ per tonne of extractive minerals an amount equivalent to 40¢ per tonne, which is approximately 75 per cent of the royalty, will be disbursed to the Local Government Research and Development Scheme. The state will retain the remainder, currently 15¢ per tonne, to administer and regulate the arrangements. With that explanation, I move all the amendments relating to that provision.

The Hon. R.I. LUCAS: I thank the minister for that explanation. Certainly, this was an area of some controversy, as the Liberal Party indicated in our second reading. There were a number of areas in the budget measures which we did express concern about but which we were not proposing to seek to defeat or amend. We were looking in some areas to encourage the government to amend its own legislation and in this particular area the government, to give it credit, has had considerable negotiation with the LGA and other interested stakeholders on this particular issue.

It was an issue raised by a number of members in the House of Assembly debate, particularly those representing regional communities, but not just regional communities. So whilst I am sure this compromise position which the government is about to prosecute through this package of amendments will not have pleased everybody, it certainly is a significant concession and as a compromise is one that the Liberal Party is prepared to accept and support by way of support for the series of amendments the minister is about to move.

Amendments carried; clause as amended passed.

Clauses 12 to 23 passed.

Clause 24.

The Hon. I.K. HUNTER: I move:

Amendment No 1 [EmpHESkills–1]—

Page 17, line 7—Delete 'asset' and substitute 'item of property'

The explanation is that the government is proposing this amendment which is technical in nature as it ensures consistency with other parts of clause 24 with the bill and the Stamp Duties Act 1923 in general.

The Hon. R.I. LUCAS: For the reasons that I have outlined earlier, we support the amendment.

The Hon. I.K. HUNTER: I move:

Amendment No 2 [EmpHESkills–1]—

Page 18, line 40—Delete 'assets' and substitute 'property'

Amendment No 3 [EmpHESkills–1]—

Page 19, line 17—Delete '1 year' and substitute '5 years'

Amendment No. 2 is complementary to amendment No. 1 which the government has proposed for the same reason as previously stated. The government is proposing amendment No. 3 as it ensures consistency with the Commissioner of State Taxation's reassessment powers under section 10 of the Taxation Administration Act 1996 and other rights of refund under that act.

The Hon. R.I. LUCAS: We support the amendments.

Amendments carried; clause as amended passed.

Clause 25.

The Hon. I.K. HUNTER: I move:

Amendment No 4 [EmpHESkills–1]—

Page 22, after line 8—Insert:

(ab) a lease granted under the *Aquaculture Act 2001*, including a sublease of such a lease; or

The government is proposing this amendment which explicitly excludes aquaculture leases from the definition of land as it was always intended that stamp duty on aquaculture leases would be abolished as part of the 2015-16 state budget announcements.

The Hon. R.I. LUCAS: We support the amendments. This was, again, one of the issues that was raised by the tax lawyers. I am pleased to see the government's amendment in this area.

Amendment carried; clause as amended passed.

Clause 26.

The Hon. I.K. HUNTER: I move:

Amendment No 5 [EmpHESkills–1]—

Page 23, line 24—Delete 'types' and substitute 'classes'

Amendment No 6 [EmpHESkills–1]—

Page 23, line 25—Delete 'type of property chargeable with duty and a type' and substitute 'class of property chargeable with duty and a class'

Amendment No 7 [EmpHESkills–1]—

Page 23, line 28—Delete 'types' and substitute 'class'

Amendment No 8 [EmpHESkills–1]—

Page 23, line 29—Delete 'type' and substitute 'class'

Amendment No 9 [EmpHESkills–1]—

Page 23, line 32—Delete 'types' and substitute 'classes'

With amendment No. 5, the government is proposing this technical amendment as it provides a more suitable reference for distinguishing between items of property that are chargeable at different rates. Amendment No. 6 is complementary to amendment No. 5 which the government proposes for the same reasons as previously stated. Amendment No. 7 is complementary to amendment No. 5 which the government proposes for the same reasons as previously stated. Amendment No. 8 is complementary to amendment No. 5 which the government proposes for the same reasons as previously stated. Amendment No. 9 is complementary to amendment No. 5. I could have just skipped all of that, really.

The Hon. R.I. LUCAS: The opposition supports these.

Amendments carried; clause as amended passed.

Clause 27.

The Hon. I.K. HUNTER: I move:

Amendment No 10 [EmpHESkills–1]—

Page 24, line 27—After 'interest' insert 'under the conveyance'

The government is proposing this amendment as the section should refer to the value of the interest under the conveyancing being greater than the consideration expressed in the contract or the value of the property if the Commissioner of State Taxation has assessed the contract on the value of the property.

The Hon. R.I. LUCAS: The Liberal Party is supporting that amendment.

The Hon. D.G.E. HOOD: I move:

Amendment No 1 [Hood–1]—

Page 24, line 27—Delete 'on the date of the conveyance' and substitute '(as at the date of sale)'

I did provide an explanation of this amendment I think Tuesday afternoon for members but I will do a very quick summary version of that now, if I may. Essentially, this amendment deals with the moment at which conveyancing, or stamp duty, if you like, is charged. The Housing Industry Association and the Tax Institute have pointed out that traditionally the amount of conveyance has been considered to be at the point of contract—that is, when the purchaser signs a contract—and that is when the amount of stamp duty is determined. This bill changes that and makes it now that it will be determined on settlement.

In many cases that will not make a lot of difference. When somebody buys a normal residential property, for example, the difference between signing the contract and settling on the contract is about 30 days in most cases—it can be 60 days or 90 days in some cases but 30 is very common. In that period of time the value of the property, for all intents and purposes, does not change at all and, as such, there really is no difference between the value of the property at the signing of the contract, or at the settlement of the contract, and therefore the stamp duty amount does not change either.

However, this problem can arise when the period between signing the contract and settling on the property is an extensive one. For example, if you were to buy an apartment off the plan where signing the contract and settlement could be as much as 18 months, even in some cases, two years apart, then the value of the property can substantially differ between the point of signing the contract and settling on the contract, in which case the stamp duty amount can also be altered.

The Tax Institute and the HIA have indicated that they would be seeking an amendment to this effect. Whilst I do not have their exclusive support for this particular amendment—just to be clear about that—I think it is not unreasonable to say that they would be broadly supportive of what I am attempting to do here. As members may recall, I read the HIA's letter on to the record about this issue on Tuesday so I will not go over that again. It is there in *Hansard* for those who wish to consult it. I indicate also that this is a test clause. If this amendment should fail then I will not proceed with my subsequent amendments as they are consequential to this amendment.

The Hon. I.K. HUNTER: I rise to indicate that the government will not be supporting the amendments of the Hon. Mr Hood. In essence, the government's intention here is to maintain the status quo. But I will read onto the record some information which may give the Hon. Mr Hood some comfort as to why we are doing this. Revenue Ruling SDA008(V3), which was issued by the Commissioner of State Taxation on 18 June 2015, with the original version issued on 17 December 2013, makes it clear that:

Revenue South Australia has always interpreted the 'date of the sale' to mean the date the property in question is conveyed or transferred.

In the context of real property (land), this has meant that the 'date of sale' is the date the Memorandum of Transfer is executed.

Therefore, whether in the case of a conveyance on sale or in any other case, the 'date of the conveyance' has been the only date used by revenue SA when determining the market value of property.

To resolve any potential ambiguity regarding the application of Section 60A(1) of the Act, the Bill seeks to retrospectively amend this section…to confirm Revenue SA's long-standing interpretation of this section.

Taxpayers are, therefore, not adversely affected by the retrospective application of these amendments, especially given that in Revenue SA's experience, most taxpayers have relied and acted on the advice of Revenue Ruling SDA008(V3). Revenue Ruling SDA008(V3) also makes it clear that:

> If the above amendments are passed into law instruments subsequently found to have been processed via RevNet using alternative interpretations of the relevant sections will be assessed appropriately, with interest and penalty tax only applying to any such instruments processed via RevNet on or after 18 June 2015.

Accordingly, an express provision that no interest in penalty tax can apply to instruments assessed retrospectively is unnecessary is my advice, and for those reasons the government will not be supporting the Hon. Mr Hood at this time.

The Hon. R.I. LUCAS: I want to pursue this issue a little bit with the government. Our position is, for the reasons I outlined in the second reading, that we will not be supporting the amendment either. However, it raises some important issues which I seek some further information on. The government has provided answers in response to the second reading to the submissions made by the prominent tax lawyer which covers, in essence, many of the issues that the Hon. Mr Hood is seeking to amend through his particular amendment. I quote again what the minister read out:

> I am advised that, with respect to the issues raised, the Crown Solicitor consistently advised as early as 1990 (and most likely earlier, however, record keeping has prevented earlier searches by RevenueSA) that it is the date of actual conveyance and not the contract date which is relevant for calculating stamp duty. This long held position was never successfully challenged by a taxpayer on objection nor, more to the point, taken on appeal by any taxpayer. This is notwithstanding claims in this House that RevenueSA's position was clearly wrong at law and contrary to the history of the Stamp Duties Act which has been described. Accordingly, the position of RevenueSA was widely known, accepted and applied by taxpayers, since at least 1990 and probably earlier.

The interesting issue is a letter from the HIA which the Hon. Mr Hood has raised, and I have had similar submissions from various people that there is clearly this view from some tax lawyers that it is wrong at law. Revenue SA's response is, 'Well, if you think it's wrong in law, how come no-one since 1990 has actually challenged it?'

That is the particular view, and having been a former treasurer, challenges to commissioner rulings are not uncommon—they are expensive and people have to have deep pockets to take the government on in relation to these issues, but nevertheless they have occurred. That appears to be the government's response. I'm not in a position to know whether that is true or not; I'm not disputing it, I am just not in a position to dispute it or not.

Clearly, the information provided via the HIA is that in essence that is not the practice. That is, there is clearly the view from someone in the HIA that there had been tax rulings contrary to what information we have been given.

The Hon. D.G.E. Hood: They explicitly say in their letter.

The Hon. R.I. LUCAS: Yes, that's right. So, whilst we are indicating at this stage for the reasons we have outlined in our general position that we do not, it is an issue that I am interested in exploring further with the Hon. Mr Hood and with the HIA, and those within the HIA, to put this view. It would be interesting to get specific examples of where they have made that claim of particular examples where they believe tax rulings have been implemented contrary to the advice that we are being given today in relation to the long-held view since 1990 that this is the way the rulings have occurred.

So in indicating, for the reasons I outlined earlier, that we are not prepared to support this amendment, I do want to continue to explore the issue, and I am happy, with the Hon. Mr Hood, to seek further information from those who believe that they have evidence to the contrary. That is the background. The other information that the minister put on the public record in response to my questions at the second reading stage was as follows:

> In any event, in more recent advice from the Crown Solicitor dated 14 August 2013, that long held position was called into question. Due to the potential resultant revenue impacts should that long held position be abandoned, the Treasurer obtained Cabinet approval on 16 December 2013 to amend the Stamp Duties Act retrospectively. On 19 December 2013, the Commissioner released Revenue Ruling SDA008 which stated…

and there follows the ruling that the minister has referred to in his ruling here. My question to the minister—and, obviously, his adviser—is: in reference to 'more recent advice from the Crown Solicitor dated 14 August 2013', why was that advice sought by RevenueSA in August 2013?

My experience as a former treasurer is that RevenueSA generally only seeks further guidance—given that they say they have been interpreting this since 1990, so that is 23 years—if someone was challenging it or indicating a disagreement with RevenueSA's ruling and that RevenueSA then went off to get a further ruling from crown law to say, 'We've been doing it this way for 23 years and someone is now challenging us. What say you?' My question to the government's advisers is: what was it in August 2013 that prompted further crown law advice on the longstanding practice of 23 years of interpreting this particular provision in that way?

The Hon. I.K. HUNTER: My advice is that the government received an objection to an assessment of stamp duty calculation that was issued and the objection specifically went to the operative date of sale.

The Hon. R.I. LUCAS: I thank the minister for that and that is as I would have anticipated—there was an objection clearly based on some legal advice at the time to whoever the objector was in relation to a particular transaction. If we then trace what the government has said to us, they have gone to crown law and obtained new crown law advice in August 2013. That is not uncommon; over 23 years, legal advice can change.

The new crown law advice has obviously cast some doubt over the longstanding practice of the government in relation to this particular area. The objector in this case and some of the people within the HIA who have been lobbying—whether they are right or wrong in saying that they had previous rulings to back their claim to the Hon. Mr Hood and the rest of us is a side issue to some extent—clearly believe it was being interpreted incorrectly as well.

The government goes to crown law in August and gets advice that says there is some doubt—or maybe considerable doubt; we do not know the exact nature of it—sufficient for the government then to go to the Treasurer to take advice from RevenueSA and take something to cabinet to say there are significant revenue impacts. My question to the minister is: if an amendment along the lines of the Hon. Mr Hood's were to be passed by this chamber, what is the range of potential revenue impacts that the government is concerned about?

The Hon. I.K. HUNTER: I do not have the detail the honourable member has asked of me, but I am advised that, should a proposition along the lines of the Hon. Mr Hood's be successful, the potential raised in that is that every real property transfer for the last two years might have to be reviewed.

The Hon. R.I. LUCAS: I accept that the minister is unlikely to have that information available now, but can I ask him at least to take on notice and raise with the Treasurer and Treasurer's office whether, by way of correspondence, the Treasurer's office could provide us with a rough estimate, if we were to make this sort of change (it clearly is a significant revenue impact, one would imagine) what the range might be? Clearly Revenue SA and Treasury must have estimated something. Is the minister prepared to take that on notice?

The Hon. I.K. HUNTER: I am quite happy to take that on notice on behalf of the Treasurer.

The Hon. R.I. LUCAS: The government's response indicates that the Treasurer obtained cabinet approval on 16 December 2013 to amend the Stamp Duties Act retrospectively. Why was no action taken in the budget of 2014 to so amend the Stamp Duties Act? I assume that what we are seeing here is the end result of the cabinet approval almost two years ago. If that is a correct assumption, why was action not taken in last year's budget consistent with the approval cabinet had given in late 2013?

The Hon. I.K. HUNTER: I have no advice with which I can answer the honourable member's question.

The Hon. R.I. LUCAS: I accept that and will not prolong the committee stage debate. Is the minister prepared to take that question on notice and seek from the Treasurer and Treasurer's office an explanation as to why so much time has elapsed? I indicate that that is the last of my questions in this area. I was going to raise these issues in later clauses 42, 43 and 49, but I think the issues have been appropriately raised here and I will not raise them again. If the minister is prepared to give

that response, I indicate that the Liberal Party is supporting the minister's amendment to clause 27, but we are not supporting, for the reasons we have outlined, the Hon. Mr Hood's amendment, but we will work with the Hon. Mr Hood and other interested parties to further pursue this issue.

The Hon. I.K. HUNTER: I am grateful for the Hon. Mr Lucas's indication of support for our government amendments, and I am happy to take on notice that further question he asked of me and I will seek a response from the Treasurer.

Hon. I.K. Hunter's amendment carried; Hon. D.G.E. Hood's amendment negatived.

The Hon. I.K. HUNTER: I move:

Amendment No 11 [EmpHESkills–1]—

Page 24, line 29—After 'agreement' insert 'or on account of an assessment under subsection (1b) (as the case requires)'

If I can paraphrase the interesting explanation, rather than use the word 'complimentary' I will try the word 'consequential'.

The Hon. R.I. LUCAS: We support the amendment.

Amendment carried; clause as amended passed.

Clauses 28 to 37 passed.

Clause 38.

The Hon. I.K. HUNTER: I move:

Amendment No 12 [EmpHESkills]—

Page 29, line 25—Delete 'and the term includes goods that' and substitute:

where those goods

This amendment is required to ensure that the dutiable treatment of prescribed goods under both the general conveyance provisions and the landholder provisions is consistent.

The Hon. R.I. LUCAS: The Liberal Party supports the amendment.

Amendment carried; clause as amended passed.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Can I just get clarification, Hon. Mr Hood—and I think I am getting it by his physical movements. I gather that the amendments you have to clauses 42, 43, 46 and 49 are consequential and you will not be moving them.

The Hon. D.G.E. HOOD: That is correct, Mr Acting Chairman.

Clauses 39 to 41 passed.

Clause 42.

The Hon. R.I. LUCAS: There was a question that I should have raised in the earlier debate; this is a related clause, the issue that the Hon. Mr Hood has raised. One of the issues that has been claimed in the submissions that we have received on this issue is that RevenueSA's long-held view as to when you should apply the stamp duty, since 1990 and which is now being retrospectively confirmed, is different from the position in most, if not all, other jurisdictions. Can the government's advisers indicate whether RevenueSA agrees with that submission or whether they argue that their submission is consistent with what would be the interpretation for similar transactions in other jurisdictions.

The Hon. I.K. HUNTER: My advice is that in fact we are different from other jurisdictions, and that is basically because other jurisdictions have different provisions. I understand that we are the only jurisdiction that is instrument-based. Other jurisdictions are based on transactions, instruments being, I am advised, some form of memorandum of transfer. So, in South Australia we are based on a different provision from what is used in other jurisdictions.

Clause passed.

Clauses 43 to 49 passed.

Clause 50.

The Hon. I.K. HUNTER: I move:

Amendment No 13 [EmpHESkills]—

Page 37, after line 38—Insert:

(2a) For the purposes of subsection (1) and (2), the date that is relevant to a determination as to whether land is qualifying land is the date of the relevant conveyance or transfer.

Amendment No 14 [EmpHESkills]—

Page 37, line 39—Delete 'subsection (4)' and substitute:

Subsections (4) and (6)

Amendment No 15 [EmpHESkills]—

Page 37, line 41—Delete '(but before 1 July 2017)'

The government is proposing amendment No. 13 to make it explicit that the Commissioner of State taxation is to make land-use determinations as at the date of conveyance or transfer. The amendment also ensures consistency with the date of sale amendments, which also form part of the bill.

The government is proposing amendment No. 14 to ensure that provisions dealing with phasing out of stamp duty on non-residential and non-primary production land directly apply stamp duty discounts in situations where a contract for sale is entered into between 1 July 2016 and 30 June 2017. The ultimate transfer is executed between 1 July 2017 and 30 June 2018. This amendment clarifies that such conveyances will be assessed at 66⅔ of the full amount of stamp duty payable. Current clause 50 of this bill does not adequately apply to these conveyances. The following amendment No. 15, I understand, is consequential.

The Hon. R.I. LUCAS: The Liberal Party supports the amendments.

Amendments carried; clause as amended passed.

Remaining clauses (51 to 61) and title passed.

Bill reported with amendment.

Third Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:20): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (FIREARMS OFFENCES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 November 2015.)

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (16:21): I would like to thank the honourable members who have spoken on this bill and in particular those who have indicated their support for the bill. As discussed, the Statutes Amendment (Firearms Offences) Bill implements a promise made by this government to strengthen laws relating to the trafficking of firearms.

This particular piece of legislation arises in the wake of the tragic case of Lewis McPherson. Many members have canvassed the details of that awful crime. I will not revisit those details, but I will acknowledge the hard work of Mark McPherson, Lewis' father. In the face of great adversity, Mr McPherson has campaigned for tougher laws surrounding the trafficking of firearms. His input has been significant in the development of the bill before the council today.

Firstly, the bill designates trafficking offences pursuant to sections 14 and 10C(10) as 'serious firearms offences'. Significantly, this classification means that these trafficking offences will result in offenders being sentenced to terms of imprisonment that cannot be suspended unless the offender can demonstrate exceptional personal circumstances of mitigation to warrant a suspended sentence. This is an effective indicator of parliament's view that these are very serious offences.

Secondly, the bill creates a derivative liability offence. If a person illegally traffics a firearm that is used in the commission of a subsequent offence then that person is liable for the subsequent offence. This is designed as a stand-alone provision. The maximum penalty for the derivative liability offence is a term of imprisonment no longer than the maximum term of the subsequent offence.

I note the concerns the Law Society has raised and note the concerns that both the Hon. Andrew McLachlan and the Hon. Kelly Vincent have read into *Hansard*. By way of response, I refer to the Attorney-General's comments in the other place addressing these concerns. At this stage I will highlight something the Attorney-General said in his second reading speech:

> A firearm is a uniquely lethal weapon of spectacular danger. Laws surround its use and possession in great detail for that reason. The policy of the law should be that, if you put a gun in the hands of an irresponsible person, and you do so illegally, then you wear the consequences of that action.

On that note, I look forward to progressing this bill quickly through the committee stages.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. M.C. PARNELL: I want to ask a question about the potential operation of the derivative liability. If we take, for example, a woman who may be a victim of domestic violence who, however misguided, seeks to acquire a firearm for potential use in her future self defence. If that firearm then subsequently ends up in a third person's hands, my understanding is that the person who supplied the firearm can be punished for something that a third person subsequently did, not being the person to whom the firearm was supplied. Is that a correct understanding of the bill?

The Hon. K.J. MAHER: I can advise the honourable member that my advice is that regardless of the steps removed, as in the example you have indicated, if that initial person is found guilty of the trafficking offence, then the subsequent action, even the steps removed as you described, they would be captured under this, if they were found guilty of the trafficking offence to the woman that you are talking about then for a subsequent offence further on from that chain.

The Hon. M.C. PARNELL: I just use that example, whilst it might seem extreme and unlikely, it shows that as we become more removed from the original criminal offence of illegally providing a firearm, basically anything that subsequently goes wrong, the gun could pass through many hands before it ultimately is used to commit an offence, an assault or a murder, and yet the responsibility for that offence is effectively sheeted home to the person who 10 years earlier may have illegally supplied a firearm.

The Hon. K.J. MAHER: I can advise the honourable member that these are the consequences if someone chooses to illegally traffic in firearms. However, if there were steps removed as suggested in the example given, they could well be matters that are taken into account in sentencing.

Clause passed.

Remaining clause (5) and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (16:29): I move:

That the bill be now read a third time.

Bill read a third time and passed.

TATTOOING INDUSTRY CONTROL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 October 2015.)

The Hon. T.A. FRANKS (16:29): I rise on behalf of the Greens today to speak to the bill before us, the Tattooing Industry Control Bill 2015. In my contribution, I will refer to the many letters, phone calls and emails, as well as the other contacts my office has received from industry representatives and members of the industry, raising their concerns about the potential implications of this bill. I note that there have been several protests on the steps of Parliament House. Indeed, some of the members of those protests were also members of the ongoing protest against the Repat on the steps of this parliament.

Firstly, I would like to begin by outlining the scope of the bill and what it says it seeks to achieve. This state government, like the Rann state government, as we know, has made a commitment to restrict and ban organised crime gangs and their associates in many ways in South Australia. In this particular bill, it seeks to make a commitment to restrict and ban organised crime gangs and their associates from owning tattoo parlours, and it was part of an election campaign promise of the Weatherill government.

It is more of the state government's 'tough on crime' rhetoric. Certainly, I would ask the government what other industries it intends to embrace with its tough on crime rhetoric and whether it has any intentions for further industries other than the tattoo industry to face similar legislation to the one that we see today. It says that it will do this for any industry that the government believes has connections with organised crime gangs, and this particular bill targets the tattoo industry.

It seems it is the government's understanding that the tattoo industry is operating as some sort of base for illegal activities, such as drug trafficking and weapons trading, and poses a risk to the wellbeing and safety of businesses and community members. This bill seeks to ban associates of organised crime gangs from owning or running a tattoo parlour. The definition under this bill of a close associate includes close relatives, spouse, domestic partner, parent, brother or sister, or child, members of the same household, and those in partnership and certain other kinds of business relationships.

Under these provisions, a person is automatically and permanently disqualified from providing tattooing services if the person is deemed to be a close associate of a person who is a member of an organised crime gang. It is important to bring this definition up now in the contribution to this bill, because the Greens believe it has the potential to capture innocent people working in a legitimate skilled industry.

The bill grants the Commissioner for Consumer Affairs powers to disqualify persons from providing tattoo services where the commissioner believes, and I quote from the bill:

> …such action is appropriate for the purpose of averting, eliminating or minimising a risk, or a perceived risk, to the safety of members of the public;

and

> …to allow the person to provide tattoo services or to continue to provide tattoo services, would otherwise not be in the public interest.

The Greens are concerned that this bill potentially has negative consequences for tattoo businesses and operators and owners who have done nothing wrong. The bill also grants an authorised officer powers to enter and search any premises, place or vehicle that the officer reasonably suspects is used for or is in connection with the provision of tattooing services. The officer under the bill is not required to obtain a warrant to enter and search these commercial premises.

I note that the member for Bragg, Vickie Chapman, in the other place, noted that inspectors can already enter premises in terms of workplace safety. I would just like to point out that OHS inspectors must obtain a permit before entering a workplace. What we are being asked to do in this

bill is support changes where the minister—from the briefing that I have received and from the information that I have had from the industry, and certainly in my questions in the briefing—has not consulted with the industry.

I would certainly put on the record that I asked the government representatives in the briefing whether or not any members of the tattooing industry had been consulted in the formulation of this bill, and I was told that they had not. Should the minister or his representative in this chamber wish to correct the record that that is not the case, I certainly invite them to do it in the second reading summary.

We have not been provided yet with any information or compelling evidence that suggests that the provisions in this bill are necessary for banning organised crime and that this bill is, indeed, an effective mechanism that will lead to a reduction in bikie-related organised crime. This is a bill which has more spin than substance. This is more tough on crime rhetoric without reason. This is a bill that the Greens are concerned about because of the precedent it sets. We are concerned that this bill will capture legitimate business owners—innocent people who may fall under the association definition but possibly have no contact with people engaging in an illegal activity.

I draw members' attention to another question that I asked in the briefing on this bill where a spouse can be defined as an associate. When I asked if that spouse was separated but not divorced, what the status of that person would be, I was not given a clear answer. Certainly, I was not given a guarantee that that person who was separated but not divorced would be able to free themselves of that associate definition, but clearly they would have made a decision not to be associated with the member of the organised motorcycle gang.

We are asked to support in this chamber with this bill more tough on crime rhetoric without evidence and substance. That is why the Law Society of South Australia opposes the bill before us. They do so for several reasons, and I certainly draw members' attention to the Law Society's submission for the benefit of this debate.

The society is concerned that the bill would prohibit someone from working in a legitimate business where there is no evidence of criminal activity and where the disqualifying feature is being a relative of a member (or associated to a member, I might add there, which is my editorial comment on the Law Society's submission). There is no requirement for the person who falls under the category of an associate to prove that they have had no contact with the person who was engaged in a criminal activity.

As the society notes, the focus should be on criminal activity, rather than presumption of criminal activity. The bill operates more on the presumption of criminal activity and a suspicion of criminal activity, rather than on evidence and proof. We should not have laws in this state that treat business owners and workers in an industry as though they are suspects or have potential links to criminal activity.

As I noted, my office has received many pieces of correspondence from tattoo industry operators and workers who believe that they are being treated as criminals. I put it to you that to have a piece of law that treats business owners and workers in an industry as criminals without proof, evidence or substance is something that this chamber should not be supporting.

The Greens, many in the industry and the Law Society are not convinced that we need this one-size-fits-all law. There may be, of course, and there no doubt is, some criminal activity in some tattoo parlours, but that does not give the state government the right to treat an entire industry, such as the tattoo industry, as a criminal industry. We are not convinced that we should be supporting this bill before us that gives an authorised officer powers to enter a premises without a warrant and search that premises based on the fact that tattooing services are being provided on that premises.

What the bill is likely to do is to actually add to the unemployment rate and burden on this state. I think the government should be ashamed of our current unemployment figures and should not be adding to it. It seems that the government forgets that this figure represents families, students, individuals and a community that is desperate for jobs, yet here we are in this bill being asked to add to that burden.

I met some of the potential victims of this bill when a staff member and I visited Adelaide Ink Wizards, which is located at Tea Tree Gully, on 11 November. We went there at the invitation of the owner who is, as I mentioned before, one of those members who has been identified by this

government, who was involved in the Repat protest, and who has been accused by politicians without due process.

We had a tour of Ink Wizards led by one of the staff. The staff are, as they described themselves and I would concur with their description, a bunch of art geeks. We entered the premises and there was art on the walls and art for sale in plastic pouches, displaying their work. They were clearly talented artists. They were clearly committed to a life where they could use their artistic skills to make a living.

They have five full-time employees at that location. On that day, my staff member and I met Tom, Jeremy and Amy; Julian and Joseph also work there, and Joseph (whose nickname is House) I think may probably fall foul of these laws. He was the old schooler on the premises. He presented as a heavily-tattooed man who said to me that he had been a bikie once upon a time but that he had reformed his life, had cleaned up his act and, in fact, should he lose that employment at Adelaide Ink Wizards he would have no other option than to go on the dole.

The other workers on that premises were all under 30—'vibrant' I think is how the Premier would probably describe them should he meet them in a small bar in the city—energetic, engaged and enthusiastic. When I asked them if any of them had ridden a motorbike in their lives they said no. None of them owned a motorbike. In fact, there was no motorcycle paraphernalia that I could see.

They were self-described 'art geeks'. They had been trained in art and what they spoke to me about was the potential—because the owner of that premises where they had worked for many years would probably fall foul of this law—that they were probably all going to lose their jobs. Because they were employees there, they queried whether or not that would be defined as being an associate. Certainly they have been given no guarantees that that would be the case, and so even thoughts of buying out their boss and taking over those premises are very slight in terms of coming to fruition.

Tom, in particular, spoke to me about the need to move to Melbourne more than likely if that studio was to close. Can we really afford to lose more young people interstate? Can we afford not to support young artists, even if they are tattoo artists? That seems to be something that this government is frowning upon while all the while talking up opportunities and vibrancies in this state for young people.

Tom spoke to me about how the industry has been cleaned up a lot. Certainly we know that there have been previous reforms through this parliament in recent years. He talked about the levels of transparency and the health department checks and the local council checks each year. He was concerned—and I think rightly so—that this bill may have a knock-on effect leading to backyard tattooing without the stringent safety and hygiene requirements.

The closure of Adelaide Ink Wizards would also have implications not just for those five staff who currently work there, but also for the neighbouring shops. The local deli next door, which does a trade from the customers of that shop, has expressed concern that it will also lose business should Adelaide Ink Wizards go under.

The challenge I put to members today, given the government has informed me in the briefing that it has not consulted with the tattoo industry, is for members of this council—opposition, government and crossbench—to take up the offer to visit the tattoo parlours and talk to those people who are possibly going to lose their job as a result of this legislation that we may well pass through this parliament.

I think tarring an entire industry with the brush of criminality is just a step too far. Yes, it might rate well, it might poll well, but is it putting people first, and is it putting the interests of young people first—like Tom, Amy and Jeremy, who I met that day—when you are probably going to be putting them out of a job?

I would like to see an informed debate from the government on this, and I would challenge the government. While they look to New South Wales and Queensland for leadership on this, then why have they reversed the operation? Why do they have a presumed guilt rather than a presumed innocence approach? Why have they taken an approach unlike New South Wales and Queensland where, in fact, people will have to seek exemptions from this where they will have to be opted out by the authorities rather than ruled in?

It seems to me that this bill is ill crafted and certainly badly consulted upon based on rhetoric of fear, and I understand that, yes, this industry has had elements of criminality within it, but so has the racing industry, and I do not see the government getting tough with them anytime soon. I wonder whether the government can also provide me with some answers to the following questions:

1. Could the government indicate to this council, for the benefit of an informed debate, just how many tattoo parlours does it believe have links with organised crime in this state and just how many employees, workers and owners of tattoo parlours across this state do they believe will fall within the definitions of this bill that will preclude them from working in the industry?

2. Could the government provide instances where powers and provisions in New South Wales and Queensland have led to a reduction in bikie-related organised crime?

3. Could the government also provide cases where individual members of the community who were not engaged with an organised criminal gang in those states have been taken in for questioning?

4. Could the government also provide us with a list of which tattoo parlours support this bill and which tattoo parlours were consulted in the drafting of this bill?

The Greens believe that we must balance our powers as a lawmaking body and as a regulatory body without unduly impinging on individual rights and liberties. We do not see that this bill makes anyone safer. We do have fears that this bill puts people out of work. We do have fears that it has not been well crafted; that it has not been properly consulted; and it is far too heavy-handed.

The government, of course, must act to prevent crime. It must not do so by presuming crime where there is none. With those few words the Greens look forward to the committee stage of this bill, noting that the Liberal opposition have indicated their support for it, and knowing that we will proceed through the debate in the coming sitting week.

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

Parliamentary Procedure

VISITORS

The ACTING PRESIDENT (Hon. T.T. Ngo): Could I just acknowledge the Hon. Carolyn Pickles, former leader of the opposition. Welcome.

Bills

EVIDENCE (RECORDS AND DOCUMENTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 November 2015.)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:49): I rise to close the debate. The Evidence (Records and Documents) Amendment Bill amends the Evidence Act 1929 to reflect modern technological modes of communication and generation of material. The current law in South Australia has not been amended with the advance of the modern electronic age. Hear, hear! Provisions of the Evidence Act 1929 to facilitate the proof and admission of computer-generated evidence are archaic and not utilised in practice, I am advised. Further, there are no provisions directed towards proof and admission of electronic communications.

In practice, it appears that the courts and litigants improvise and work around the current law. It is unsatisfactory that such a significant aspect of modern practice should be subject to such outdated laws. I would like to thank the opposition for their indications of support for this legislation and look forward to a swift passage through the committee stage.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:51): I move:

That this bill be now read a third time.

Bill read a third time and passed.

FIREARMS BILL

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:52): I move:

That this bill be now read a second time.

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

Leave granted.

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

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

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

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

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

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

The six main purposes of the Bill are to:

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

Improve Public Safety and Prevent Crime

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

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

- A provision for the Registrar of Firearms (the Registrar) to issue an FPO against a person who is a member or former member of a criminal organisation (such as a relevant Outlaw Motorcycle Gang member), or for a person who is subject to a control order issued under the Serious and Organised Crime (Control) Act 2008; and

- Provisions which permit a police officer to require a person suspected of having been issued with an FPO to provide identifying information about themselves or people with whom they reside, and to provide written notice within 7 days of a change of address.

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

- An aggravated offence when an unlicensed person is in possession of a firearm and also has also committed certain drug offences contained in the *Controlled Substances Act 1984*;
- Offences for the unlawful possession or assembly of ammunition;
- Offences for persons who in this State aid, abet, counsel or procure firearm related offences in other jurisdictions, or persons who conspire with others to commit firearm related offences in South Australia or other jurisdictions; and
- Offences for persons who misuse, forge, steal etc. a firearms licence or permit;
- Offences for a disqualified person to be employed by or as a licensed dealer;
- An offence for a company's secondary nominee to, without reasonable excuse, fail to comply with a reasonable direction of the company's principal nominee;
- Offences for licensees failing to surrender firearms and ammunition etc upon licence cancellation, suspension, variation or renewal refusal;
- An offence for the registered owner of a firearm failing to surrender a firearm upon cancellation of registration of the firearm;
- An offence for a licensed dealer to acquire, own or possess more ammunition than is required to meet the dealer's reasonable needs in carrying on the business of a dealer for the immediately following 12 months;
- Offences for persons who contravene a provision of a code of practice for the security, storage and transportation of firearms and ammunition etc.;
- An offence for a person against whom an FPO is in force failing or refusing to state his or her full name, address, date of birth or the full names of persons with whom he or she resides;
- An offence for a person against whom an FPO is in force failing to give written notice within 7 days of a change of his or her address;
- An offence for a person who fails, without reasonable excuse, to answer questions or provide information etc. for the purpose of an investigation by the Registrar;
- An offence for a person to fail, without reasonable excuse, to comply with a requirement imposed by a public safety notice; and
- An offence for a licensed dealer failing to comply with a condition imposed by the Registrar in relation to a surrendered firearm etc. transferred to the dealer for disposal.

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

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

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

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

Reduce red tape

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

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

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

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

Overcome deficiencies

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

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

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

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

Facilitate a nationally consistent approach to firearm control

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

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

Increase functionality of the Act

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

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

Modernise the Act

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

- Principles and objects which reinforce the premise that the possession and use of firearms is a privilege, conditional on the overriding need to ensure public safety;

- The Firearms Regulations, when re-made, will provide a revised licensing regime incorporating 12 'authorised purpose' licence categories, inclusive of 3 new categories of 'professional shooter', 'commercial range' and 'shooting gallery';
- Provision for several offences to be made expiable under the Act;
- Increased maximum penalties for several offences under the Act, and
- Provision for documents required or authorised to be given to or served on a person under the Act to be given or served by fax or email transmission.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Principles and objects of Act

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

4—Interpretation

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

5—Categories and types of firearms

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

6—Possession of firearms etc

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

7—Fit and proper person

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

or threatened use, of a firearm as well as the reputation, honesty and integrity of close associates of a person will also be relevant in determining if he or she a fit and proper person.

8—Application of Act

This clause sets out certain circumstances in which the measure, or certain parts of the measure will not apply. It does not apply to the Crown or to the possession of a firearm on behalf of the Crown. The measure will also not apply to the possession or use of a firearm by a person who holds (and complies with) an international visitor firearms permit, a foreign theatrical armourer permit, a foreign firearms dealer permit or the possession of a firearm by a person who holds a firearm refurbishment permit. Other circumstances where a person is able to possess or use certain firearms without being licensed include persons who are using the firearm at a commercial range or shooting gallery, provided that the operators of the range or gallery hold the necessary licence and the person is under the continuous supervision of a licensed person. Further 'exemptions' apply to the possession and use of certain firearms on the grounds of a shooting club by certain persons, the possession and use of paint-ball firearms by an accredited employee working in the business of a paint-ball operator or the supervised use of paint-ball firearms by persons over the age of 10 years undertaking paint-ball activities on the grounds of a recognised paint-ball operator (who holds the relevant firearms licence). Limited 'exemptions' also apply in relation to persons who run a transport or storage business, persons who are estate executors or administrators, persons inspecting or testing the stock of licensed firearm dealers or the holders of a foreign firearms dealer permits in certain specified circumstances, persons handling a firearm in the presence and with the consent of a licensed and registered owner, and a person undertaking safety training. This clause also provides that the measure does not apply to the possession or use of certain limited categories of firearms where the person is under the continuous supervision of an appropriately licensed person, or in the case of children aged from 10 to 17 years, a licensed parent or guardian or other licensed person approved by the parent or guardian. This clause also provides that the regulations may exempt, or empower the Registrar to exempt, classes of persons or firearms from the application of this measure, absolutely or subject to conditions. It also provides that the Registrar may exempt a specified person from a specified provision of the measure, absolutely or subject to conditions.

Part 2—Possession and use of firearms and firearms dealers

Division 1—Requirement for licence

9—Possession and use of firearms

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

10—Dealers

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

11—Employment of persons by licensed dealers

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

Division 2—Categories of licence and authorised purposes

12—Licence categories and authorised purposes

This clause provides that a firearms licence may authorise the licensee to possess a particular firearm or category of firearm for a purpose authorised under the licence or to possess a particular category of firearm or firearm

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

Division 3—General provisions relating to licences

13—Division applies to initial grant and renewal

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

14—Applications for licences

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

15—Grant of licences

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

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

If the ground on which the Registrar refuses an application is that he or she is not satisfied that to grant the licence would be in the public interest, and the decision was made because of information classified as criminal

intelligence, there is no requirement for the Registrar to provide the applicant with reasons for the decision other than that the decision was made on public interest grounds.

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

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

16—Nominees of licensed companies

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

17—Term and renewal of licence

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

18—Limitations and conditions of licences

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

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

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

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

19—Breach of conditions

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

20—Variation, cancellation and suspension of licences

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

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

- if satisfied that the licensee obtained the licence improperly; or
- if satisfied that the licensee has not used a firearm for the purpose authorised by the licence; or
- if satisfied that the licensee has failed to comply with or satisfy the requirements of the Act or the conditions of the licence; or

- on any ground on which the Registrar might refuse an application by the licensee for such a licence.

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

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

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

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

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

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

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

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

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

22—Trafficking in firearms

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

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

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

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

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

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

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

23—Permits to acquire firearms

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

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

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

24—Cancellation or suspension of permit

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

25—Transfer of possession of firearms

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

Part 4—Registration of firearms

26—Application of Part

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

27—Requirement to register firearms

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

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

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

28—Registration of firearms

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

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

29—Registered firearms to have identifying marks

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

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

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

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

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

30—Cancellation of registration

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

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

Part 5—Acquisition and possession of ammunition

31—Acquisition and possession of ammunition

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

- a firearms licence (other than a collectors licence) that authorises possession of a firearm of a category designed to fire the ammunition; or

- a firearms licence authorising possession of a prescribed firearm designed to fire the ammunition and the use of the ammunition would not be in contravention of a condition of the licence; or
- a permit granted by the Registrar that authorises the person to acquire ammunition of that kind.

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

- by a licensed dealer in the ordinary course of business under the licence; or
- by a shooting club for distribution to members of, or visitors to, the club (including where that member of visitor is under the age of 18, but subject to the prohibition on selling ammunition to a minor); or
- by a person for use by that person in a firearm in circumstances in which that person is not required by this Act to hold a firearms licence.

The clause also does not apply to the acquisition of ammunition by a member of a shooting club from the club or the acquisition of ammunition from a shooting club by a visitor to the club for use on the grounds of the club in a manner authorised by the club. This includes member of visitor under the age of 18, provided that the person does not purchase or own the ammunition.

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

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

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

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

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

32—Permits to possess ammunition

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

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

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

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

33—Cancellation or suspension of permit

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

34—Restriction on quantity and possession of certain ammunition

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

time. If a person acquires or owns or has possession of ammunition in contravention of a regulation, he or she is guilty of an offence.

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

35—Code of practice

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

The code of practice may specify requirements—

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

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

36—Exemption from code

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

Part 7—Prohibited practices relating to firearms and ammunition

37—Manufacture of firearms, firearm parts or sound moderators

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

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

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

38—Alteration of firearms

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

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

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

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

An approval for a person to acquire, own or possess a sound moderator may only be granted if the Registrar is satisfied:

- the person intends to possess or use it for the purpose of culling or destroying animals on Crown land pursuant to a contract or agreement with an agency or instrumentality of the Crown and that agency or instrumentality genuinely needs the person to use a sound moderator; or
- the person is the operator or employee of a pest control business and needs the sound moderator to cull or destroy animals in a built-up urban environment and there is a need to avoid disturbing the peace; or
- the person is a licensed dealer who sells or hires sound moderators as a part of the dealer's business to persons who hold an approval.

The Registrar must also be satisfied there is no reasonable alternative to the use of the sound moderator by the person for the purpose or in the circumstances for which the approval is to be given.

It is also a requirement under this clause for a person who is approved by the Registrar to have possession of a sound moderator to produce the sound moderator, within 14 days of coming into possession of it, to a police officer with an identifying mark that complies with the requirements of the Registrar. This requirement does not apply to a licensed dealer who has possession of the sound moderator for the purpose of sale, or an approved person who is hiring it from a dealer. It is an offence to deface, alter or remove an identifying mark without the authority of the Registrar. The regulations may make provision in relation to the grant, variation and cancellation of, and the imposition of conditions or limitations on, approvals.

40—Possession etc of prohibited firearm accessory

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

41—Assembly of ammunition

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

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

However, it is not permissible to assemble ammunition—

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

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

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

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

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

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

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

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

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

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

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

Part 8—Firearms prohibition orders

43—Interim firearms prohibition order issued by police officer

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

44—Firearms prohibition order issued by Registrar

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

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

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

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

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

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

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

45—Effect of firearms prohibition order

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

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

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

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

Part 9—Reviews

46—Review of interim firearms prohibition order by Registrar

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

47—Review by Tribunal

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

48—Related provisions

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

Part 10—Administration

49—Registrar

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

50—Registers

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

51—Provision of information by government agencies etc to Registrar

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

52—Exchange of information with agencies etc

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

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

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

54—Power of Registrar to investigate

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

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

It is an offence to fail to comply with a requirement under this clause without reasonable excuse.

55—Power of police officer to require information

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

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

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

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

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

57—Power to inspect or seize firearms etc

Under this clause, a firearm owner must produce the firearm for inspection at a place and time specified by a police officer. The clause also sets out grounds upon which a police officer may seize a firearm. This includes for such things as a reasonable suspicion that the firearm is unregistered, an offence under this measure has been committed, the firearm has been forfeited by court order, the person is not a fit and proper person to possess the firearm, there is a risk to life or property or the firearm is particularly dangerous or mechanically unsafe. The power of seizure also extends to seizure of any restricted firearm mechanism and sound moderators.

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

58—Return of licence that has been surrendered or seized

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

59—Seizure and forfeiture of equipment etc

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

60—Public safety notices

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

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

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

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

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

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

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

61—Obstruction of police officer

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

Part 11—Surrender and forfeiture of firearms etc

62—Procedures on surrender of firearms etc

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

63—Forfeiture of firearms etc

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

64—General amnesty

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

65—Disposal of forfeited or surrendered firearms etc

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

or she would otherwise be required to retain an item, authorise the person to arrange for its transfer to a licensed dealer or other approved person for sale or disposal or authorise collection of the surrendered item by a person to whom it has been sold provided they are entitled to lawful possession of the item.

Part 12—Powers of court

66—Powers of court

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

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

Part 13—Miscellaneous

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

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

68—Offence to misuse, forge etc authorisation

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

69—False or misleading information

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

70—Statutory declaration

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

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

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

72—Offences by companies

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

73—Accessories and conspiracy

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

74—Evidentiary provisions

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

75—General defence

This clause provides that it is a defence to a charge of an offence against this Act if the defendant proves that the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence. The clause lists a number of offences that are excluded from the operation of this defence. The clause also provides that the regulations may specify that the defence does not apply to an offence under the regulations, and that a code of practice may also declare that the defence does not apply to a contravention of a provision of the code.

76—Form of licences, permits etc

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

77—Service of notices

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

78—Regulations

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

Schedule 1—Consequential amendments, repeal, and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Bail Act 1985*

2—Amendment of section 3—Interpretation

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

Part 3—Amendment of *Correctional Services Act 1982*

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

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

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

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

5—Amendment of section 5—Interpretation

6—Amendment of section 269O—Supervision

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

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

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

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

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

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

9—Amendment of section 20AA—Interpretation

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

10—Amendment of section 24—Release on licence

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

11—Amendment of section 42—Conditions of bond

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

12—Transitional provision

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

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

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

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

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

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

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

Part 9—Amendment of *Protective Security Act 2007*

15—Amendment of section 3—Interpretation

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

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

16—Amendment of section 3—Interpretation

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

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

17—Amendment of section 4—Interpretation

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

Part 12—Amendment of *Summary Offences Act 1953*

18—Amendment of section 18—Loitering

19—Amendment of section 66—Interpretation

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

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

Part 13—Amendment of *Young Offenders Act 1993*

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

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

Part 14—Repeal of *Firearms Act 1977*

22—Repeal

The *Firearms Act 1977* is repealed.

Part 15—Transitional provisions

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

Debate adjourned on motion of Hon. S.G. Wade.

CONTROLLED SUBSTANCES (POPPY CULTIVATION) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

PORT PIRIE RACECOURSE SITE AMENDMENT BILL

Introduction and First Reading

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

RESIDENTIAL TENANCIES (DOMESTIC VIOLENCE PROTECTIONS) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

YOUTH JUSTICE ADMINISTRATION BILL

Introduction and First Reading

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

STATUTES AMENDMENT AND REPEAL (BUDGET 2015) BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (17:36): I most sincerely thank the council for its patience in its dealings with the other place.

At 17:37 the council adjourned until Tuesday 1 December 2015 at 11:00.