HOUSE OF ASSEMBLY

Tuesday, 27 October 2015

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:00 and read prayers.

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

Matter of Privilege

DEPUTY PREMIER

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:01): Mr Speaker, I raise a matter of privilege. I rise on this matter of privilege as I believe that a member of this house has knowingly and deliberately misled this house and abused the privileges of this house. On 13 October 2015, the Attorney-General, in question time, in respect of the Gillman option deed with ACP, made the following statements:

> Now, what ACP ultimately choose to do with that land, at the time of the settlement, is a matter between them and the people who they are negotiating commercially with.

He went on to say:

> They will then deal with the commercial aspects of that with whomever they are dealing, so that's a matter for them.

And then further:

> As I have said repeatedly in this place, the fact of the matter is that, whilst there was an expectation by ACP that there would be an opportunity for the creation of an oil and gas hub, it has been said many times here, by me and by the former minister, that, obviously, that is a commercial matter over which the government ultimately does not have control.

And finally:

> That's a matter which ACP will deal with in its own commercial fashion, in its own good time.

The SPEAKER: Member for Bragg, obviously the Attorney-General did not recite the word 'comma'.

Ms CHAPMAN: I appreciate that, thank you, sir, for that advice. I conducted a search of statements of other ministers of the Crown, in particular the Treasurer. When he was the minister for housing and urban development on 25 February 2014 stated publicly:

> The agreement with ACP includes a series of performance targets focused on employment and economic development, with a target specifically requiring part of the land to be developed into a resources hub to support the state's fast expanding oil and gas industry.

A copy of *Hansard*, pages 2864 to 2867, and details of the statements are provided to you, Mr Speaker. In view of the above, I ask that you rule that there is a prima facie case of breach of privilege. I believe that the truth of the matter can only be determined by the establishment of a privileges committee; further, that the Attorney-General be interviewed by you and the privileges committee; and that the Treasurer be at liberty to answer to you and the committee. Further, that the Attorney make available to you and the committee a copy of the final signed option deed in question.

The SPEAKER: What proceeding of the house does the deputy leader say has been, for want of a better word, perverted?

Ms CHAPMAN: The suggestion here in respect of the privilege of the house is that the ministers make statements to the house obviously that are accurate, and there is the aspect of whether the government and/or a minister or a member of the parliament indeed misleads the house. I have not elected to proceed with a motion of misleading. I have sought to exercise the role in respect of the privilege.

The SPEAKER: I will look at the papers and I will rule later in the day after giving it consideration in accordance with the precedents that bind us on this. It is as well to say that it is quite common for members to claim a breach of privilege. I am not saying this is the situation with the member for Bragg, but to claim a breach of privilege for misleading and then, when the Speaker rules that there is not a prima facie case to bring on an immediate motion for a privileges committee, for the member to then forget all about it and the issue disappears. I would hope the member for Bragg would have the courage of her convictions and if she did not get a favourable ruling on the timing of the motion, unlike other members, she would go ahead with the motion. If it is sufficiently serious to raise as a matter of privilege and to seek a prima facie ruling from the Speaker and accelerated debate, it is worth, I would have thought, debate.

Ms CHAPMAN: Thank you for your indication, Mr Speaker. Can I assure the house that, upon the information being presented to the house, during the course of last week from the investigations I indicated that I had ascertained the inconsistencies (if I put them as high as that), and of course have brought the matter to your attention as soon as practical after the commencement of the resumption of parliament today. So, I wish to firstly assure you that that has been as expeditious as it could since the identification and, secondly, that of course we are in your hands as to your ruling.

The SPEAKER: Of course, and I wish to assure myself that the point is not evanescent.

Parliament House Matters

EDUCATIONAL VIDEO

The SPEAKER (11:08): I advise the house that an educational video about parliament is being produced by the staff of the house. We have had these videos in the past. It will be necessary for realistic footage to be shot from the floor of the house and, accordingly, during this sitting week I have approved filming from the floor of the house and the various galleries to capture footage of the proceedings of the house for use in educational videos.

Ms Bedford interjecting:

The SPEAKER: Indeed. It is also my view that brief filming of the actual proceedings will assist the house, and I invite members to agree to a suspension of standing orders to permit filming of the proceedings of the house, including part of question time, from areas within the chamber.

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (11:09): I move:

That, in view of the request made to the Speaker, standing orders be and remain so far suspended during the sitting week as to enable strangers to film proceedings from the vicinity of the table for the purpose of an educational video.

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

Motion carried.

Parliamentary Committees

SELECT COMMITTEE ON JUMPS RACING

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (11:11): I move:

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

Motion carried.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 September 2015.)

Mr GRIFFITHS (Goyder) (11:12): I confirm that I am the lead speaker for the opposition on this bill and, indeed, that is why I am standing in this spot; otherwise, it would be something that I would avoid as often as possible. I confirm that today my contribution will be about the Planning, Development and Infrastructure Bill 2015, which was introduced by the Minister for Planning on 8 September, and it is some 207 pages. It is a rather extensive document which goes to many different areas. Many are the legislative framework attached to how things are to operate within this area, but also much to my frustration it includes what I believe to be clear policy areas which would not necessarily fall within a legislative framework on how to do things.

I want to put some things on the record, and it will take some time. In confirming that I am the lead speaker, I want the chamber to be aware that there are numerous other members from the opposition who will also speak on this very important bill. They would have been contacted by constituents and councils from their area—a wide variety of people who would have positions on it—and it is no doubt that they will use their allocated time to ensure that the chamber is aware of issues put to them. It is my intention also to ensure that the chamber allows for a full debate to occur on this to ensure that what has occurred since February 2013, culminating in a report to the parliament or the minister on December 2014, a response from the government in March of this year and now the legislation on this very significant issue for the future of South Australia, actually does have the future debate that occurs on it.

In noting that the legislation was tabled on 8 September, it is important to recognise that it was not quite the time frame that was previously advised. The minister has flagged the work undertaken by the Brian Hayes led review team. I recognise the work of Mr Hayes and his colleagues—Natalya Boujenko, Stephen Hains, Simone Fogarty and Mr Theo Maras AM—what they did in consulting around South Australia, the various reports that they submitted, and the 22 recommendations and some 149 subrecommendations that eventually came from that.

Following the completion of their work in December last year, and the government's subsequent response to that, the minister's confirmation to me, privately and within this chamber as part of questioning over the estimates when we were talking about the budget and the impact of last year and the future for this current financial year, was that the legislation was intended to be tabled by 28 July. For whatever reasons that I have never been fully advised of, that did not occur. On the basis that tabling the legislation by 28 July had occurred, it would have ensured that there would be that winter break period of the parliament for consultation to occur.

Without that, and the tabling of the legislation on 8 September, and only a paper version being provided to the chief of staff to the leader some, I think, nine days before that—which made consultation rather difficult—it has slowed the process down somewhat. While I always believed that debate would probably be occurring around about this time, it has been a little bit more rushed than I would have liked, and it has been a little bit more rushed than those involved in the development industry would have liked. That was part of the reason why, several weeks ago, they put to the minister a request for debate to not occur in the chamber until the sitting week of 17 November.

That has not occurred—we have come forward—but it does create some challenges to ensure that we have all the information available so that we are able to progress the bill. The timing of this, as I understand it—I am happy to be corrected—is that the minister has determined that from his point of view he wishes the legislation to be through both houses of parliament by the time of the Christmas recess. That, as I understand it, is a self-imposed time frame. There are those who talk to me and hold a variety of positions on the legislation who would prefer it to be a really informed, detailed debate about the impact of the legislation, how it operates and how its implications are to be managed, and for an outline to be given and amendment opportunities to occur, to ensure that we get the best possible piece of legislation moving forward. Potentially, that might delay things until March.

We are working from the minister's time frame, though, so today's debate will be fulsome. I will ensure, from my point of view and the contact that I have had with a wide variety of people who are interested in this—and I think by association all South Australians need to be, because it is a piece of legislation that actually impacts upon them, the communities in which they live, the areas in

which they choose to reside, the areas in which they or their relatives in the future might choose to reside, and to a large degree the economy of South Australia—that we have some involvement in this legislation which is about planning, development and infrastructure.

The history of how planning and development have evolved is interesting. Having been an employee of local government for 27 years before entering this place in 2006, I am not uniquely placed, but I am placed to have had a practical observation of the physical implementation of planning and development rules as they were in place. In a previous time, it was determined by the local community and the local council. Then there was the planning act of 1993, which put in place greater guidelines and involvement of the state and ensured that recognition was given to the needs of adjoining council areas, that a longer term vision was developed, that community involvement existed, and a variety of successes which I do acknowledge. While regular review opportunities were provided for it, it was part of the strong level of community involvement in determining the vision for it and when it came to the regulated controls of it, which were done predominantly by local government.

The high-level involvement of the minister, and indeed the Crown and his staff, was to ensure that overall planning visions were upheld and that South Australia had a chance to actually ensure that, when planning visions were determined for individual areas, there was some level of coordination that occurred and some level of consistency. So, that is why I am a little bit intrigued that the minister talks quite often about the fact that part of the reason for his justification for this significant redraft of the bill and the changes that are proposed in it is that there are some 23,000 pages of planning policy.

I recognise that there are differences, but I want to point out to the chamber that there is an amazingly high level of consistency of words within it, too, and actions that follow from that. Without having thoroughly reviewed it, my estimate would have to be that, amongst those 23,000 pages, the consistency across it is in the 90 per cent range. The other 10 per cent, one could argue, is indeed the vision that a local community holds, and I think it is fair to respect the fact that different communities in different areas and different circumstances in the way their land is structured, where it is, the level of intensity that exists and the level of so many other needs that exist around them, hold different visions.

It is disappointing to me that that is used as the example for a significant amount of the change requirements when I think much of it is actually because of the fact that we have so many versions of development plans. There are wider-reaching development plans that exist for the whole of council areas, but then there are individual areas that are determined because, instead of a wider-ranging review on everything, it is, in a more practical way, a better situation sometimes to do isolated area development plan amendments. So, that is why the example of 23,000 is used. I actually think that, in essence though, the issues that are in contention are far fewer in number than that, but it is part of what the minister talks about.

I will put on the record that I am a pro-development person. I believe that it is important to ensure that development opportunities are created, because the economic outcomes that come from that are significant drivers to South Australia but, when I do review things, I try to take a very balanced view of it, which often gets me in trouble because it is very hard to determine plain yes or no on things when you are aware of so much information on the sides of these things all the time. But I look at it in terms of social, economic and environmental impacts, and the acknowledgement that for every action there is a reaction. It can either be positive or negative. It is a matter of managing that and trying to ensure that you get the best possible outcomes.

Doing that, and having had the benefit of working in local government, have provided me with opportunity in a practical way to actually meet and talk with people about conditions that might be attached to augmentation contributions on charges for infrastructure that might be required, and to understand where the history of development and planning control has come from and where it is now. I have looked forward to this debate actually occurring in the parliament because, for me, it is one of the most important bills that the parliament will consider this year. So, to some degree, I understand absolutely and completely why the minister has proposed it because, for an act that has been in place, as the current Development Act 1993 has been, for over 22 years, it is important that,

in a changing society, reviews occur. The challenge is to ensure that we get the right outcomes from it.

There is concern put by a large number of people that, when a development vision is created for a community, it traditionally has involved a very low number of people. The legislation talks about the community engagement charter. From recollection, I believe it was recommendation No. 2 or 3 of the 22 from the Hayes report. It is one of the absolute key areas, so I can appreciate why the legislation sets out the creation of that charter, but the questions that are going to be raised later as part of the submissions that I will read onto the record and as part of the committee session that we have on this are about, in a practical way, how it is intended to work.

That is why I am rather frustrated that there were no draft words available. There was no example of how it is intended to work. There was nothing, as far as I am aware—and I stand to be corrected on this and will be happy if the minister would do so—about the cost implications of that. Who is to fund that?

What are the secret magic things that will ensure that people in our community not only decide to become involved when things are in their own backyard but, instead, look at the wider perspective on things and respect the fact that, no matter what their age profile, no matter what their economic circumstances, and no matter where they live, they need to be involved in it. It is a great vision to hold, but it will be a challenge to ensure that it is achieved.

I can give a metropolitan-based example of where frustration exists within communities. It concerned Unley Road development issues and negotiations that occurred between community groups and the Unley city council to create a development vision for Unley Road and now the subsequent impact of a development occurring in the Cremorne Hotel area.

My understanding is that, when the development vision was created via significant amounts of negotiation between the community and council—and it was supported by the minister, because it became part of the development plan—there was a height limit put in place for developments within that area. Frustration occurred earlier this year where an application was received and approved for some seven storeys. It was originally envisaged to be higher than that, but was negotiated down to the seven, in excess of what the development vision for the area is, which I believe is five. Now you have a development that is 40 per cent over the height than has been approved by the Development Assessment Commission as an on-merit application.

I have always worked on the philosophy, having been involved in development systems via local government for some number of years, that when the Development Assessment Commission was to consider proposals, they were guided absolutely, entirely, by what was said in the development plan for that area. There is a great level of concern about that having occurred and having been approved. While there are no on-ground works yet about the impact it will have on the community—and I have attended two public meetings in the Unley area talking to people about that—the timing of it was rather significant also, because it was around about the time of the government response to the Hayes review and the suggestion of the timing in regard to when the legislation might be put into place. I use this as an example, because it created a cross community that had to some degree been prepared to offer a compromise on what a development vision might be.

I respect the fact that there are some people who do not want any change at all, but there is a need for change to occur to ensure that we have vibrant communities. There was great frustration that as part of the timing of the bill we are currently debating there was a decision made by a high-level authority (which is intended to be replaced as part of the provisions of the bill by a different group called the Planning Commission instead of the Development Assessment Commission) to approve a development that the community did not want. I have been to public meetings when there have been close to 200 people there, and if I can take that as a reflection of what that community thinks, then they are upset—very upset. It puts into their mind a level of concern about where is the sincerity attached to planning and where are the efforts being made by those who have responsibility for making decisions for others to ensure that the community's vision has been adopted.

In any planning matter, though, it is obvious that there are at least two sides of a discussion. It is very difficult indeed sometimes to find the balance between what a proponent may wish to choose to do and what a community sees as all it wants. But where, to some degree, that debate had taken

place and was part of a development plan amendment which was endorsed by all parties and subsequently broken, if I can use that term—the conditions attached to that—by approving something much larger than that, that is rather frustrating people and is something we will flush out as we continue along.

This bill is extensive, comprising 207 pages, although it is a very interesting read and will result in the committee stage going for some time, as it should, because it is significant. I believe that, when legislation is presented to the parliament, it should be about improving a system, a process, a service or the way in which government operates. It should also be about ensuring that we live in a safer place and that we have better infrastructure and all that sort of thing, and consequently you would expect people to support it. However, as a result of the consultation I have undertaken, I cannot find anyone at all who actually supports the bill in its current format.

There are some who are moving a bit, some who are openly against it, some who want the absolute majority of the changes that the bill proposes implemented because they believe it creates an advantage for them, and there are others who are very frustrated by it because they see it as a significant negative for them and the area in which they operate. That is why the consultation that the opposition has undertaken has been extensive and fulsome. Therefore, it is my intention to read into *Hansard* some of that detail that I have received.

I will put on the record what the intention of the bill is and what areas of legislation it amends. The intention of the bill is to:

> provide for matters that are relevant to the use, development and management of land and buildings, including by providing a planning system to regulate development within the State, rules with respect to the design, construction and use of buildings, and other initiatives to facilitate the development of infrastructure, facilities and environments that will benefit the community; to repeal the *Development Act 1993*; to make related amendments to the *Character Preservation (Barossa Valley) Act 2012*, the *Character Preservation (McLaren Vale) Act 2012*, the *Environment, Resources and Development Court Act 1993*, the *Liquor Licensing Act 1997*, the *Local Government Act 1999*, the *Public Sector Act 2009* and the *Urban Renewal Act 1995*; and for other purposes.

It is interesting that the majority of the pieces of legislation that are to be changed are controlled by the Minister for Planning as part of his portfolio responsibility. The one obvious example where it is not, though, is the Local Government Act 1999.

I have put on the record the concerns of the Local Government Association on behalf of their 68 member councils and the concern highlighted in some of the submissions that I received from other councils that it is a significant piece of legislation impacting upon local government in the hope that the member for Frome as the Minister for Local Government will also make a contribution. My absolute expectation is that he would have sought to be heavily involved and been briefed by the minister and that the Local Government Association would have met with the minister (as it does on a regular basis), put their position and sought the support of the minister and that he would be an advocate for them.

I am a believer in democratic principles. I do get frustrated by the decisions made via those democratic principles sometimes, but I respect the need to inform people and give them the opportunity to determine a position and then use that, as we do, to assist in their decision-making. That is why, at this early stage, I want to comment on a community meeting that was held at the Burnside Town Hall on 21 October, being last week, which the minister attended for a portion, as did the Hon. Mark Parnell from the other place and I. The minister, the Hon. Mr Mark Parnell and I were given the opportunity to speak initially at that meeting.

This meeting was advertised extensively using a variety of methods. It is my estimate that the number of attendees was in the 250 range. I commend the minister for attending, because there is no doubt that the majority of the people who attended did not necessarily support the minister's proposal.

Mr Gardner: How long did he stay?

Mr GRIFFITHS: Yes. There was a request at the very start by the person who set the scene and the moderator to ensure that respect was provided, and it was, but arising from that were some interesting points that I think the parliament needs to be aware of. There was also a panel discussion. Four people who have expertise in different areas were invited not to address the group but to

respond to questions that were posed. Some of those had been submitted beforehand, it appeared; some were taken from the floor.

While there was a lot of support for what those four people said, because they raised concerns about the legislation, the eventual decision of that meeting was passed not just by a show of hands or by everyone saying yea with no negative dissenters but in the form of a communiqué which I will take the opportunity to read into the record, because I think it helps inform members about the position taken by different sectors. In this case it is Community Alliance SA Incorporated, which is an amalgam of various community groups which have also, in some cases, contacted us individually. The communiqué states:

The community forum rejects the Planning, Development and Infrastructure Bill 2015 and calls on the [South Australian] Parliament to oppose the Bill in its present form as it fails to recognise:

- That Ecologically Sustainable Development must be an overarching objective of a new planning system in South Australia;
- That a Community Engagement Charter supported by the State Government must be developed and mandated to enable community input into planning policy and development assessment;
- That Council Development Assessment Panels must retain the involvement of elected members;
- That 'Heritage must be placed on new foundations' as proposed by the Expert Panel;
- That the Planning Commission must be independent and at arm's length from the Minister for Planning.

This forum empowers the Community Alliance SA to initiate actions to 'Bury the Bill' and to call on the State Government to 'Put the People Back in Planning and Development in South Australia'.

That group was most definite about what it wanted to do. From that meeting stemmed some interesting feedback that was provided to the rest of South Australia via the 'Have your say' section in *The Advertiser* last Saturday. I want to put a couple of those on the record. This one is titled 'Skewed focus':

Planning Minister John Rau has a Bill before Parliament to replace the current Development Act. The name has been changed to the Planning and Infrastructure Bill.

The Prospect Residents Association has serious concerns that the new planning and development system is overwhelmingly pro development and anti-community.

This skewed focus will result in very poor planning decisions having long-lasting negative impact on the character of our communities, which will in turn lead to increased negative impact on the social and environmental aspects of our local areas.

It will also significantly increase community conflict. Be nice to your neighbour will be a thing of the past.

It gives the Planning Minister enormous increased control over what happens, will lead to loss of heritage and character in our suburbs, and will result in rate rises as councils are required to pay for a new online planning system and the infrastructure costs of new developments.

To cap it all, developers will be able to come onto your property when building on the boundary without [your] permission. The community will have little say and should be alarmed.

That was written by the Prospect Residents Association. Another letter to the editor titled 'Adelaidistan', which is an interesting word, states:

The newly forming planning area of Adelaidistan will soon be ruled by regional chieftains subservient only to the Great God Rau, our Planning Minister.

The peasants will be locked out of being able to object when Hungry Jacks bulldozes its way to your street, or when a regional pow-wow is ticking off a five-storey block of flats over your back fence.

By shoving councils aside in rezonings and development assessment, the State Government is trashing local democracy and sowing the seeds of a peasant revolt.

There are some very extreme words there. I do not believe that is the case because if Australians can change their prime minister without going to civil war I do not think that we will do it over this matter. However, it shows some level of frustration that exists. I want to read out one final letter, and it is entitled, 'Give us a Say':

The packed Community Alliance forum on the proposed planning reforms held at the Burnside ballroom this week was a reflection of the public's response to the lack of transparency from our elected leaders.

The Minister for Planning and Development John Rau opened the evening followed by speakers from various sections of political, environmental and heritage groups. These argued that many of the projects on the drawing board are not sustainable. Urban planner Kevin O'Leary received loud applause when he questioned how heritage-listed parklands, protected under the National Trust, could be given away to a property developer. The public interest in these planning issues is now gaining momentum as was shown by the attendance from residents as far away as Mannum and Gawler who want a say in what is happening in their community.

That letter is from a lady in Woodville, and we have also spoken to her in the past. I commend the Community Alliance on creating the meeting opportunity. It was, I think it is fair to say, a little bit anxious. The minister said that he was attending within a time limit, and he put the position with respect to that. I understand it was the case that the minister had to go to other commitments, and that is what occurs. Ministers are very busy people, so I do not begrudge the fact that he was unable to stay.

From that meeting, and as part of the panel session, I took about four pages of notes on things, and there was a lot of interesting feedback on it and a very strong opinion put by those who were there. At this stage, I will also put on the record a statement made by Community Alliance in a submission it has prepared on the bill.

As part of the contribution I want to make today there are going to be a variety of positions put because, at this stage, and without going through the committee stage, it is very hard to determine, I think, where the best ground moving forward might be. So, I think that it is important to understand that my words here are reflective of those submissions that have been lodged with me. This is another direct quote from Community Alliance, and there is a bit of it:

The new draft Planning, Development and Infrastructure Bill of 2015 was introduced to the South Australia Parliament on Tuesday September 8. The proposed Bill is about 200 pages long and required a considerable amount of time and expertise to understand and in the short time available the Community Alliance SA cannot provide a detailed analysis on the provisions of the draft Bill.

It is not actually a draft bill: it is a bill. I continue:

However the Alliance has serious concerns about the following provisions in the draft bill but there may well be others that we have not as yet been able to identify:

They go on:

Too much power for the Minister—the Expert Panel recommended that the Minister be at arms length from planning decisions enabling community confidence in the…new planning system. Currently the public believe that major decisions are made behind closed doors.

I actually do not think that. I think that there is a level of maturity when that debate occurs. The letter continues:

For example—the Bill proposes that the Minister will appoint the chairperson and members of the proposed Planning Commission and also appoint the members of Regional Development Assessment Panels…

We are disappointed that the Bill does not include Heritage in the draft Bill. Heritage is a major concern for all Community Alliance members and it appears that the government is not concerned or interested in enhancing or preserving South Australia's Heritage.

The Community Alliance SA is very concerned that the Regulations are not available.

I break in here—and I will reflect upon this later—to say that there are provisions in the bill for some regulations (numbering 46) to be established, but there are no drafts of those regulations available. I go back to the Community Alliance submission:

We all know that the Regulations have the 'devil in the detail' and it is a major concern that the SA community cannot examine them in tandem with the…Bill.

The provision in the…Bill for elected members of councils to be excluded from sitting on development assessment panels is strongly contested on the grounds that local councillors provide valuable knowledge and expertise to the decision making process about development. Local decisions need to be made by local people.

The Community Alliance SA has significant concerns about the establishment of the proposed codes that include [and it uses as an example]

State Planning Code

Design Code

Assessment codes

Building Rules

Development Standard Designs. Who will write them and will there be provision for community representative/s on the panel who are charged with writing them? The Alliance has significant reservations about code assessment procedures—will assessments be made by using a 'tick and flick' methodology enabling corners to be cut and time saved for the development proponents? The Community Alliance suggests this provision warrants detailed examination of code assessment 'benefits'. We understand that this has caused significant problems in other states—

and they use Queensland as an example.

The…Bill has provisions for Environment and Food Protection areas but the area/s are not identified. The Community Alliance believes they should be.

They go on:

Objects and Planning principles (12(2)(f) includes the following:

'provide financial mechanisms, incentives and value-capture schemes that support development and that can be used to capitalise on investment opportunities;…'

We understand that clause relates to upfront development costs for the first owner of a house in a new development somehow enabling that cost to be spread over a number of years and supposedly lowering the cost of housing thereby making housing more affordable. The Community Alliance SA is unsure that this provision is sound. Where is the research and analysis of this inclusion and so far there has not been any significant community debate or consultation on this proposal.

The Community Alliance SA is appalled that local consultation/advice to residents of a nearby development has been pruned down from 60 metres to 40 metres.

I will break in here at this stage and flag the fact that, as part of amendments proposed by the government to its own legislation, that has been increased back to 60 metres, so I acknowledge that. The Community Alliance submission also states:

Access to information and consultation is totally inadequate and we deplore this provision. It brings into question whether the government is genuine and serious about providing good community consultation. This suggests otherwise. It is just not good enough.

The Community Alliance has concerns about the provisions of clause 118…This appears harsh and repressive. In an age when all organisations are asked to do significantly more with a lot less, it is quite possible that some development applications due to their complexity may run over the 'deemed time'—we suggest that planning professionals exercise care by getting the details right. Tight time lines do not always accord with quality decisions.

They go on to talk about clause 118—Time within which decision must be made, and they quote:

'A relevant authority should deal with an application as expeditiously as possible and within the time prescribed by the regulations.'

Again, we do not know what they are because there is no draft available. The submission continues:

'If a relevant authority does not decide an application within the time prescribed under subsection (1) in respect of the provision of planning consent, the applicant may, before the application is decided, give the relevant authority a notice in a prescribed manner and form (a deemed consent notice) that states that planning consent should be granted.

On the day that the relevant authority receives the deemed consent notice, the relevant authority is, subject to this section, taken to have granted the planning consent (a deemed planning consent).'

We have concerns about clause 133 [provisions for granting] access to neighbouring land. We think these provisions are quite unreasonable by permitting…building workers to access neighbouring land uninvited and unwanted. This may lead to arguments and infringe on a persons privacy. We believe good communication between the developer and his/her representative with the property owner is preferable to imposing legislation.

The Community Alliance has done a review of this bill, and held a community meeting, and they have provided feedback. Their hope is that the issues they have raised will be considered by the minister in time.

At that meeting, I also talked about a variety of things in the time that was provided for me to speak. I talked about the planning and design codes, and they are set out in the legislation as being required but there are no draft versions of it. The minister, in his comments—and I am not sure if it was at a briefing meeting I attended or where I have heard him speak—talked about the fact that

those planning design codes will come from the development plans that are currently in place for a variety of areas.

That is going to be an amazingly difficult job to do, and I appreciate that, but it would have been nice to see some form of outline so that there can be some level of discussion to ensure that we, in this chamber, are debating things from an informed position; however, it is not available.

With regard to the community engagement charter, I make the point—and this has been mentioned to me by community groups—that it is a front-weighted objective. Whereas under the current legislation the opportunity exists for review and, in some cases, depending on what category of application it is, for an appeal to be lodged, in this case the community's involvement is intended to be at the front when it comes to the creation of the development vision.

I have already outlined the concerns, in a practical way and in a cost way, about how this is to be achieved and, even though it is a grand statement to make, how it is to occur. I note though, as part of my consultation and a meeting I held with the Adelaide City Council Lord Mayor and staff, that they had done some work on this. I believe the template as to what they see as a community engagement charter was drafted by a former employee of Planning SA, so it will be interesting to see what work they have done and if some level of that is taken up because that is going to be a key thing. As it stands it is a responsibility of the planning commission, once appointed, to prepare this community engagement charter.

The regulations. As I have mentioned, the bill provides for some 46 different areas, starting at schedule 5, which is on page 196 of the bill. In each of those 46 areas, where it is intended for a regulation to be drafted, in the main it only provides two or three lines. The frustration becomes that there is a bit of an outline for where a regulation is to be put in place and for what reason but, as those who listen in this place, those who operate in this place or those who are bound by the actions of this place understand, the important details are actually contained in the regulations. So, that is where I have some level of frustration.

I relate back to a concern I have when it comes to a level of review. It was some time ago when the Hon. David Ridgway was responsible for other planning changes being debated in the other place (it was about the residential code, from recollection). I am trying to think of it but I am pretty sure he told me that, as part of the debate in the other place, he was up to draft 10 of what the residential code was intended to look like. So, that is where it can move and change, but in this case we are putting in place a legislative framework to establish 46 regulation areas without any detailed knowledge about what the regulation is to be.

Another area I spoke about at the meeting was the infrastructure levy. There have been questions asked about this, as one would expect. It is a rather contentious issue in many areas, indeed the development lobby have some serious concerns about it, and I will go into that later as part of my contribution. In essence, if I can explain one simple thing, there was a question put to me: how do you ensure that an infrastructure levy only relates to an area where development is occurring? From the interpretation of the legislation that I have, it appears as though there are no definite controls in place for that and it is potentially subject to a much wider area.

By association, can I raise a point, and I am not sure if I am being silly on this, but it is a comment that I believe the Premier had attributed to him, or it might have been the Minister for Transport, when talking about the potential for tram extensions in various areas across the metropolitan area, the comment that local government may contribute towards that. Is that, by extension, an example of where an infrastructure levy could be determined by government to apply to an area in which a tram extension is proposed to occur within whatever time frame (because that is not given), therefore servicing that corridor of residents, no matter how wide that corridor is, and that those people have an infrastructure levy attached to their rates notice which local government has been told it has to collect? That is an example, I suppose, of a very large extension on what might occur. There will be lots of questions asked about that when we get to the committee stage and I will be putting some concerns that the development lobby has about that too, as part of this contribution.

The urban growth boundary, which is the name I attach to it, is referred to in the legislation as the greater Adelaide boundary, and part of that might be an environmental and food production

area that is declared. The legislation talks about 'one or more', so I would see them as not being an outer boundary but an internal environment and food production area that will be established. I support the principle of that, I think it is important, but it is a very significant area where I believe it is a policy decision.

The minister, as part of the basis for his position on this infrastructure levy, refers to development that occurred at Mount Barker. Now the member for Kavel comments to me quite often about the fact that the most significant case, where the concerns have been raised, was an area of 3,000 acres that was rezoned. The minister noted, upon his appointment as the Minister for Planning, that he has issues with that, that he didn't want another Mount Barker to occur under, I believe the term was, 'his watch'. So instead of the current situation where an urban growth boundary has existed not necessarily by regulation but by a decision of the responsible minister for over 20 years, and where amendments that are made to that are made via the decision of the minister, the Minister for Planning has determined to legislate to pull this back into the parliament. So the debate will occur within this chamber and the other place if any changes are to occur.

We will be debating this during the committee stage as well, but I just make the point that this has been a very deliberate action by the minister, which areas. Community Alliance has questions on it and I know that the industry group certainly has questions on it, and that will come out later as part of this contribution. However, it has been a deliberate action to pull in a responsibility that currently rests with the minister, bring it into the parliament, and use it as the basis for legislative change but then to pull significant other areas into direct ministerial responsibility. I just cannot see the consistency occurring there.

It is not just the action of doing that. In a briefing that the deputy leader, the leader and myself held with the Minister for Planning and his staff—who I do acknowledge; indeed, his staff have been very helpful, if I have put any request in for information they have done that, so I put my appreciation of that on the record—we asked about reviewing a copy of the, and I use the term urban growth boundary that would actually be put in place. There was a map for a different purpose provided to us, which I have here: an Environmental and Food Production Areas 2015 Draft. The minister was able to confirm where the McLaren Vale and Barossa Heritage Protection Areas would be included in it and the Fleurieu Peninsula area has been extended, but it has somewhat of a boundary in place on that. The Hills Face Zone becomes the eastern boundary and the western zone is the coastline, but with this northern boundary we just do not know.

I have been told by others that they have seen drafts of it, but a copy has not been provided to the opposition. It is that area that we have real concerns about, where there is a significant intention to ensure that what I believe is a policy determination is provided as part of the legislation, but the parliament, in being requested to support this, is not being provided with a copy of where the vision is for it to occur. Even using what the current area is as a starting point was not provided to us. We find that bizarre, and I do not use that word all that often. I also find it rather disappointing that when a particular request is given for a copy of where an intention is for legislation to put in place controls, there is no copy of that map available to be reviewed. That is a level of debate that needs to occur, so it is frustrating.

I would like to add a few things. There were amendments provided to the opposition Friday afternoon last week, I believe, about four o'clock-ish. These were the second draft of amendments I have seen, as there was an example given to me some two weeks before that as well. I am not aware whether these amendments have been tabled; perhaps the adviser could indicate? Okay, the minister's adviser confirms that the amendments have been tabled. However, there are 74 of them, some of which have had some changes from the original version given two weeks before and some of which are new ones. Some from the original version given have also been removed and, as I understand it, from words from the minister, they relate to the infrastructure levy on the basis that there will be subsequent amendments that will come in at a later date about that.

The question I posed at the Community Alliance meeting and the comment that I put to the chamber today—and I am amazed at this also—is that, for a significant piece of legislation, one would expect some level of change to occur. There is no doubt about that. I understand that, as part of the drafting instructions, there are issues that are identified afterwards and there are things that have to be taken up. I also respect that, as part of an ongoing consultation that has been undertaken,

I put on the record that it is my understanding that the minister has continued to meet with a wide variety of groups in the period since tabling the legislation on 8 September.

A total of 74 amendments have come through. For such a significant number of amendments—some which are replicas of others, and it just depends on where particular words are mentioned; so, you could argue that a lesser number of key changes have been made—does not that demonstrate, as much as anything, that there has been a level of haste attached to the creation to the bill, and the presentation before the parliament and the subsequent debate? The potential exists, if the minister can get it through both houses, for it to be passed before Christmas.

I would have hoped, because of the significance of this legislation, which will impact across all areas of our society, that there would be an opportunity for greater discussion to occur in some form of draft bill, and for the tabling of legislation to have been much more of an accepted position on things. I made the comment very early in this contribution that life revolves around compromise, so I understand that.

But, for 74 amendments to come through on the basis that even more are to be tabled probably between the houses, and for discussion to occur—no doubt from both sides, because from what we do today there will probably be amendments from the opposition before it is considered in the other place—it highlights to me that there has been a level of haste attached to this. My concern is that haste will create problems which might be unknown, unintended and were never expected to occur until the practical implications of legislation.

I put on the record that after the tabling of the legislation on 8 September, the minister and his staff made available a briefing opportunity to all members of the House of Assembly and the Legislative Council which was on 23 September. This is interesting to me, because in the schedule for that sitting week, the bill was listed. So, it was rather frustrating that at that stage it was intended for all members to be provided with a briefing on a bill that was actually going to be debated on the same week.

I just want to confirm that my intention is to give all areas that have provided feedback an opportunity to be recognised in the second reading, so that is why we will be here for a while. I hope members are prepared to sit this evening, because there will be some things that—

The Hon. L.W.K. Bignell: We'll be here.

Mr GRIFFITHS: Good man. The next one—there are some comments that I want to put on here too, because it is reflective of the wide range of consultation that I undertook—is from the Environmental Defenders Office, which is a group, as I understand it, the Hon. Mark Parnell worked for before he came into parliament in 2006. In their submission dated 6 October, which is a copy of a letter that went to the Minister for Planning, they say:

> The Environmental Defenders Office…is an independent community legal centre with over twenty years of experience specialising in environmental and planning law. The [Environmental Defenders Office] functions include legal advice and representation, law reform and policy work and community legal education.

So, it is on that basis that they make the submission:

> We appreciate the opportunity to provide a submission on this Bill.
>
> The EDO is of the view that the Bill is being unduly rushed through Parliament without proper public consultation. Queensland is going through a similar process which includes a 6 week public consultation phase. It is our submission that in general the Queensland Bill takes a more balanced approach to planning decisions than what is provided for in the [South Australian bill]…

They then provide a link to that Queensland legislation. As part of their executive summary, the Environmental Defenders Office states—and there are some positives here:

> We welcome the following initiatives;
>
> 1. [State Planning Commission] can require councils to inspect development undertaken in their area
> 2. Minister can order testing and monitoring of impact assessed development
> 3. Introduction of a Planning Portal to provide access to information
> 4. Introduction of orders for adverse publicity and recovery of economic benefit gained by contravention of the Act together with enforceable voluntary undertakings

5. Increase in penalties for breaches of the Act

6. Introduction of a two tier review system

They go on to say, though, that they had concerns with the bill in the following areas:

1. Reduces community participation and fast tracks decisions in the planning system significantly;

2. Sets up a State Planning Commission which lacks independence;

3. Gives wide discretionary powers and control to the Planning Minister and proposed State Planning Commission without appropriate checks and balances; and

4. Establishes a framework that contains none of the detail on how the system will work and how it will be implemented. This is left to a second (unseen) Bill to be produced in 2016 along with multiple regulations and practice directions and guidelines.

The EDO's key concerns are set out below.

A. Objects and Principles.

Concerns;

- Bill's primary objective is to 'support and enhance State's prosperity' and to promote and facilitate development. There is no recognition of community 'ownership' of the planning system, sustainability or of intergenerational equity (these are regulated to 'Good Planning Principles'). The Courts look to the objects of an Act when interpreting its provisions. The emphasis on economics and prosperity in the objects will have significant impacts on the way the provisions are interpreted. Environmental and social impacts will be rendered secondary considerations. These provisions can be contrasted with the content of the objects in the current Act and those in the Queensland Bill.

They go on to say:

- General duties of participants in the system include that they are 'expected' to cooperate, be honest and be reasonable, however expectations are not enforceable

Their second area is the State Planning Commission:

- [State Planning Commission] will not be independent as it will be 'subject to the general control and direction of the Minister' except when undertaking specified duties such as assessing development.

- Appointment of members is at the Minister's discretion.

  - No transparent process for making appointments

  - No requirement for at least one member with social/environmental/science expertise.

The legislation, though, does talk about the key skill areas, professional background and knowledge requirements in determining the Planning Commission membership. They go on to say:

C. Assessment Panels

Concerns;

No requirement to appoint members with social/environmental/science expertise

Exclusion of Local Government Councillors who can bring a community perspective to decision making.

The next area is:

D. Community Engagement Charter…and Planning Portal.

Concerns;

- Minister controls the establishment and maintenance of the Community Engagement Charter and its contents—

done by the Planning Commission but still the responsibility of the minister. They go on to raise the point:

…can reject what is proposed by the Commission and has a discretion to unilaterally change it.

The second dot point states:

- No time frame for Community Engagement Charter development.

- Does not require community participation in the development assessment process

- No requirement as to what the Community Engagement Charter has to address—the (unseen) regulations will establish requirements for the [Charter]—any 'mandatory requirements' for the [Charter] can be overridden by the Commission
- [Charter] is not enforceable by the public.
- [Planning Commission] can direct compliance and seek costs but is not required to.

The questions they pose are as follows:

- Will public participation under the Charter be properly funded given the stated desire of the new system is to focus on community engagement at a policy development stage rather than the planning assessment stage?
- Will the Planning Portal be properly funded to give wide and comprehensive accessibility to all types of planning information?
- Lack of detail as to what restrictions there will be on access to information ie provisions refer to confidentiality/privacy, security or for any other reason specified in the Regulations.
- Exclusion of the operation of the Freedom of Information Act

I interject here to say that I have noted that too, and I will have some questions about that during the committee stage. The next point is Assessment Pathways, and they go on to say:

a. Performance Assessed Development.

Concerns;

- Public (other than neighbours) only notified of a development via a notice on the subject property.
- Definition of 'adjacent' reduced from 60m to 'land no more than 40 metres…

We have already clarified the government's amendments in relation to that. The third dot point is:

- Planning and Design Code can exclude public notification

A very interesting point. It continues:

- Time frame for public consultation in unseen regulations and might be set out in an unenforceable Practice Direction

Their concerns about restricted development are:

- Discretion on the part of the [planning commission] as to whether it allows assessment—criteria for making decisions to be in an unenforceable Practice Direction—certain proposals may be assessed when they shouldn't be
- [The planning commission] to determine how public is to be notified—again detail to be in an unenforceable Practice Direction
- [The planning commission] can dispense with public notification if it considers it necessary in the circumstances of the particular case—may be a loss of public consultation when it is important that there should be—again detail looks likely to be in an unenforceable Practice Direction

c. Impact assessed projects (specified in Regulations or declared by Minister)

The concerns they have there are:

- Where a proposal must undergo impact assessment by way of an environmental impact statement (EIS) a Practice Direction will set out how the public is to be notified, time frame for consultation, criteria etc. The contents of the Practice Direction are unknown at this point in time, can be changed at any time by the [planning commission] and are unenforceable.

They raise the point here that there are no third party appeal rights. Another area for them is:

F. Amendments to designated instruments and the role of the Environment, Resources and Development Committee [of the parliament]

Their concerns are:

- Whilst the Environment, Resources and Development Committee…can be consulted early this then bars further scrutiny.

- 'Complying changes' to the Planning and Design Code do not need to be referred to the ERD Committee. 'Complying changes' include changes to the boundary of a zone or subzone or the application of an overlay
- State planning policies with respect to each special legislative scheme (such as a character preservation law or the River Murray Act 2003) established by the Minister do not have to be referred to the ERD Committee (and so are not subject to disallowance).
- Interim operation can commence at the same time as the public is consulted on the amendment and before review by the Environment, Resources and Development Committee.

They then go on to 'Referrals' and the concerns they have there are:

- Designation of prescribed bodies etc. by unseen regulations
- Unclear whether Environment Minister will have the power to veto or place conditions on projects where environmental matters are likely to be significantly impacted
- An applicant can defer the referral to a later stage in the assessment process. The relevant authority must comply with such a request. This could put the authority under undue pressure if planning consent has already been given.

The last point that they raise is in relation to enforcement and the concern they have is:

- If a third party seeks to bring enforcement action there are significant barriers which include the court's discretionary powers to require security for costs, undertakings as to damages and to make orders for compensation for loss or damage and costs if the third party is unsuccessful

The Environmental Defenders Office has a focus on a particular area; there is no doubt about that, but that is a very substantial review and I do commend them on that. The next one I want to go to is the Local Government Association. They have been very diligent in their work on this. They undertook to commence consultation sessions across regional and metropolitan South Australia with their councils to ensure that the position taken by the state executive of the Local Government Association was fulsome in its consideration of what councils and local government thought about it.

They have been very helpful when it comes to meeting with other members of the opposition and me about areas they have issues with, and the fact that from an overarching point of view they understand that improvement and opportunities need to be pursued, but they are concerned about areas that are in the legislation which they think should be debated within this chamber, and where they will be seeking some level of change to occur.

Before I read that out, though, it is interesting that the minister has made particular comments about local government, and there was one session that I am aware of when the minister and the CEO of the Local Government Association were both on the same radio station at the same time. There were concerns put by local government, which they have responded to, and which I might read out a bit later, but the tensions that have arisen are interesting.

The minister might want to correct my understanding on this, but comments put to me are that, upon the Local Government Association undertaking a media campaign about ensuring that the local option stays in planning consideration, the minister was rather upset and questioned why a body had decided, before the debate had occurred in parliament, to go out and run a media campaign on that; and he has not been as open to discussion opportunities. I think officers of the minister's staff have certainly still done that but I am not sure if the minister himself has been available to the Local Government Association. If I am wrong on that, no doubt the minister will correct me.

The LGA has done good work in a relatively short time and I commend them for it. They have had quite a significant review. There will be some things that I need to put on the record about this and I think it is important that I do, because they are significant players. The planning department (if I can use that term) within the state government has a significant role to play in the practical appreciation of everybody in South Australia that, if they want to get something built, it has been the Local Government Association they have gone to in order to undertake that, other than the really significant ones where there have been major projects and the Coordinator-General has got involved in the issues that have gone to the Development Assessment Commission.

The absolute majority by number, that is, percentage—probably not the dollar value, as much as it is, because the higher valued stuff might go to a different area—of influences upon a community

revolve around local government when it comes to planning and development control, so I think it is important that the issues that they have are actually presented to this chamber. I will start on their submission. It states:

The Local Government Association has been a strong supporter of the planning reform debate for many years and was an active contributor to the work of the Expert Panel on Planning Reform. The Association has worked with its members over the past two years through several series of workshops, discussion papers, research projects, working groups and surveys. The overarching clear conclusion was that councils want a better planning system for their communities and South Australia.

Many local communities are concerned about high unemployment, declining or stagnant population and falling investment. Local Government is a natural leader in local economic development because councils know their local business communities; workforce and comparative advantages better than anyone else. Councils are well positioned to work with local stakeholders to achieve better outcomes for their respective communities and achieve greater economic prosperity.

The Local Government Association acknowledges the important role that the planning system plays in stimulating the construction sector and facilitating a strong supportive business environment. While Local Government is contributing to a stronger South Australian economy, we don't want our prosperity to be achieved at the expense of other community values that make our State great. We need a planning system that balances our economic goals with the protection and enhancement of our attractive, resilient and sustainable communities.

The Planning, Development and Infrastructure Bill introduced in the HA on 8 September outlines the framework for a new planning system in South Australia. The [Local Government Association] had an expectation that it would have a four week period to comment on the details provided within this bill. Subsequently, and unfortunately it has been introduced and may be debated before the conclusion of our consultation.

I note that their consultation has been completed. The submission continues:

This submission reflects the views that have been expressed by LGA members and independent advice received on this important and complex reform.

Their executive summary says:

As drafted, the Bill significantly curtails the role of communities in the planning system and—

this is important to note—

will not be supported by the [Local Government Association].

In formulating a response on the Planning, Development and Infrastructure Bill, the LGA has held ten consultation sessions across the State, which have been attended by approximately two hundred and twenty council members and employees. The sessions were delivered in partnership with [a legal firm], who also prepared a consultation paper to articulate the Bill and the key considerations for Local Government. This paper is available at [the LGA website].

This submission outlines the key issues that have been expressed by LGA members at the consultation sessions and through previous and current submissions provided to Councils. There are four parts to the submission:

1. a detailed summary of the LGA's position on key issues;
2. an assessment of the Planning, Development and Infrastructure Bill against the LGA's 13 Planning Reform objectives;
3. a 'clause by clause' analysis of the Bill, including specific amendments that are being sought; and
4. a briefing paper commissioned from Wallmans Lawyers on the proposed Infrastructure Scheme and its implications for Local Government.

They continue:

The consultation undertaken on the Bill reinforces a key message that the LGA has been expressing for many years; that is, the current system is complex and inefficient and is not meeting both the expectations of South Australia and its communities.

If I can interject, it is obvious to me that local government recognises the need for changes to occur too.

The Planning, Development and Infrastructure Bill 2015 outlines the framework for a new planning system. The detail about how this system will operate will be prescribed in Regulations, statutory instruments and the Community Engagement Charter, which are yet to be drafted. Therefore, the LGA and other interested parties are faced with the difficult challenge of forming a view on this Bill in the absence of a complete model. The key issues that are currently of concern to the LGA are summarised below:

- the role and influence of local communities to shape the future of their community will be significantly reduced, but the expectation for Councils and rate payers to fund the planning system remains;
- there are many instances where the Bill does not require consultation with the LGA or Councils; specifically, the appointment of members to the Commission, the establishment of sub-regions, the establishment of an environment and food protection area, the development of the Community Engagement Charter, and the detailed scoping and funding arrangements for an infrastructure scheme;

They are significant areas. They continue:

- there is also no prescribed role for individual Councils or communities in the preparation of important strategic and policy documents, such as State Policies, Regional Plans and the Planning and Design Code;
- it is not clear from the Bill whether the Minister can enter into a planning agreement and initiate a joint planning board that does not involve a Council. There is concern about local communities being locked out through agreements between the Minister and the private sector;
- a state-wide Planning and Design Code is likely to result in the loss of local policy that has been developed with communities over many years. There will be less local content on the policies that shape communities;
- a substantial amount of work needs to be done to work through the detail of the proposed infrastructure scheme. As drafted, Councils and ratepayers could end up paying far more than their fair share;
- Council members will be ineligible for assessment panel membership. These panels will consequently have no democratic connection to the local community;
- community members will be distanced from decision makers by more centralised assessment of contentious developments by the Commission;
- there is less chance for community to have a say in developments that impact them and it is not clear how greater engagement and policy will be achieved to justify the scaling back of public notification at the assessment stage; and
- Councils should not have a role in determining whether a person can access private property. This should remain as a civil matter.

They continue:

A range of other 'mechanical' issues that impact on Local Government have been highlighted such as—deemed consents, limitations on conditions, checks and balances for private certifiers, change in land use exemptions, and accreditation of professionals.

There is potential for the views expressed in this submission to change, subject to the provision of more detail and any amendments that may arise as a result of the parliamentary process.

Under the heading 'LGA Position on Key Issues':

Objects of the Act—A primary object of the Planning, Development and Infrastructure Act would be to support and enhance prosperity by promoting and facilitating development. The state's environmental and social aspirations do not feature in the objects of the Act, creating the impression that they are not important considerations in the planning processes. The LGA believes that South Australian communities want a system that strikes a balance between competing demands for the use of land and this should be reflected in the objects of the Act.

State Planning Commission—The LGA has historically provided qualified support for the concept of a State Planning Commission. A key role of the Commission will be to achieve better integration of plans and processes across the State Government, which is currently a barrier for many administrators and users of the system, including Councils.

However the LGA cannot provide its full support to the Commission proposal in its current form given the outstanding concerns about removing the role for the LGA in the appointment of a member, the 'advisory' rather than a decision making role of the Commission and the lack of oversight in the relationship between the Minister and the Commission, which could be argued is not truly independent.

If a Commission was to be established, a contemporary understanding of the role, functions and operation that Local Government would have is a pertinent skill set that must be reflected in the Commission's membership. Local government rejects the removal of the role of the LGA in the appointment of members to the Commission.

The Expert Panel conveyed the view that the introduction of the Commission could refocus the role of the Minister towards state level strategy and policy and away from the administration of the system. While it is acknowledged that further roles could be delegated to the Commission, the LGA considers that its functions should be conferred by statute to provide long-term certainty about what the Commission will do and avoid creating another 'layer' in the decision making chain.

They go on about Joint Planning Arrangements:

The flexible arrangements for collaboration between state and local government at a regional level are a welcome inclusion in the Bill. Many Councils have already expressed an interest in pursuing the regional planning agreements that are envisaged by the Bill.

One area of particular concern to Councils is that the Bill is unclear as to whether the minister may enter into a planning agreement with any entity (whether or not an agency or instrumentality of the Crown) that does not include a Council. The most concerning scenario is that a minister could enter into a planning agreement with a private sector body and establish a regional authority that freezes out the Council and the local community.

The next area is Community Engagement:

The Government has expressed that engagement with communities will be a central feature of the new planning system. The minister's second reading noted:

'a new engagement charter will set benchmarks for meaningfully and genuinely engaging communities as ideas are being formed and tested, giving people genuine influence in the process of developing the plans and policies that will shape their communities.'

There is little argument that bringing people into the planning debate at the earliest stages of the process will provide them with the greatest opportunity to achieve influence. However, Councils have invested significant resources in innovation and contemporary-based engagement strategies to draw communities into discussion about planning policy. These strategies go well above and beyond the statutory requirements and in the majority of circumstances, the return is not commensurate with the effort because the broader community does not interact with the planning system until it directly affects them as either an applicant or a representor. It is not clear to the LGA how a Charter will resolve this fundamental issue and justify the scaling back of notification at the assessment stage.

The LGA is concerned that it may take many years to focus the attention of the broader community towards strategy and policy, and in the meantime there will be a spike in the number of complaints received by Councils about un-notified developments.

It is noted that the Bill makes no provision for community consultation in the preparation of a statutory instrument. In the absence of the actual Charter, it would provide a greater level of comfort if a requirement for consultation was incorporated within the Bill.

It is also noted that the Bill does not provide for consultation with Local Government in the development, review or amendment of the Charter. While this may be intended, the role of local government must be reflected in the Bill, given the sector's expertise and experience in engagement with communities on a range of matters.

They go on to online planning:

Local Government recognises the major advantages that an online planning system would bring in terms of accessibility and expediency of the system. Local Government also recognises the substantial establishment costs that will be incurred.

Certainty about the funding of the digital planning system needs to be confirmed and a costing model developed that equitably apportions funding responsibilities and cost recovery strategies over time. Without a significant state investment in an e-planning system, many of the reforms outlined in this Bill will not be achieved and the economic benefit will not be realised.

While Local Government is prepared to pay its fair share for a planning system that serves the interests of communities, the Bill creates a head power for the Chief Executive to send a bill to Councils at any time, for any amount to pay for the e-planning system. Local Government will not support any reforms that results in cost shifting and an unequitable financial burden on its members.

The LGA is seeking a commitment from the Government to work with Local Government on the costing, development and delivery of an e-planning model to ensure that the financial and practical implications for Councils are limited.

They go on to the Planning and Design Code:

The replacement of the Council Development Plans with a state-wide Planning and Design Code is a reform that has drawn much discussion amongst LGA members. This discussion has been frustrated by the fact that the form, content and process for developing the Code is unknown at this point.

The principle concern relates to how much local content will be included in a new Code. Councils have worked with communities and gained approval from the Minister over many years to shape the content of existing Development Plans and the Bill provides the potential for this local content to be unilaterally wiped out.

The Bill provides limited scope for Councils (and a raft of other bodies) to amend the Planning and Design Code to recognise 'unique character attributes'. The LGA acknowledges that there must be sensible limits applied to planning policy variations and that the current volume of policies may have tipped the scales in terms of what is navigable and manageable. However, much more needs to be understood about the Government's intention regarding

planning variations, as the LGA and its members will not support reforms that remove the ability of Councils and communities to enhance what is genuinely unique or special about their area. A much greater role for Councils in the determination of local policy content is envisaged. The centralisation of planning policy also represents a resourcing challenge for the Government. As the Planning and Design Code is a keystone reform, it is critical that it be well executed. Despite the capabilities of existing staff, the LGA is extremely concerned that the existing resourcing issue currently experienced will further be exacerbated and won't be able to deliver a world class planning policy instrument as expected.

They go on to Development Assessment Panels (DAPs), as follows:

- The removal of elected members from assessment panels is unnecessary, does not meet community expectations and will not achieve any actual difference in decision making. Key points about development assessment panels are summarised below:
    - since 2007, the majority of members of individual Council DAPs have been independent professionals, creating distance between planning decisions and the influence of local politics;
    - no other state in Australia excludes elected members from the assessment process entirely;
    - some of the State's most prominent planning and development experts currently preside over or are members of the Council Development Assessment Panels;
    - all DAP members, including Council Members must comply with the Minister's Code of Conduct. The LGA would support a review of this Code to ensure that a high degree of individual accountability applies to the conduct in this important role;
    - the Independent Commission Against Corruption has not reported any systemic issues of misconduct or corruption in the current DAP structure;
    - on average, approximately 90% of development applications are determined by Council staff, with no role for the Development Assessment Panel;
    - applications that are presented to the Panel have either drawn community objection or do not comply with the zoning rules that have been approved by the Minister;
    - removing local elected members would result in a local democratic deficit and elevate local planning disputes to state politics; and
    - fully independent assessment panels are likely to result in higher costs, which would be passed on to the sector.

The LGA has commissioned independent research and surveys that support an ongoing role for elected members on assessment panels.

They provide the website that is available. I think the contact with the community was done in January on that and there was over 60-odd per cent of people who supported it from memory. The submission continues:

The LGA seeks an amendment to provide an ongoing role for suitably trained elected members on assessment panels at local and regional level. The proposed role for the Minister to dismiss and reappoint a local assessment panel is heavy handed and unnecessary. Councils are capable of managing the assessment of the bodies they appoint and if given the necessary authority can dismiss and reappoint a panel if required.

They go on to Private Certification, as follows:

It is frustrating to the Local Government sector that an expanded private certification scheme is being contemplated despite the ongoing issues with the existing scheme. The Government committed to a review of private certification of Residential Code developments after the first 12 months of the scheme's operation. There is no evidence that this review has occurred. A survey of Councils undertaken by the LGA indicated that a number of Councils have experienced an unacceptable number of instances where Res Code developments have been certified in areas where the Code does not apply, or the development did not satisfy the Res Code criteria. Examples were also provided of private certifiers exercising considerable discretion in the judgement of a 'minor' departure from the Res Code criteria.

This is not just a matter of principle for Councils. There are serious practical consequences. Considerable amounts of time and resources are invested in rectifying the mistakes made by private certifiers on minor matters, resulting in delays for more significant development matters. Despite these obvious and predictable issues, the Government is intent on an expanded role for private certifiers.

They go on to Assessment of Planning Applications, as follows:

It is noted that the proposed categories of development are not dissimilar to the existing assessment streams.

Currently, it is category 1, 2 and 3, and new categories are proposed. The submission continues:

However, Local Government has a keen interest in the types of development that will be dealt with under each category and this level of detail has not been provided. The LGA is seeking a commitment that the State Government will work with Local Government on developing the detail of the Code and any Regulations that deal with assessment matters.

Notwithstanding that the detail of assessment categories have not been resolved, the fact sheets prepared by the Department of Planning, Transport and Infrastructure (DPTI) suggest that planning staff engaged by Councils will only deal with generally minor matters, which will also be available to private certifiers. Council planning staff are best placed to deal with planning and development applications. They understand the impacts an application may have on a community, they are acutely aware of the issues within the locality and understand the implications of the decisions they make. To render this knowledge and skillset to deal with minor applications is a significant waste of the talents and resources available within Local Government and is likely to see an increase in the proportion of applications that must be presented to an assessment panel.

It is also noted that Councils will no longer have any role in the assessment of restricted development. Again, this reform does not take into account the demonstrated capacity for Local Government to deal with complex and contentious planning matters and the expectations of the community. The LGA submits that the assessment of all applications (other than genuinely significant major projects) should, by default, be dealt with by council staff or appointed bodies and only be called in by another assessment body if there is verified evidence that the relevant Council has systemically failed to satisfy prescribed performance standards.

The concept of a deemed consent for anything other than accepted or 'deemed to satisfy' categories of development is not supported. The risk of issues arising from the practical application of this Clause exceed any potential benefits.

They go on to the matter of access to land:

The Bill provides a role for Councils in granting a permit to access adjoining land for the purposes of carrying out approved construction works. The Council may be asked to issue such permits even if the adjoining owner has objected and refused entry. This is a civil matter and Councils have objected to receiving these powers. The LGA is seeking for the related clauses to be removed.

I think there is an amendment on that. I will have to read that again. They then refer to the infrastructure funding scheme:

For a number of years, the LGA has been working with its members, the State Government and the development industry to move South Australia closer to a more sophisticated infrastructure funding model. It is encouraging that the State Government is intent on addressing this longstanding issue and has entered its own model into the policy debate.

However, the LGA is not encouraged by the limited detail provided and the absence of any consultation with Local Government on this matter prior to the introduction of the Bill. It is noted that the Regulatory Impact Statement prepared for the Bill does not consider the proposed infrastructure framework and there is little public evidence of any detailed modelling or comparison studies to demonstrate that this is the best option for South Australia.

Infrastructure funding is an important reform, and a complicated one. While the concept of a framework built upon the principles of equity, apportionment and nexus is one of support and the practical operation of the proposed infrastructure scheme is a matter of great interest to LGA members, given the limited time frame provided to form a view, the LGA engaged Wallmans Lawyers to provide detailed advice on the implications of the proposed scheme on Councils. Their review identified a number of key issues of concern to the LGA:

- there are limited opportunities for councils to be involved in the development of infrastructure schemes or funding arrangements;
- the funding arrangement under Part 13 of the Bill enables the imposition of liability for the cost of a broad range of infrastructure on Councils;
- a Council may need to raise its contribution to infrastructure costs by entering into commercial financing arrangements—

i.e. loans—

- a Council must impose a charge on rateable land with respect to the reimbursement of the Council's contribution (infrastructure charge);
- despite the infrastructure charge being a charge on rateable land mandated by the state, the infrastructure charge is likely to be perceived to be a Council tax rather than a State tax;
- Councils will be financially exposed to the extent that the infrastructure charge does not recover the amount of debt funding secured by the Council to pay its contribution of the infrastructure costs;

- proposed consequential amendments to the Local Government Act 1999 (LG Act) will subordinate council regulation of road and activities on roads to development authorisations granted under the Bill; and
- aspects of Part 13 of the Bill require amendment to correct errors, provide clarity and rationalise the regulatory framework under Part 13 with other systems of regulation relating to infrastructure.

They provided a copy of the legal advice provided by Wallmans Lawyers. It continues:

The LGA welcomes the opportunity to work with the Government in the first instance to address the issues that have been raised in the paper and by LGA members. However, given the LGA did not receive an advance copy of the Bill, it has not been possible in the time provided for the LGA to prepare a detailed list of specific amendments required to overcome our concerns.

In overarching, they go back to the role of local government:

The Planning, Development and Infrastructure Bill is a move towards a centralised planning system, with a less significant role for Local Government. An independent community survey commissioned by the LGA suggests that this is not what communities want. There is also evidence that the community wants State and Local Government to work in partnership, this is not what the Bill delivers.

This submission, including the clause by clause analysis points to those areas where Local Government has a stronger role to play.

As drafted, the Bill significantly curtails the role of communities in the planning system and will not be supported by the LGA.

So, they start with that, and they finish with the fact that the LGA is not supportive of it. They have also provided as part of their review in a slightly broader sense (using the traffic light method of the red light, amber light and green light) some amendment areas to that. I will not read those into *Hansard*, but it is fair to say that the concerns put by the Local Government Association will be expanded upon in the committee stage.

As part of the continued dialogue that has occurred, and I referred to a little earlier when the LGA CEO and the Minister for Planning were on radio together on 13 October, there were some statements made by the minister that the LGA has put out a response on which I think are worthy of inclusion in this debate also. The first one was:

The Minister says that local councils have got a poor track record of consistent decision making.

The fact put by the LGA is:

…the LGA is supportive of reforms that will provide greater certainty and consistency in decision making through clearer rules and a requirement to stick to the rules. However, the data supports Councils' track record in working with the current system. Only 0.05%, or 15 out of more than 28,000 development decisions in one year, being overturned by Courts.

The second comment by the minister:

The Minister says that Councils are requiring people to get planning approval for cubby houses and umbrellas etc.

The response by the LGA is:

…Councils do not decide what does and does not require a planning assessment; this is determined by State legislation and regulations. The LGA has been saying for many years that the definition of development is unclear and outdated and should be reviewed. A revised definition of development has not been included in the Minister's current reform Bill.

Interesting. The third statement by the minister:

The minister says that the current development assessment panel process is not working and is influenced by local politics by including elected person.

The response by the LGA is:

…Current law requires Council Development Assessment Panels (DAP) to include a majority of independent members, including the Presiding Members. All DAP members are bound by a Code of Conduct to make all decisions impartially and in accordance with the requirements of the Act.

Another fact the LGA states is:

…Interestingly, the Bill provides a role for the Minister (an elected person) as the sole decision maker in the assessment of Crown development and significant 'impact assessed' developments.

Another statement by the minister:

The Minister says the LGA spreading false information about the role of local government being removed altogether.

The response by the LGA is:

…The LGA has not made this claim in any of its responses to the Bill.

Another statement by the minister:

The Minister says the LGA is claiming that the Government is forcing Councils to have regional development assessment panels.

The response by the LGA is:

…The LGA has not made this claim in any of its responses to the Bill.

There are some more. Another statement by the minister:

The Minister says that the LGA stated that 66% of people wanted local council elected members on development assessment panels, and that this is not true.

The fact put by the LGA is:

…The LGA CEO stated on a 5AA radio that 60% of South Australians think that their councils are best placed to be involved in planning assessment. A public survey of 500 people commissioned by the LGA from McGregor Tan research found the 59% of respondents believe that the Local Council is best placed to manage the assessment of development applications in their local area.

Another fact put by the LGA is:

…The McGregor Tan survey found that 54% of people thought that the best described role for elected members should be the decision maker on both zoning rules and development applications. A further 12% thought that the best described role for elected members should be decision maker on development applications.

A statement by the minister:

The Minister says that survey results actually show that 66% of people said that Councils should be informed by a panel of independent experts.

The statement put by the LGA is:

…When asked to best describe the role that independent expert should have in the planning and development system, 66% said they should provide advice to council members. Only 19% should they should be the decision maker on both zoning rules and development applications and only 4% said their role should be decision maker on development applications. The Government is proposing that independent experts should be decision makers, not advisors.

It is not just the LGA that has put issues to me; I have here in my trusty bag a variety of other submissions, and I might just put on the record where they have come from.

I have one from the Mount Barker council, and I gather from discussions with the member for Kavel that he intends to put on the record the specific words used by that council—as will others, no doubt. There are submissions from the City of Burnside, the City of Mitcham, the City of Norwood Payneham and St Peters, the Adelaide Hills Council, the Adelaide City Council, and the City of Onkaparinga, which is a 25-page submission; they have gone to a lot of effort.

I also have submissions from Yorke Peninsula Council, the District Council of the Copper Coast, the Wattle Range Council, and the Limestone Coast Local Government Association. The Local Government Association itself has done a clause by clause review, which will be part of the discussion that we hold in the committee stage, but it is fair to say, and in a polite way, that local government is not happy with what is proposed.

I undertook a wide variety of consultation, and the next response I refer to is from the Conservation Council, which has put issues to me. This is not normally a group I talk to that often, not because of a deliberate action by me but because I do not necessarily deal with areas where I have contact with them; that is all. I thank Mr Craig Wilkins, who I met and spoke with at the

Community Alliance meeting at Burnside last week. In a submission, dated 2 October 2015, as part of their thoughts the Conservation Council states:

Initial Analysis of the Planning, Development and Infrastructure Bill

…This response is based on an initial analysis only. We will be undertaking further work over the coming weeks.

So far, we have identified a large number of concerns. We believe the Bill will:

- Reduce community participation in the planning system significantly;
- Severely limit the ability of the community to know, or comment, on development;
- Increase the discretionary powers of the Planning Minister;
- Establish a Planning Commission that will not be independent and will not be able to acquire a sufficient level of expertise;
- Establish a framework that contains none of the detail on how the system will work and how it will be implemented.

The overall effect of the Bill is to shift control and ownership from community and local government towards the Planning Minister. If passed without amendment, there will be a significant exclusion of democratic involvement and transparency in the planning system.

A significant number of changes proposed are inconsistent with the recommendations of the Expert Panel on Planning Reform.

We are deeply concerned that such a fundamental change to our planning system has not been widely explained or debated, and urge the Parliament to amend the Bill to restore balance.

Key concerns include:

A. Objects and Principles

The Bill's Objects do not recognise the community 'ownership' of the planning system, environmental sustainability, local heritage and integrational equality. Although these aspects are relegated to the 'Good Planning Principles', it is not enough to secure their proper implementation as the Courts tend to interpret an Act's provisions based on its Objects.

Although the Principles of the Bill cover matters of environmental and social importance, they are likely to be neglected due to the reduction of the Objects to a narrow focus on economics and prosperity only.

This remarkably narrow focus repudiates the universally recognised multi-objective, balanced, holistic approach to planning.

B. Distribution of Power

As the Minister is solely responsible for preparing and maintaining the Planning and Design Code, the Bill establishes a top-down centralised policy regime that may not be context sensitive.

The level of power consolidation in the Minister and Department suggested by the Bill contradicts the Expert Panel on Planning Reform recommendation.

The Bill suggests considerable scope for skewing the composition of various decision-making bodies whether by the Minister or under the delegation by appointed officials or bodies as opposed to elected representatives. Local government is eliminated from the development assessment bodies, yet is responsible for much of the cost of establishing and running the proposed planning reforms in the Bill.

The Bill compromises the State Planning Commission's independence by making it the subject of general control and direction of the Minister. As a result:

- the Minister possesses a power to decide on the type of enquiries the Commission can undertake in view of the absence of the requirement to publicly release the inquiry report.
- the Minister can obtain any information from the Commission and its staff and therefore can influence the flow of information.
- there is an absence of clear appointment procedures.
- there is no requirement in the Bill about the experience and qualification of the appointed Commission Members with regard to social, environmental and science expertise.

We have some changes on that—

This might notably diminish the commission's level and range of expertise.

The absence of local heritage designation in combination with the narrow Object is likely to result in ad-hoc and anti-heritage decisions by the Minister, who is not confined by the rigors of the Bill.

C. Community Engagement Charter

The [Charter] is under the Minister's control in terms of its establishment, maintenance and content, but with no time frame for its development. At the moment, there is no regulation establishing the requirements for the [Community Engagement Charter].

The [Charter] participation in the preparation and amendment of the statutory instruments is vague and not enforceable, and does not address community participation in the development assessment process.

On the one hand, any mandatory requirements in the [Charter] can be overridden by the Commission. On the other hand, the Minister can reject the [Charter] proposed by the Commission and unilaterally change the [Charter].

D. Information access

There is no clear understanding of the Planning Portal functioning provisions, namely funding availability, the type of planning information required to be placed on the Portal, and information accessibility. It is unclear, for example, how the confidentiality, privacy and security restrictions might influence the information placement and access on the Planning Portal. It appears that local government will bear the financial burden of establishing the system, yet there is no clear rule of local government participation in the content. This system appears to disadvantage members of the public who are not computer literate and put further pressure upon local government to provide training sessions.

E. Public participation

The state Planning Policies and Planning and Design Code are at risk of becoming top-down policy processes due to the shift in power away from the community and towards the Minister.

The alteration of the definition of 'adjacent' (down from 60m to 40m—

we have already explained this is actually in an amendment to take it back to the 60—

...will diminish participation options for residents and landlords.

The Bill promotes a substantial contraction in public notification options due to Commission's right to dispense public notification, no requirements for public notification details and removal of the requirement for newspaper advertising. While on-site notices of development proposals have been included, the process and responsibility of on-site notice display is crude and should be considered in the context of urban environments. A different notification system for isolated sites in rural environments where on-site notices alone will achieve very little scrutiny should be considered.

The bill relegates the environmental impact assessment option with respect to public participation to an unenforceable Practice Direction, which in turn can be changed at the discretion of the Commission.

Third parties do not have appeal rights to the impact assessment projects specified in the Regulations or declared by the Minister. Furthermore, if a third party seeks to bring enforcement action with regard to the Bill, they will meet significant barriers, including the requirement to provide security for costs, undertakings as to damages and risk paying significant compensation for loss or damage and costs if the third party is unsuccessful.

The Bill provides the Minister with the power to use interim control to facilitate development projects, which limits community participation and control and promotes non-transparent and potentially corrupt behaviour within the planning system.

We are deeply concerned that there has been inadequate community consultation about the impacts of this Bill. Furthermore, the process of change proposed by future Ministerial regulation reduces thorough scrutiny by Parliament prior to the changes being introduced.

At the beginning of the Expert Panel on Planning Reform process, the community was promised there would be no surprises. Yet this Bill contains a number of important elements that were not discussed during the Expert Panel process, and/or is at odds with the Expert Panel's recommendations.

Interstate, when similar wide-reaching planning law change have been proposed, there has been consultation at the White Paper stage. As this process step has been skipped, we would recommend a Parliamentary Committee review of the Bill before debate take place.

Another very detailed review indeed, focusing in particular areas that the Conservation Council has, no doubt about that, but I appreciate the effort made to provide it to me, and it raises some points that others have not picked up.

In continuing, I received an email, which I appreciated, from the National Trust of South Australia, provided by Mr Darren Peacock and that also contains some points that I think it is important for the chamber to hear:

> Overall we are concerned about many aspects of the proposed legislation, in particular:
>
> - The centralisation and concentration of all planning decision making and the operation of all aspects of the planning system under a single Minister, with very little Parliamentary scrutiny or review.
> - Ministerial powers over the proposed State Planning Commission, Development Assessment Panels, the accreditation of planning scheme professionals and the creation and amendment of all planning instruments put the system at great risk of over centralisation. With few independent checks and balances, such a system runs an enormous risk of bias, undue influence and favouritism jeopardising the public interest.
> - The creation of a new State planning bureaucracy to administer the Act, including the establishment of regional assessment panels, seemingly over the top of local [government] decision making. This seems to us a hugely expensive and inefficient addition of another tier of planning administration. It seems impossible for this additional layer of administration not to involve significant additional costs, which the legislation seems to wish to transfer at least in part on to local councils.
> - A great diminution in the role of local assessment processes accountable to local communities through elected local councils (not a state government bureaucracy).
> - Marginalisation of local councils in all aspects of decision making leading to less responsive and accountable decisions made remotely from the individuals and communities most affected.
> - The proposed 'Community Engagement Charter' (S 12) is inadequate to ensure effective participation of the public in planning decisions. The Charter as proposed is established and maintained by the Minister, there are no defined rights or any mechanisms for independent review. Moreover, FOI and State Records provisions are explicitly excluded from the proposed Charter.

That is most interesting. The email continues:

> - Parliament has very limited opportunity for oversight and review of the planning instruments and decisions made in their application. There is a great need for more independent scrutiny of both if the system is to be transparent, trusted and not prone to abuse.
> - We believe that the principles for the act (S 14) also need to give recognition to the need to conserve significant places and to balance development with conservation of places that are significant to and valued by communities and which make their own contribution to community prosperity and wellbeing.
> - Sections 62/63 [and] 72(3) give the minister the power to designate and to remove local heritage places under the yet unseen Planning and Development Code. It is not clear that already designated local heritage places and significant trees will retain their existing designations. One of our principal concerns is that this legislation will in effect remove all existing designated local heritage places and significant trees and associated protections. This would put at risk from inappropriate development and potential destruction many of the most important heritage places in the state and, at the least, necessitate a huge amount of unnecessary work to reinstate these places and trees under the new Planning and Development Code. Further clarification and guaranteed protection for existing designated places and trees are required.
> - Similarly, S 189 1(a) suggests that owners of local heritage places will be able to appeal against the local heritage designation, suggesting another attempt to 'cull' existing local listings and to make it difficult to secure heritage protection for currently unprotected places and trees of local significance.

The National Trust encourages us to give consideration to these matters of concern. Again, it is another example of a community group with a particular focus area putting forward concerns. The challenge is whether, with so many as yet unseen portions of the bill in design codes and regulations, that security is provided, so I believe it is appropriate that they be put before the house. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:59 to 14:00.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (CHANGE OF NAME) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

WATER INDUSTRY (THIRD PARTY ACCESS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

CONSTITUTION (GOVERNOR'S SALARY) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

WHYALLA STEEL WORKS (ENVIRONMENTAL AUTHORISATION) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

VISITORS

The SPEAKER: Earlier today the Mitcham Primary School was with us as guests of the member for Waite, and currently we have Salisbury East High School, who are here as guests of the member for Wright, and pupils from St James's School, who are guests of the member for Stuart. Member for Stuart, which St James's is this?

Mr VAN HOLST PELLEKAAN: In Jamestown.

The SPEAKER: Excellent.

Petitions

GLENELG NORTH DEVELOPMENT

Dr McFETRIDGE (Morphett): Presented a petition signed by 276 residents of South Australia requesting the house to urge the government to take immediate action to stop the approval of the proposed 10-storey rezoning development in the Glenelg area, in particular the area around McFarlane Street to Anzac Highway, Glenelg North.

EMERGENCY SERVICES LEVY

Dr McFETRIDGE (Morphett): Presented a petition signed by 58 residents of South Australia requesting the house to urge the government to reverse the emergency services levy tax hikes.

REPATRIATION GENERAL HOSPITAL

Dr McFETRIDGE (Morphett): Presented a petition signed by 312 residents of South Australia requesting the house to urge the government not to close the Repatriation General Hospital and recognise this hospital as the spiritual home and vital lifeline for veterans of South Australia and the South Australian community.

QUEEN ELIZABETH HOSPITAL EMERGENCY DEPARTMENT

Dr McFETRIDGE (Morphett): Presented a petition signed by 29 residents of South Australia requesting the house to urge the government to take immediate action to ensure that

critical care services at The Queen Elizabeth Hospital are maintained and not to implement proposed changes to The Queen Elizabeth Hospital emergency department under the Transforming Health plan.

Parliamentary Procedure

ANSWERS TABLED

The SPEAKER: I direct that the written answers to questions be distributed and printed in *Hansard*.

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Information and communications technology report Supplementary Report October 2015 [Ordered to be published]
District Council of Cleve Annual Report 2014-15
Parliamentary Service of the House of Assembly Annual Report 2014-15
Police Ombudsman—Annual Report 2014-15

By the Premier (Hon. J.W. Weatherill)—

Auditor-General's Department, Operations of the—Annual Report 2014-15
Premier and Cabinet, Department of the—Annual Report 2014-15

By the Attorney-General (Hon. J.R. Rau)—

Attorney-General's Department—Annual Report 2014-15
Legal Services Commission of South Australia—Annual Report 2014-15
Liquor and Gambling Commissioner—Licensee Barring Orders Annual Report 2014-15
Listening and Surveillance Devices Act 1972—Report 2015
Public Prosecutions, Director of—Annual Report 2014-15
Serious and Organised Crime (Unexplained Wealth) Act 2009—Review of the execution of powers exercised during the period from 1 July 2013 to 30 June 2015
South Australian Classification Council—Annual Report 2014-15
State Election and By-Election 2014 Erratum—Report 2015
State Records Act 1997, Administration of the—Annual Report 2014-15
Regulations made under the following Acts—
Independent Commissioner Against Corruption—Miscellaneous
Rules made under the following Acts—
Supreme Court—
Land and Valuation Division—Amendment No.1
Supplementary—Land and Valuation Division—Amendment No.1

By the Minister for Planning (Hon. J.R. Rau)—

Commissioner for Kangaroo Island, The—Annual Report 2015
Regulations made under the following Acts—
Development—Acts and activities which are not development

By the Minister for Industrial Relations (Hon. J.R. Rau)—

Construction Industry Long Service Leave Board—Annual Report 2015
Senior Judge of the Industrial Relations Court and the President of the Industrial Relations Commission, The—Annual Report 2014-15

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

Regulations made under the following Acts—

Food—Miscellaneous

By the Treasurer (Hon. A. Koutsantonis)—

Distribution Lessor Corporation—Annual Report 2014-15
Essential Services Commission of South Australia—Annual Report 2014-15
Funds SA—Annual Report 2014-15
Generation Lessor Corporation—Annual Report 2014-15
Local Government Finance Authority of South Australia—Annual Report 2014-15
Lotteries Commission of South Australia—Annual Report 2014-15
South Australian Government Financing Authority—Annual Report 2014-15
Southern Select Super Corporation—Annual Report 2014-15
Super SA Board—Annual Report 2014-15
Transmission Lessor Corporation—Annual Report 2014-15
Treasury and Finance, Department of—Annual Report 2014-15

By the Minister for Disabilities (Hon. A. Piccolo)—

Independent Gambling Authority—Annual Report 2014-15
TAFE SA—Annual Report 2014-15

By the Minister for Agriculture, Food and Fisheries (Hon. L.W.K. Bignell)—

Dairy Authority of South Australia—Annual Report 2014-15
Forestry SA—Annual Report 2014-15
Primary Industries and Regions SA (PIRSA)—Annual Report 2014-15
Veterinary Surgeons Board of South Australia—Annual Report 2014-15

By the Minister for Tourism (Hon. L.W.K. Bignell)—

Adelaide Entertainment Centre—Annual Report 2014-15

By the Minister for Investment and Trade (Hon. M.L.J. Hamilton-Smith)—

Attributing to Employment to Exports Report—Report

By the Minister for Education and Child Development (Hon. S.E. Close)—

Adelaide Dolphin Sanctuary Act 2005—Annual Report 2014-15
Lake Gairdner National Park Co-Management Board—Annual Report 2014-15
Yumbarra Co-Management Board—Annual Report 2014-15
Zero Waste SA—Annual Report 2014-15

By the Minister for the Public Sector (Hon. S.E. Close)—

State of the Sector—Annual Report 2014-15

Ministerial Statement

ADELAIDE FASHION FESTIVAL

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: In February this year, through His Excellency the Governor's speech, we announced that the state government would take carriage of the Adelaide Fashion Festival from the City of Norwood, Payneham and St Peter's council. Just eight months later, the first edition of the rejuvenated festival has just been completed and has been hailed as a resounding success.

The 2015 Adelaide Fashion Festival took place over four days, concluding on Sunday, with 18 events across the city, based at the Hindmarsh Square runway as well as at satellite events in Norwood, Unley and Glenelg. The event joined with high-end brands Mercedes-Benz Adelaide, as our presenting partner, and Palladium on Light, both of whom provided great commercial support.

About 5,000 people attended ticketed events during the festival with most events sold out. These events took place in beautiful settings such as the Art Gallery of South Australia, Electra House, Jamie's Italian and the Richmond Hotel, highlighting the best of our state as well as our local food and wine.

The Adelaide Fashion Festival is about supporting young, creative South Australians whether they be designers, models, makeup artists, retailers or other young entrepreneurs, providing them with an opportunity to put their best foot forward here in their own home state.

Young South Australians like Kate Anderson, owner of the newly created S I G The Label, showcased her creations alongside others at an internationally acclaimed event, also young Australians like Sophie McMahon, the inaugural winner of the Premier's Design Award, who will now undertake a 12-month mentoring program, immersing her in many aspects of the fashion industry including sourcing textiles, manufacturing, planning, marketing and public relations.

Importantly, the event provided a platform for our state's emerging designers to sell their wares at an AFF designer market held as part of the festival. The Adelaide Fashion Festival is also about making international connections and we were pleased to host a delegation from China including designer Madam Zhou and Qingdao Fashion Festival Event manager, Mr Zhang, attending the event.

International and national media attended the festival, including a delegation of fashion media from Qingdao and Beijing, *Vogue*, *Australian Women's Weekly*, and a variety of influential fashion bloggers. On Sunday night, the Adelaide Fashion Festival delivered its stunning finale with the international launch of the autumn-winter 2016 Paolo Sebastian Couture Collection—with two sold-out shows.

This year's fashion festival took place amongst a plethora of other national and international events in Adelaide including Tarnanthi Aboriginal Arts exhibition, the Adelaide Film Festival, the Adelaide Motorsport Festival, the Masters Games, the World Solar Challenge and, of course, Cheesefest.

The state government would like to thank the Events SA team (especially led by Hitaf Rasheed) and the South Australian Tourism Commission for making the 2015 Adelaide Fashion Festival a success. We thank all the corporate sponsors, members of the media and, most importantly, the Adelaide fashion industry for projecting our fashion scene on the world stage.

EMERGENCY DEPARTMENTS

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:12): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: During winter this year, there have been more presentations to our emergency departments than ever before: a total of 96,323. This is almost a thousand more than during the winter of 2014, which was also a record year. Two years of incredibly high numbers of flu cases have contributed to this figure. Flu notifications during winter last year were 4,376, but this year that almost doubled to 8,136.

Despite this increased demand, our hospitals have coped well. In fact, patients have spent on average 26 minutes less in our EDs than patients who attended EDs in winter last year. This is a testament—

Members interjecting:

The Hon. J.J. SNELLING: I know the opposition don't like good news. This is—

Members interjecting:

The Hon. J.J. SNELLING: They are always looking for an opportunity to bag hospitals.

Members interjecting:

The Hon. J.J. SNELLING: Always looking for an opportunity to criticise doctors and nurses; always looking for an opportunity to bag our hospitals, but I will continue, Mr Speaker. This is a testament to the dedication of our doctors, nurses, allied health professionals and ambulance staff, and I want to thank them for their commitment to patient care during very demanding periods. It is due to their hard work, expertise and planning that our hospitals were as prepared as possible and coped so well in meeting this extra demand.

SA Health's preparation to manage the increased winter activity included targeted pilot programs that looked at ways to streamline patients' assessment and treatment and how to minimise delays in discharging patients who were ready to go home from other parts of the hospital. These changes resulted in more capacity throughout our emergency departments and our hospitals.

Further, the 'Emergency departments are for emergencies' campaign was also rolled out across the state, starting in June and running through until early September. During this time, the number of patients attending hospitals with less acute conditions (referred to as category 4 and 5 presentations) was around 6 per cent lower than during the previous winter.

All of these improvements demonstrate the central message of our reform program, Transforming Health: that we can make changes that result in an improved efficiency in our systems while improving the quality of patient care. No-one wants to spend any more time in an emergency department than absolutely necessary, and this reduction of almost half an hour for patients is one small demonstration of the positive changes that our clinicians have told us can be achieved.

STATE EXPORT FIGURES

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (14:17): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.L.J. HAMILTON-SMITH: South Australia's economic success has long been dependent on our capacity to engage and compete in international markets. As a small and isolated state, we have been best served by economic policies that attract trade and investment from beyond our own borders. Today, I tabled a report into the value of international and interstate economic activity to the South Australian economy, the first of its kind in recent years.

The report, titled Attributing Employment to Exports, identifies that 203,000 jobs are linked to economic activity outside the state in 2012-13; 65,000 of those jobs are linked directly to exports overseas. These jobs were created across all sectors of the economy, not just those primarily engaged in export activity, such as agriculture, mining or tourism.

The report identifies service exports as a major contributor to job creation, due to the labour intensity of this sector. These findings will inform the South Australian government's ongoing investment and trade strategies and implementation. We will continue to support small business, SME exporters, in all industries, through TradeStart, through the Export Partnership Program, and our international business missions. I commend the report the house.

Question Time

CABINET PROCESS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:19): My question is to the Premier. Has the Premier counselled the Treasurer regarding his understanding of the cabinet process following the revelation that the Treasurer only makes grammatical changes to cabinet submissions presented to him by agencies under his control?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small

Business) (14:19): I have a full understanding of the cabinet process. I was trying to assist the commissioner and I think, given that not the entire transcript has been released, it is unfair of the opposition to think that I do not understand the cabinet process. I do understand the cabinet process. I take responsibility for my cabinet submissions. The point I was attempting to make is that I do not change advice.

CABINET PROCESS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:20): Supplementary to the Treasurer: did you receive any counselling from the Premier?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:20): The Premier obviously mentioned the appropriate use of language with public servants and how inappropriate it is to use inappropriate language, but I fully understand my responsibilities as a cabinet minister and there has been no adverse finding.

Mr Pisoni: Did you get your grammar right?

The SPEAKER: The member for Unley is called to order.

CABINET PROCESS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:20): A question to the Treasurer: has the Treasurer or his staff ever changed the substance of a cabinet submission presented to him by an agency prior to the submission being presented to cabinet?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:20): Cabinet deliberations are for cabinet, but I do not change advice that I receive and I respect the independent advice I receive from my agencies.

CABINET PROCESS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:21): Supplementary to the Treasurer: have you ever made any grammatical changes to any of those cabinet submissions?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:21): This really is an absurd line of questioning. The notion that—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned.

The Hon. J.W. WEATHERILL: —a minister of the Crown should be quizzed about whether they make grammatical changes to cabinet submissions is trite and does not amount to the sort of material that should be canvassed in question time. It is an absurd question. Having said that, sir, having been an avid observer of cabinet submissions over the years, I do note that there was one minister who paid very special attention to their cabinet submissions and would routinely make grammatical alterations to the cabinet submissions to ensure that their cabinet colleagues' sensibilities were not offended by grave errors of split infinitives or other transgressions of a grammatical nature.

Members interjecting:

The SPEAKER: I will take that pause to call to order the Minister for Agriculture, Food and Fisheries, and the members for Morphett and Morialta. The deputy leader.

CABINET PROCESS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:22): Supplementary to the Premier: the Premier, having read the report of Mr Lander and having told the parliament that he accepts the findings of Mr Lander, is he satisfied that his Treasurer does understand the issues in relation to cabinet submissions?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:22): The report actually canvasses a number of issues about the way in which cabinet operates and, indeed, a range of statutory authorities. We are reviewing the report very carefully and we will be considering it as a cabinet, and there will be some consequential matters that will flow from that. It is worth pointing out, though, and this is something that I think ministers do need to be aware of—and it is something perhaps, at least over my time as being a cabinet minister—there has been an increasing tendency of various statutory authorities to, if you like, narrow the scope of what might otherwise be regarded as the area of cabinet confidentiality.

What is happening now is that documents which had previously not been within the public province are now actually being routinely referred to in Auditor-General reports and now we see in Ombudsman reports. One of the challenges that provides for us is that I certainly, and I know my cabinet colleagues, have always treated the cabinet submission as part of the cabinet process—so an input, if you like, to the cabinet process, not necessarily containing everything, but desirably containing as much as possible to assist in a proper decision to be made. However, now we see the evaluation retrospectively of our decisions in this way, I think it does make it incumbent that each and every consideration that cabinet has apparently considered is contained in those documents.

Suffice to say that the cabinet submissions are not pleadings. They are not pleadings in a court case which define all of the issues in questions that come before cabinet. Indeed, some ministers come to cabinet with perspectives which have not been canvassed at all in any of the cabinet documents, and that's as it should be.

Ministers should be able to bring to the table their own experience, the conversations they might have with their chief executive, or a perspective of their agency which might not otherwise find its representation in a cabinet document; all of those things are proper to be brought to the table. I think that given the way in which this matter has progressed it has caused us, to some degree, to consider how much material should be documented even if other material is not necessarily in writing but has been canvassed during the course of the discussion. So, we certainly are reflecting on all those matters, and I know cabinet will be dealing with the implications of a range of the helpful guidance that has come from the commissioner in due course.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:25): My question is for the Treasurer. When the Treasurer was the minister for housing and urban development, did the Treasurer have Mr Richard McLachlan removed from any projects that Mr McLachlan was working on?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:25): I would have to check, but I doubt I would have. I have a high regard for Mr McLachlan and his abilities. He was, and is, a very able public servant who is held in the highest regard, and I can't imagine why I would have done that.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:26): Supplementary: has the Treasurer read page 155 of the ICAC report into the Gillman land deal which states:

> Mr McLachlan said that he wrote to the Walker Corporation which was concerned with the Festival Centre Plaza and Car Park project and was told in a subsequent telephone conversation with Mr Walker that he did not appreciate Mr McLachlan's advice but it did not matter much because Mr Walker said he had spoken to Mr Hooker and Minister Koutsantonis and that Mr Walker would not be dealing with him in the future. Mr McLachlan said that without being told he was removed from responsibility for that project.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:26): That's a matter for the chief executive of the time, and that's Mr Walker's version of events with Mr McLachlan relaying what Mr Walker had said. That doesn't mean that I intervened in anyway, and I have no recollection of intervening in any way. And anyway, even if I had wanted to intervene—which I don't admit that I did because I have such high regard for Mr McLachlan—that would be a matter for the chief executive.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:27): A further supplementary: while minister for housing and urban development, did the Treasurer discuss Renewal SA's staffing arrangement with property developers, including Mr Lang Walker?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:27): I would never let a property developer tell the government who or what personnel should be overseeing them. That's a matter for the chief executive in any department. I have complete faith in the public servants who work for the government, and I respect Mr McLachlan a great deal. I point out to the opposition that you were quoting from a submission as to what Mr McLachlan put in that was very complimentary of me.

CYCLING CITIZENS' JURY

The Hon. S.W. KEY (Ashford) (14:28): My question is directed to the Premier. Premier, can you describe to the house the approach Sharing the Road Safely citizen jurors took before recommending changes to the cycling laws?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:28): It is important that this matter be canvassed today because it has been a matter of some popular remark. The work undertaken by the citizens' jury that considered how motorists and cyclists interact on our roads was founded on evidence—a novel concept for those opposite—expert testimony, and the jurors' own commitment to reach out to the broader South Australian public on the issue. In arriving at the recommendations, which included changes to the laws to provide for safer overtaking of cyclists and to enable safe riding on footpaths, the jurors:

- considered advice from 10 expert witnesses from outside of government, including trauma surgeon Associate Professor Bill Griggs, the RAA, BikeSA, the LGA, SA Police, the South Australian Road Transport Association, and the Motor Accident Commission.
- assessed policy approaches being taken in more than 12 jurisdictions in Australia and internationally;
- considered 38 public submissions; and
- engaged with the broader public and monitored public debate including their deliberations through the government YourSAy website and Twitter chat where the jury responded to questions from the public—a discussion which trended on Twitter at that time—which I understand is a good thing.

Before making their recommendations, the jurors considered the wide range of factors that affect motorist and cyclist interactions such as speed, traffic flow, cycling infrastructure and the current road rules. The major factor in the jury's deliberations was the horrific injuries suffered in vehicle and bike collisions.

In making its recommendations, the jury accepted the practicality that cycling infrastructure would take time to create (notwithstanding the very substantial investments that this government has made in them), and they believed that the injuries being suffered warranted more urgent action—namely, the law changes for overtaking and riding on footpaths.

This was not a decision taken lightly. Evidence and testimony jurors considered made multiple references to the use of footpaths as a safe alternative and to the importance of leaving adequate overtaking room. Their recommendations also factored in the need for cyclists to travel at low speeds on footpaths and to have an enhanced consideration of pedestrians. No doubt they would have taken into account that now, with our decision, there are a majority of South Australian jurisdictions that permit riding on footpaths.

In the process that took place over three months from September to November 2014 when the jury report was handed down, those jurors put aside knee-jerk reactions, they did their due diligence and they arrived at a considered position they believed was in the best interests of

South Australians. It is remarkable, then, that those opposite have discounted the good work that was undertaken by those jurors. We have the disparaging remarks that were—

Ms CHAPMAN: Point of order, Mr Speaker. This is debate.

The SPEAKER: It may be debate. I am interested in the disparaging remarks, though.

Ms CHAPMAN: Of the opposition, not of the citizens' jury, sir.

The Hon. J.W. WEATHERILL: No, this is disparaging remarks made by the opposition of the citizens' jury, which are to this effect: 'Their effort is nothing more than a group of people with some butcher's paper.' These are citizens—

Mr GARDNER: Point of order, sir. Now that you have heard the remarks in question, surely it is clear that it is debate.

The SPEAKER: Yes, I uphold the point of order.

The Hon. J.W. WEATHERILL: What those jurors did was offer themselves to come forward as a group of citizens on behalf of the broader community. They were drawn randomly from the community. They wanted to make a contribution to an important and vexed public policy issue where we had become stuck between cyclists and motorists, and many of them have actually explained to me that they see it as an opportunity to make politics work. It is so sad that the Liberal Party are back in the lazy, knee-jerk responses of the past.

Ms CHAPMAN: Point of order, Mr Speaker. How can you allow this debate to just go on?

The SPEAKER: One reason is because it is necessary to call the deputy leader to order and warn her the first time because she is constantly interjecting. The other is to warn the member for Morialta for the first time and for the second time. It is best if members come to points of order with clean hands. Is the Premier finished? Deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:33): My question is to the Treasurer. Prior to the government entering into the Gillman land deal, did any member of Adelaide Capital Partners make any attempts to access the Gillman land to deposit fill materials?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:33): I don't know, Mr Speaker. I would have to ask my colleague, the current minister, and he could ask Renewal and bring an answer back to the house; but I have no recollection of that.

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is called to order. Deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:34): Again, my question is to the Treasurer, as the former housing and urban development minister. Did any of the members of Adelaide Capital Partners ever try to sell fill materials to the state government to develop land at Gillman?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:34): As these questions involve matters which are not matters that certainly I have immediate knowledge of, and I am the person who is now responsible to the house in respect of these matters, I will seek some advice and get back to the honourable member when I know the answer.

CYCLING CITIZENS' JURY

The Hon. P. CAICA (Colton) (14:34): My question is to the Minister for Transport and Infrastructure. Can the minister provide more detail to the house about the public consultation process that occurred before the introduction of the new cycling laws?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:35): I thank the member for Colton for his very topical question. I know he has a keen interest in the safety of all road users, particularly cyclists.

Members would be aware that the government announced in January it would implement minimum distances for motorists passing cyclists and allow more cyclists to ride on footpaths. Members would also be aware, following this announcement, that in March over 1,500 submissions were received from members of the public and from stakeholders regarding these and other recommendations of the citizens' jury. Of course, it is also worth putting on the parliamentary record that not one was received from the opposition. However, many residents across the state made a submission to the consultation process.

These submissions were received through a variety of means—via an online feedback form and via letters and emails. The consultation process was promoted through a departmental media release, issued on 3 March this year; a ministerial press release, issued by me on 19 March this year; letters out to individual stakeholders and organisations; extensive social media campaigns (including on the Department of Planning, Transport and Infrastructure's social media portals); an email announcement out to departments and all public servants; SA government YourSAy community engagement consultation processes; and, also, through organisations who have a keen interest in this, including Disability SA, the National Heart Foundation, Bike SA social media portals, the Motor Accident Commission, the Amy Gillett Foundation and, of course, the department's Transport Accessibility Advisory Group.

Accompanying all of these invitations was a fact sheet outlining the current relevant road rules, proposed regulatory amendments, Q&As and feedback mechanisms. The feedback was supportive. Ian, from the Dunstan electorate, said he agrees with allowing cyclists on footpaths because 'there are times when the roads are too unsafe'. He also thought that the metre rule is 'an excellent rule'. Tom, from the electorate of Adelaide, said he 'fully supports' the new laws and he went so far as to say a cyclist should be 'forced to use a footpath for a short distance as it is dangerous to be on a very busy road. It is necessary and it is safer.' Of course, these are but two of the more than 1,500 submissions, over 70 per cent of which were supportive of the two measures I referred to earlier.

Statistics were critical in helping advise the citizens' jury and inform consultation respondents, and the statistics are sobering. The Motor Accident Commission provides data that between 2010 and 2014 there were 366 reported crashes where cyclists were either killed or injured. Since 2005, 38 cyclists have been killed on our roads (three of them this year) and every year about 70 cyclists are seriously injured. It is incidents like these, and many others, that prompted the citizens' jury to consider what we can do to make everyone safer when sharing our roads.

It is what prompted this government to take action and introduce these measures to provide safe alternatives for cyclists. We have seen them successfully implemented in Queensland, with cycling on footpaths also allowed in this and three other jurisdictions. It is why this government undertook public consultation on those changes (and we have had groups such as the RAA and the centre for automotive studies support these recommendations) and it is why we are embarking on an education campaign to help the public understand these changes.

These sorts of changes are always controversial. Nearly every South Australian uses our roads, and changes to how we interact with each other on our roads are always controversial, but we should be clear this is about improving safety, and I would hope that the progress we have made in recent years in reducing injuries and deaths on our roads is further assisted by these two changes.

The SPEAKER: I call to order the members for Kavel, Stuart and Hammond and I call the Treasurer to order for such loud private conversation as to impede the Speaker's hearing the minister's answer. Deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:39): My question is to the Treasurer. Prior to working on the Gillman deal—that is, prior to mid-2013—was the Treasurer aware of the company ResourceCo?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:39): I don't know how to answer that, Mr Speaker. I don't recall having any dealings with them, but was I aware that they existed? I think I had seen the banners on some of their machinery, but I'm not sure what interactions I'd had with them. I will have to go back and check.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:40): Supplementary: did ResourceCo make any prior attempts to access land at Gillman to deposit landfill?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:40): Again, this is a matter which has either produced some record or it hasn't. I will make the requisite inquiries.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:40): Further supplementary: in making that inquiry, will either the Attorney or the Treasurer identify as to whether waste-derived fill will be used to fill the Gillman land, subject to the Gillman ACP deal?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:40): I believe that has already been canvassed at some length in various places.

Ms Chapman: Not here.

The Hon. J.R. RAU: I think it has, but anyway, yes, I will make the inquiries.

The SPEAKER: Member for Torrens.

Members interjecting:

Ms WORTLEY: Thank you. My question—

Members interjecting:

Ms CHAPMAN: I'm ready to go, sir.

The SPEAKER: Deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:41): My question is to the Minister for Planning and Housing and Urban Development. What is the final deadline for ACP to pay for the first 150 hectares under the Gillman land deal?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:41): I think we went through this last time we were here, but it's okay to do it again, I suppose. The situation is that the first option required a couple of things to happen. One group of those things, one cluster of things, were things the government had to do, and the government has done all of those things. Then, there is another group of things which need to be done by ACP. Upon completion of that the matter then goes—

Mr Goldsworthy interjecting:

The Hon. A. Koutsantonis: The force awakens.

The Hon. J.R. RAU: Yes, the force awakens, indeed. His film is coming out shortly. Sorry, I was distracted by the member for Kavel, so I will just—

The SPEAKER: Yes; I call him to order.

The Hon. J.R. RAU: I thank you. I will just reassemble myself. As I was saying, the situation is that there is then a requirement on ACP to undertake certain activities. Upon those activities being undertaken and completed there is then settlement.

The SPEAKER: That should have been a warning for the member for Kavel and it is a warning. Deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:43): Supplementary to the minister, if I may. Whilst there might be some further conditions or activity to be undertaken by ACP, is there any time limit on them to do those things?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:43): The obligation upon the parties is that they will act in good faith and with all reasonable expedition to discharge their responsibilities under the agreement. That is, therefore, a matter of them getting on with things, in good faith, and doing what they're supposed to do, in good faith, so that is our expectation.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:44): Further supplementary: notwithstanding that the party, ACP, is expected to act in good faith and in an expeditious manner, is there any time limit on them doing so to complete their conditions precedent to concluding the first 150-hectare sale?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:44): Some of the things they have to do are not matters which are entirely within their control to actually set the time lines on. What they are expected to do is to undertake certain steps. In effect, it is to do with having the land ready for the settlement to occur.

They will have to undertake certain steps in order to do that. Exactly how long that will take them to do, if acting expeditiously, I cannot tell you to a day. All I can say is that my expectation is that they should be getting on with it, getting on with it quickly and not wasting any time. The sooner they are in a position to have done all those things and settle the better, as far as I am concerned. As to having an exact moment in time when that will happen, because of the nature of some of those preconditions I cannot say to the house, 'At this point in time this will be completed.' That would be misleading.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:45): A supplementary: is there any date in the deal, in the agreement, in the option deed, which says that if ACP do not do certain things within a time frame that the deal will lapse?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:45): That is not the way the document is put together. It is my expectation that ACP, acting in good faith and with all reasonable speed, will be in a position to settle in the not too distant future. However, I am not in a position to give you a particular day.

Members interjecting:

The Hon. J.R. RAU: These things take some time. What I am trying to explain is—

Members interjecting:

The Hon. J.R. RAU: Unbelievable? Well, there you go. As I have been trying to explain to members, our expectation is that they are going to get on with these steps, complete the steps and settle. My expectation is that that will be in the not too distant future, but I am not going to mislead the house by saying that it will be definitely on a particular day when I cannot say that it will be.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:47): A supplementary.

The SPEAKER: Before we go to that supplementary, I call to order the member for Mount Gambier, I warn the member for Stuart for the first time and I warn, for the second and final time, the deputy leader, the member for Kavel and the member for Stuart. Deputy leader.

Ms CHAPMAN: My question is to the minister. Who then will be the arbiter of whether ACP are acting expeditiously or in good faith, who will determine that? If it is you as the minister, what date do you say they have to have it done by to ensure that this deed proceeds?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:47): The position is basically this: under the agreement—and this is not an unusual proposition for commercial agreements—if the parties come to the point where they have a difference of opinion about whether one of them has lived up to their obligations under the agreement, there is a provision within the agreement for an independent arbitration of that particular matter. I am not ultimately the umpire of whether or not there has been compliance.

As you would expect in a complex agreement of this type, there is provision, that the parties have made in advance in the event of there being some confusion or disagreement between the parties, that there would be a process by which any such disagreement would be resolved. That is the case in an agreement such as this. As to whether or not the government would actually activate that provision, that would ultimately be a matter for the government to determine, whether or not the government considered there had been compliance or noncompliance. Of course, before getting to that point we would be in a position to provide the appropriate notices and information, as also required by the agreement, so that there was no question of the parties operating under some misapprehension or anything of that sort.

CYCLING SAFETY

Ms WORTLEY (Torrens) (14:49): My question is to the Minister for Tourism and Recreation and Sport. Can the minister inform the house of any international recognition South Australia has received for its work in the area of road safety for cyclists?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:49): I thank the member for Torrens for the question. Yes, surprisingly, I can. The UCI, which is the Union Cycliste Internationale and the world governing body of cycling, last month announced that we've got the world famous Santos Tour Down Under on the international cycling calendar for well into the future. It has been secured after a couple of years of review of the international cycling calendar.

One of the things that they look at is our participation rates in cycling, and since we had the very first Tour Down Under back in 1999 we have seen a tenfold increase in the number of people who cycle here in South Australia. We have also seen an increase in the efforts by this government to bring about changed behaviour on our roads, where we get people to share the road, because every person who goes out on a cycling journey, no matter their age, no matter their ability, deserves to get home safely.

This is something that we discussed with the head of the UCI in Switzerland earlier this year. They don't look at just the way we put on a bike race: they look at the way we conduct ourselves in terms of promoting cycle safety to the members of the community here and how we set an example to the rest of the nation. Indeed, South Australia is the capital of cycling in Australia. We are the best when it comes to road safety for cycling, but we have a long way to go in terms of an international level, particularly in Europe, where they do things so much better than any Australian state.

I was talking to Tracey Gaudry earlier today. Tracey is a former Olympic cyclist, she is a former head of the Amy Gillett Foundation, and she is the Vice President of the UCI. She is also the President of the UCI Advocacy Group, and that is a job that entails going out and looking at people around the world and what they are doing in the space of road safety when it concerns cyclists. I acknowledge the amount of work she has put in over the years talking to, I am sure, people on both sides of this chamber and certainly many community groups.

I have been working with Tracey and also with Amy's mum and dad, Mary and Denis Safe, who have been fierce advocates for this A Metre Matters for many years now. They were a little bit astounded that it would come as a surprise to members opposite that this discussion had been ongoing for so long and that now, after the event and after some media feedback, I guess, on what these proposed changes will be like, the Liberal Party all of a sudden is changing gears and changing tack on what it is they think of these new rules.

We do have a very important role to play. We do have the eyes of the nation and the eyes of the world on us. People are seeing this, by Australian terms, as nation leading and very progressive groundbreaking rule changes. Just like we were the first—and eventually at this stage—and only state in Australia to bring in container deposit legislation, these are things that we should be proud of. We should be proud of the progressive way we go about our business.

At the same time, we do have to listen to people's concerns, but we also do not want to be out there fanning the fear of change, and I think there are some members opposite who are keen to do that. For people who are worried about cyclists knocking them down on the footpath, can I say that it is not the people out there in lycra who are going to be up on the footpath. This is designed to get an under-represented group of cyclists, the women and the young children, a safe haven.

Cyclists who are out there wearing lycra don't want to ride on the footpath. What we know is that women and children do not feel safe on our roads. We are retrofitting as many roads as we can with cycling laneways but, until we do that, we need to give them a safe haven because we want more people to ride for the betterment of their health and their wellbeing.

The SPEAKER: Deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:53): Thank you, Mr Speaker. My question, again, is to the Minister for Housing and Urban Development. Is it standard practice of the government when selling public land for the person or company wishing to buy the land to draft the sale contract?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:53): Well, I don't know. I would need to check. I would have to check. I assume the answer is that it depends, but I will check.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:54): A further question to the Minister for Planning: is the minister aware of any other commercial contract or instance where a major land sale has an open-ended settlement period?

Mr Pisoni interjecting:

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

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:54): I don't accept the characterisation in the question about open-ended settlement. I did explain that there are a number of ways that you can define when something is going to happen. One way of doing it is to put a particular date and time on it.

Mr Pederick: You write a date on the contract.

The Hon. J.R. RAU: You can do that, or you could say, 'When I've got a thousand sheep, then I'll sell them to you.' They're different ways of framing up the same question.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:55): This is a question to the Minister for State Development, who is the other minister responsible for the implementation of the deal. Is the minister aware of the terms of the ACP deal in not having a date and an arbitration process to deal with matters if there is some delay in good faith or expeditious attendance to it?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:55): Yes, I am, and I have said that before.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:55): Another question to the Minister for Planning and Housing and Urban Development: what changes to the Gillman cabinet submission were made by the minister's office after it was received from Renewal SA?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:55): Well, I think obviously I need to take that one on notice. If we're talking about doing anything to do with cabinet submissions, I suspect the whole point is that a cabinet submission is a cabinet submission and it's dealt with as a cabinet submission, and exactly what is done with that in preparation for it going into the cabinet process is as much a part of the cabinet process as the meeting itself.

SOUTH AUSTRALIAN ECONOMY

Mr VAN HOLST PELLEKAAN (Stuart) (14:56): My question is to the Premier. Given the advice released yesterday by CommSec that the South Australian economy is predicted to soon become the worst performing of all states in the nation, does the Premier stand by his comments during question time last sitting week that the South Australian economy is faring no worse than other states?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:56): Yes, I do stand by my remarks. For the benefit of—

An honourable member: Are CommSec wrong?

The Hon. J.W. WEATHERILL: Those opposite do tend to seize on whatever they can find. They not only go to the most pessimistic reports they can find but they also go to the most pessimistic element of the most pessimistic report they can find. For instance, they utterly ignored the NAB Monthly Business Survey in September, which had South Australia recording the highest improvement in confidence, rising by 21 index points, followed by—

Members interjecting:

The Hon. J.W. WEATHERILL: —well, it's only one report—Western Australia and Queensland. Confidence weakened in most other states, and we actually had the highest business confidence of any of the states. But if you want to go to CommSec, let's talk about the CommSec report. The CommSec report is not measuring state growth rates in an absolute sense but against decade averages on eight quarterly indicators selected by CommSec. So, in that sense, the report is actually talking more about the past than it is about the present performance of the South Australian economy. That's the first thing: it's being misused to describe the current state of play in the South Australian economy.

Analysing the figures, depending on how you look at the figures, really tells you a different story. For example, if you look at the ANZ Stateometer, which has just been released, I think, today, it plots the performance of states on 16 indicators measured monthly, using four quadrants. According to that, South Australia's economy is performing better than Western Australia and the ACT. If you look at the CommSec report itself, South Australia ranks third in population growth and

equipment investment but seventh out of eight on three indicators—economic growth, retail and dwelling starts.

If you want to choose another measure, compared to a year earlier, nominal retail turnover in August 2015 was 4.2 per cent higher in South Australia—the third-strongest rate of growth amongst the states in trend terms. The number of housing finance commitments by owner-occupiers in August 2015 was 2.9 per cent higher than a year ago and 18 per cent higher than the low point reached in September 2012. CommSec doesn't include dwelling approvals as part of its list of indicators, so it really depends what you focus on.

But, really, all of this comes to nought: the essential point is that we know we have challenges and what would be good for a change is if we had something other than the empty negative rhetoric of those opposite about coming up with a solution. It is palpable; the talk of the town is how hopeless the opposition are. It is the talk of the town.

Members interjecting:

The Hon. J.W. WEATHERILL: You might laugh—

Mr GARDNER: Point of order, sir.

The SPEAKER: The point of order is?

Mr GARDNER: The Premier is now straying.

The SPEAKER: I uphold the point of order. I am shocked to have to call to order the member for Flinders and the member for Davenport. I also call to order the Minister for Investment and Trade, and I warn for the first time the member for Chaffey, who I can hear all the way down there.

SOUTH AUSTRALIAN ECONOMY

Mr VAN HOLST PELLEKAAN (Stuart) (15:00): Supplementary, sir: given the Premier's comments that it is not worth talking about individual statistics, would he care to comment on CommSec's summary, which is that South Australia has seventh spot on the economic performance rankings but Tasmania, which is in eighth spot, is showing better momentum?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:00): This is no more than repeating the nature of the challenge. I have said before in this place—and we have just had a briefing from the ANZ chief economist, and he makes the point—that the South Australian economy is particularly affected by high exchange rates. We have only had 18 months of relatively—

Mr van Holst Pellekaan interjecting:

The SPEAKER: The member for Stuart is on two warnings.

The Hon. J.W. WEATHERILL: The South Australian economy is particularly susceptible because it is an exchange rate-sensitive economy to high exchange rates. The truth is it has been a perfect storm. During that period of rapid growth in our resources sector, driven largely by Chinese demand, unfortunately for the South Australian economy a number of our large resource projects were unable to get away during that window of opportunity.

So, we had the detriment of not getting the mining boom investment, but we got the mining boom detriment because of the high exchange rate. That has a particular effect on an economy which is exchange rate-sensitive, but all that is to describe the nature of the challenge. We have a plan. We have an economic plan which has 10 priorities. We are implementing that plan.

Members interjecting:

The Hon. J.W. WEATHERILL: We would be grateful if we could hear either an alternative plan, or some elaboration of our plan, if you cannot think of one yourself. That would assist and advance the interests of South Australia. I think, frankly, this line of questioning and the general approach of the opposition is missing the mood of the age, which is that people want to see positive solutions to the great challenges that we face.

SEAFORD AMBULANCE STATION

Mr PICTON (Kaurna) (15:02): My question is to the Minister for Health. Minister, would you be able to give parliament an update on the government's commitment to building a community ambulance station in my electorate at Seaford?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:02): Can I thank the member for Kaurna for this very important question, and I just put on record my thanks for his strong advocacy for the community of Seaford in fighting for the construction of a much-needed ambulance station from the very beginning.

Ms Sanderson interjecting:

The SPEAKER: The member for Adelaide is warned.

The Hon. J.J. SNELLING: The government went to the last election with a promise to build three new ambulance stations to support growing communities in Adelaide's north-east and southern suburbs. For the south, the government is investing $7½ million to rebuild the Noarlunga station and build a new ambulance station at Seaford—a service badly needed to support the rapidly growing population in the area.

While this is a vital resource for the local community, I was very surprised to discover last month that the Onkaparinga council had rejected the government's proposal to build the station next to the Country Fire Service on Seaford Road. The SA Ambulance Service tells me this location fits within their modelling to give the best response time capability in all directions.

I was most disappointed to learn that the council rejected this proposal before the elected members could consider it, and the only reason given was it did not fit within a vague '20-year vision' for the area. Since then, my department has continued to work with the council to explore other potential sites that would satisfy the ambulance service operational requirements; however, many of those are on expensive private land or are too big for the scope of the project.

I am hopefully that common sense will prevail and a solution will be found as soon as possible. I am told my department will meet again with the Onkaparinga council next week, and I await the outcome of that meeting with keen interest, as I am sure the member for Kaurna does. However, to ensure the best outcome, I do implore elected members on the Onkaparinga council to not be pushed around by their bureaucrats, and to stand up for the needs of their local community. The state government is committed to building an ambulance station that best serves the residents of Seaford, and I urge the council to support what will be—

Ms Sanderson interjecting:

The SPEAKER: The member for Adelaide is called to order.

The Hon. J.J. SNELLING: –an asset for the community for years to come.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is on two warnings.

BUSHFIRE PREPAREDNESS

Ms COOK (Fisher) (15:05): My question is for the Minister for Emergency Services. Can you advise the house about the actions being taken by the state government ahead of the fire season?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:05): I would like to thank the member for her question and also her keen interest in the various emergency services in her electorate, particularly the CFS brigades.

Persistent, warmer than average conditions throughout spring have meant fuel loads across the state are drier, and there is a greater risk of bushfire. As such, the dates for the 2015-16 fire danger season have been brought forward in nine of the 15 fire districts, most of which commence

this Sunday, 1 November. Last Sunday, the chief officers from the CFS, MFS and SES and I launched Bushfire Action Week in Balhannah with assistance from volunteers and paid emergency services personnel from across the sector.

Bushfire Action Week is a statewide campaign that is designed as a 'call to action' for all South Australians. Since Sunday, a range of activities hosted by the CFS across the state have occurred to encourage all South Australians to be aware of the risks and to take appropriate action in relation to bushfire preparedness. The fire danger season communication campaign has also commenced and the public will be educated about being bushfire ready.

The CFS has 17 aircraft contracted for the 2015-16 fire danger season. Aircraft start dates will be determined in line with the fire danger and will be staggered to ensure maximum fleet availability during the height of the fire danger season in January and February next year. The CFS also has access to the State Rescue Helicopter Service including provision of an additional rotary wing aircraft for total fire ban days in the Mount Lofty Ranges.

Additional aircraft, if required, will be sourced through the National Aerial Firefighting Centre Resource Management Agreement. This includes access to large air tankers in Victoria and New South Wales. While aircraft are a valuable firefighting resource, they do not replace the need for firefighters on the ground. Aircraft cannot work at night or in low visibility conditions during the day.

The community should be reassured that the CFS, both staff and volunteers, are busy preparing for the fire danger season. The CFS is also working closely with the MFS, SES, SAFECOM, DEWNR, ForestrySA, SA Water and SAPOL, amongst many other agencies, including local councils and interstate partners, to ensure that we are as ready and prepared as much as possible.

Two weeks ago I held discussions with the Hon. Jane Garrett, the Victorian Minister for Emergency Services. Ms Garrett met with our emergency services chiefs and me to discuss how we can assist each other in major events, including the sharing of resources. I thank the minister for visiting Adelaide and reassuring us of her state's support.

I would like to take this opportunity to remind the community that preparing for the fire danger season is a joint and shared responsibility. The emergency services cannot do this alone. The community, including people who live in peri-urban areas who may not think they are threatened by bushfires, need to ensure they clear their properties of fuel and establish and/or rehearse their bushfire survival plans. I would also like to take this opportunity to thank our dedicated emergency service staff and volunteers and wish them well for the potentially dangerous period that lies ahead.

BAROSSA COUNTRY CABINET

Mr HUGHES (Giles) (15:08): My question is to the Treasurer. Can the Treasurer inform the house of his recent visit to the Barossa, Light and Lower North with the country cabinet?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:08): I thank the member for his question and I know that he is a very strong advocate for our regions. The government is unashamedly a strong supporter of our regions and unashamedly pro small business. Throughout the most recent country cabinet in the beautiful Barossa, I had the opportunity to speak to a number of inspiring and hardworking small business owners.

I had the pleasure to meet two young entrepreneurs who own the beautiful D&M's Bakery Cafe in Angaston where not only did I sample what I consider to be the most amazing pie I have ever had in my life, the Hutton Vale lamb and rosemary pie, but I also got to hear about the B2B program, a free business support program that connects skilled service providers with local small and medium size enterprises.

I also took the time to visit with Kodo Technologies. Kodo Technologies is a 24/7 computer support and technologies services business led by Josh Helbig—a young, dynamic and committed team. Josh was recently recognised as an emerging leader in the Barossa region in the most recent Brand South Australia regional awards.

Country cabinet gives us the opportunity to meet with many small businesses in our regions that are doing some amazing things. This government is strongly committed to creating a business environment where both start-ups and established businesses have the opportunity and capability to grow and create jobs for South Australians. Our economic priority No. 10 seeks to make sure that South Australia's small businesses have access to capital and global markets and recognises the critical importance of small business to our state's economic growth.

Throughout our time in country cabinet, from the well-attended community events to the pub at Mallala, I was able to talk directly to our regional communities about the importance of our recent tax reforms. It was clear from all I spoke to that these changes aimed at removing the barriers to transactions and growth will encourage new investment and new jobs.

Many spoke to me about how these changes would help them invest in new plant and equipment, allowing them to diversify and capture new and emerging markets; how the return-to-work scheme is helping them lower their costs; how our commitment to reducing red tape for businesses is making it easier for them to sell their produce; and how the Industry Participation Advocate and the Office of the Industry Advocate have engaged across the regions to ensure local businesses leverage the maximum opportunities they can for the almost $4 billion worth of contracts let annually by the South Australian government.

Of the 72 business capability building workshops, led by the Department of State Development in 2015-16, at least 45 will be delivered in regional South Australia. The Unlocking Capital for Jobs Program, a $50 million program, will allow $250 million to be leveraged in bank funding to accelerate job creation and business growth and also captured the imagination of the Barossa business community. This is a community not only committed to serving the local market but a global one, a community with a long-term vision for building on the well-established brand of the Barossa and a community committed to taking our premium food and wines to the world.

There are many more programs and policies that this government has in place to support small businesses and ensure it is the best place to do business. It is important that we support our tax reform processes, and I hope that members opposite support it. I hope members also support our economic infrastructure and cease calling it a false economy. I call on the opposition to support our tax package and, rather than deriding us cutting taxes and taking us to the lowest taxing state in the federation, they should celebrate it.

The SPEAKER: For once, I agree with the member for Kavel that it is debate. Supplementary, member for MacKillop.

BAROSSA COUNTRY CABINET

Mr WILLIAMS (MacKillop) (15:12): My supplementary question is to the Treasurer. Before cabinet decided to give $2 million of taxpayers' money to Treasury Wine Estates, supposedly to grow jobs in the Barossa Valley, did cabinet do a due diligence study to see if Treasury Wine Estates were cutting jobs in other communities in South Australia?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:13): I have to say that Treasury Wine Estates is one of the leading supporters of growth and investment in South Australia, and their brand is one of the most recognisable brands in the world. When people see that brand, they think of South Australia and they think of regional South Australia. I am surprised that the member opposite would ever criticise this government for supporting—

Ms Sanderson interjecting:

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

The Hon. A. KOUTSANTONIS: —a company that does support regional jobs.

Mr Whetstone: No-one is criticising the company.

The Hon. A. KOUTSANTONIS: 'No-one is criticising,' they interject. The truth is that we conduct due diligence on all of our grants and we make sure that all of our grants are done

appropriately. I ask the Liberal Party: 'Did you do due diligence on your preselections?', given the quality of the interjections by members opposite.

The SPEAKER: Further supplementary, member for MacKillop.

BAROSSA COUNTRY CABINET

Mr WILLIAMS (MacKillop) (15:14): Given the glowing terms in which the minister described the company Treasury Wine Estates, how is it that his government came to the conclusion that it needed a further $2 million of taxpayers' money?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:14): When the opposition call on me to cut payroll tax, that's giving taxpayers' money back to business. Are we to interview every single business that would receive a tax cut and see if they're worthy? There is a process in place where these grants are applied for. The independent Public Service assess them, make recommendations to government and we act on them. What we are really hearing from the opposition is, 'Why did you give a regional—

Mr GARDNER: Point of order, sir. Under 98, the minister clearly isn't responsible for the opposition—and debate.

The SPEAKER: I will listen carefully to how the minister answers the question.

The Hon. A. KOUTSANTONIS: I make no apologies for returning money to the private sector. I make no apology for returning public money to the private sector, and I can't believe that the modern Liberal Party is complaining about us returning taxpayers' money to the private sector. Then again, that is the modern Liberal Party, where they are opposed to privatising government monopolies.

Ms CHAPMAN: Point of order: this is clearly debate.

The SPEAKER: Yes, I uphold the point of order. Does the member for MacKillop have a further supplementary?

Mr WILLIAMS: No.

The SPEAKER: The member for Adelaide.

ECARL

Ms SANDERSON (Adelaide) (15:16): My question is to the Minister for Education and Child Development. Can the minister inform the house how many eCARL reports remain unchecked as of today? It has been reported that there are approximately 100 eCARL reports per day, and of these only 70 per day are assessed. It has also been reported that there is a backlog of over 1,000 reports that remain unchecked.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:16): The short answer is that I can't say the precise number for today. The slightly longer answer is that it would not be a surprise to anybody, including the member for Adelaide, who pays attention, I know, to these child protection matters, that we have had escalating numbers of notifications, some of which are screened in and some of which aren't. The numbers for eCARL have, in particular, increased dramatically over fairly recent times.

For the information of the house, eCARL is an electronic means of making a notification to the CARL team. It is designed for mandatory notifiers, and not only in the training of mandatory notifiers but also in the process of making an eCARL notification it is very clear that it is not to be used for any pressing and urgent and immediate matter. It is used to provide other notifications, all of which—or at least most of which—are likely to be of importance.

What we have is a situation where the numbers have escalated and outstripped our immediate capacity to deal with them in a timely fashion. What we are doing at present to try to manage that issue is filling some vacancies; we are deep into that process, and I hope to see that shortly. Members will also be aware that there has been discussion about whether we ought to introduce some non social worker staff in addition to assist with some of the workload in that area.

I know that the union is uncertain about whether that will be useful, and we are only contemplating it in the context of a pilot because what we are dealing with is not only an increasing number of notifications but also this ongoing challenge that we receive information that doesn't meet the threshold that is required for screening in as a notification.

We are managing a lot of calls, in particular, that are taking time out of that team's work day but don't result in a notification that requires screening in. So, there are a number of complex and very serious matters going on within the team at present, and not least, in fact, is filling those vacancies. It is extremely difficult for that team, who work very hard, to keep up, and I have enormous sympathy for the challenge that they are facing and I am monitoring very closely how we are responding to those challenges.

ECARL

Ms SANDERSON (Adelaide) (15:19): A supplementary question to the minister: given that eCARL is only used by mandatory reporters who would know not to report an insignificant matter and that currently the average wait time is 20 minutes and 16 seconds for the phone line—and, for some people, several hours—wouldn't it be realistic to assume that pressing matters are being reported through eCARL and therefore must be attended to urgently?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:19): No. In fact, I think your question is in contradiction with your initial proposition, which was that the mandatory notifiers are well aware that that is not for tier 1 pressing matters.

Grievance Debate

EMPLOYMENT FIGURES

Mr GARDNER (Morialta) (15:20): I want to talk today about the state of the state, in particular in relation to employment. There was an extraordinary statement made by the Treasurer not five minutes ago that payroll tax cuts are, apparently, giving money back to businesses, as if it was not those businesses' money in the first place. I think this goes to the heart of the problem of why the South Australian economy is in such poor shape.

That the Treasurer of the state would think that giving a grant to a company is philosophically the same, economically the same, as taking money from that company in a tax and then giving it to other companies, is the heart of the problem. The Treasurer and the government does not understand how business works, how tax works and how the economy works. At the end of the day, what is payroll tax but a tax on jobs. It is a disincentive to hire people. The fact that he does not understand that is of serious concern.

When we are considering where we go with jobs and how does one judge the state of South Australia, I was interested (on the weekend) to be given the advice of the leader of the federal opposition, the Hon. Bill Shorten. He had some interesting things to say. He said:

> For the past two years, our economy has been wallowing in mediocrity. Unemployment is too high. Growth is too slow.

He continued:

> For Labor, jobs has always been the ultimate test, the gold standard of whether our economy is growing as strongly as it should and as fairly as it should. Jobs is how Labor measures our transition beyond the mining boom, into the next wave of future industries and opportunities.

He went on to say:

> Jobs is how we judge whether or not everyone has a stake in our society, the chance to climb out of poverty, disadvantage and dispossession.

If jobs are of such concern for Mr Shorten, that at 6.3 per cent the national jobs rate is too high, that it is leading people to dispossession, disadvantage and poverty, how much worse for us in South Australia where, under 14 years of this Labor government, we have 8 per cent unemployment, 1.7 per cent above the national average? Surely, there are no people who are suffering more under the assessment made by Mr Shorten than those who are struggling under the reign of the South Australian Labor government.

A CommSec report came out yesterday which identifies that, after years and years and years of Tasmania being the state of concern in Australia, CommSec is saying things like this:

> South Australia has held seventh spot on the economic performance rankings but Tasmania is showing better momentum…Tasmania remains at the bottom of the Australian economic performance table. But importantly, Tasmania is now top ranked on unemployment and third ranked on housing finance.
>
> Interestingly, South Australia's 8 per cent jobless rate stands at a 15-year high, while Tasmania's 6.2 per cent jobless rate is approaching four-year lows.

And it was not ever thus. On 15 March of last year, there were two elections. There was an election in Tasmania and an election in South Australia. A tale of two cities, if you will, between Adelaide and Hobart. What happened in South Australia and Tasmania? In both cases the Liberal Party got a clear majority of the vote and less than one in three people voted for Labor, but unfortunately for the people of South Australia we have ended up with a Labor government that has continued its poor and shoddy economic settings and has continued with a view that payroll tax is somehow morally inferior to giving grants to private sector companies when the government decides to pick its winners.

At the time, on 15 March 2014, the Tasmanian unemployment rate, on trend figures, was 7.5 per cent and South Australia was better off at 7.3 per cent. What has happened since? Tasmania has a Liberal reformist government, led by Will Hodgman and Treasurer Peter Gutwein, and through the settings they have put in place—it has not been a recovery led by Princess Mary Donaldson or Ricky Ponting or the film archive of Errol Flynn—they have reduced their unemployment rate to 6.2 per cent, while South Australia has gone up to 8 per cent.

Tasmania is 1.8 per cent below us in unemployment. Just think about that for a second, how extraordinary that is. It has not been easy for Tasmania. It has not all been Cadbury factories and caravanning. Tasmania has had to put up with the extraordinary impact of not only a Labor government but a Labor-Greens government. There were three ministers in that government who were members of the Greens: the Attorney-General, the minister for sustainable transport; Greens members of parliament in a Labor-Greens government in Tasmania, and yet in just 18 months we have seen extraordinary change.

The Labor government, after four years in which Premier Weatherill has seen unemployment grow from 5.2 per cent to 8 per cent, needs to act immediately to bring forward stamp duty relief and immediately needs to commit to reducing payroll tax. It needs to create a state-based productivity commission, it needs to push ahead with planning job infrastructure such as the Strzelecki Track, to look at things on a cost-benefit ratio, to put forward some of the Liberal reformist agendas that we have suggested. I urge it to do so immediately, because the South Australian people have suffered for too long.

Time expired.

HOPGOOD THEATRE

Ms HILDYARD (Reynell) (15:25): I rise today to speak about an absolutely wonderful event I recently attended in our southern community, the 30th birthday of the iconic Hopgood Theatre. I was privileged to also represent minister Snelling at this lovely celebration, which was attended by many community members, local and other dignitaries, including Dr Don Hopgood AO, Mr Lew Owens, Frankie J. Holden and Michelle Pettigrove (who also performed on the night), Mr Steve Saffell, and Mayor Lorraine Rosenberg.

The Hopgood Theatre has, for 30 years, created an excellent sense of community. It allows culture, creativity and local talent to grow and flourish. It is such an important asset to our southern community and an outlet for exploring our creative pursuits, and sometimes exploring unsafe ideas in a safe place. I know that in my own childhood, and at other points in my life, performing—in many different ways—was an excellent way to get together with others, think big and test one's musical and acting skills.

Theatre brings people together to boldly think about new ideas, to learn from each other, to reflect on the world around us, and to allow our imaginations to soar. Since the 1980s the Hopgood Theatre has been a hub for our southern community, and it has provided many outstanding examples

of what groups of people and our entire community can achieve and progress when we all work together.

Originally constructed as part of Noarlunga TAFE, the Hopgood Theatre has consistently been a centre of learning for our performance-minded younger community members. It is utilised by local schools for rehearsals and performances of everything from theatre to calisthenics to music and dance. It is also used by schools for graduation ceremonies, and provides an excellent space for those moments befitting a great sense of occasion. Importantly it has also facilitated, many times over, one of our most important, meaningful and sometimes life-changing ceremonies, that of citizenship for our newest community members. Generations of new citizens from every corner of the globe have celebrated becoming Australian and have been welcomed to our beautiful southern community through these ceremonies at the Hopgood Theatre. I have been privileged to witness many such occasions, to speak at these ceremonies, and to celebrate with and welcome these new citizens.

The theatre was renamed in recent times to recognise the Hon. Dr Don Hopgood AO, and his late wife, Raelene, who contributed so much to our local community, the arts and our state as a whole. Don Hopgood represented the South Australian House of Assembly seats of Mawson from 1970 to 1977 and Baudin from 1977 to 1993 for our Australian Labor Party. A member of the frontbench from 1973, he was deputy premier of South Australia from 1985 to 1992.

Don is an outstanding person. He is generous in giving to our community and many causes within it. He lives in Morphett Vale, not too far from my office, and is a great support to me in many ways. It was wonderful to celebrate with Don and his sister-in-law in person at the 30th birthday of the Hopgood, his band being a regular feature of performances there. Don's legacy is that of a brilliant parliamentarian and musical performer and, importantly, a fierce advocate for our community and the arts. His advocacy of the theatre, the arts and our community continues.

The theatre is an excellent example of collaboration between TAFE, Country Arts SA, and our state government. We know that in South Australia we work best when we work together, and local theatres such as the Hopgood are a crucial part of the broader arts sector in our state, a sector which is very well renowned, both nationally and globally, and of which we can all be proud. Community engagement in the arts supports expression, connection, meaning and pleasure, and communities that engage in the arts are happier, healthier, more resilient and more connected. It is places like the Hopgood that provide a focal point for creativity and connection that make for a real community hub.

For 30 years our Hopgood Theatre has provided an excellent environment for our community's finest creative and cultural expression, for learning and for bringing community members together. A 30th birthday is a milestone in anyone's life and a theatre should be no exception.

I am very pleased that I was able to celebrate with our southern community, and I thank Country Arts SA and all of its staff members for the invitation for a great event and for all it does across our state in support of the arts in our communities. I also thank the many staff of Hopgood Theatre who continue to make it such a great space. Happy birthday Hopgood and here's to the next 30 years.

BUSHFIRE PREPAREDNESS

Mr PENGILLY (Finniss) (15:30): I would like to spend a little bit of time today talking about Bushfire Action Week. It is the week of the year when we need to be—or some people, I should say—reminded about Australia and what it is like from now on through to March/April, probably, next year. In February it will be 33 years since Ash Wednesday, and some of us recall quite clearly what happened on that day, and ever since then or for a few years afterwards, unfortunately, we have been living in dread of it happening again.

That has only been enhanced by the population density increasing in the Adelaide Hills, and copious numbers of people have probably moved there without having much understanding whatsoever of fires and just what happens with fires. I have said it before in this place and I will say it again if I have the opportunity that I do not want to be around when the next one happens up there

because we got away fairly luckily last year with the Sampson Flat fire, but when that day of reckoning comes in the Adelaide Hills it is going to be a catastrophe, I am afraid.

This year has been marked by another early shut-off to the season with significant lack of spring rains. In my area, the Fleurieu Peninsula and the island, we probably have about two months more spring than we had last year, but already we had two fires on the weekend. We had a fire at Middleton. I am not sure of the cause of that one but that got into a paddock of hay and burnt some of that, and then we had a fire over on Kangaroo Island on the weekend which was started by lightning.

Even last night crews were called out again to that. It had only burnt about 20 hectares, or 50 acres, according to reports, but last night it got up again, and I need to remind the house that it is now eight years since the large fires of 2007 on the island when some 100,000 hectares were burnt—principally government land—as a result of lightning strikes and also as a result of the failure by government authorities to do enough burning during the spring and late autumn to provide breaks in those parks and crown lands to slow or stop a fire when it happens. It is simply not good enough.

I am fully aware that the CFS crews across my electorate are upgrading their training skills in preparation for the season. There are areas where the grass is still green and will stay green for a little bit longer, on what I do not know but it will. However, there are many areas that have dried out considerably, particularly in the last week, and with hot weather approaching we are going to have to be on our mettle, and CFS crews and others are going to be called out again over the next few months to prepare for bushfires.

I urge anyone in this place who has the opportunity, whether they live in the centre of the city or in the bush or in the Hills, or wherever, to get their communities active to do something about bushfire prevention and fire prevention generally. It does not take much to clear around your property and it is absolutely imperative.

I know that those of us who live in farming areas clear around our places and have as much growth slashed, ploughed up, watered or whatever to try to prevent a fire going through our property—or through our homes, more to the point —when it happens. It is pleasing to see that the CFS education people are out there pushing communities to do something about it and advertising. I heard the CFS Chief Officer, Mr Nettleton, on the radio just recently talking about it, I have seen some TV coverage and I have seen the current minister—whether he survives the summer or not I am not sure—trying to push the cause as well which, indeed, is his job. It is the duty of everyone in this place.

We do not want to have a catastrophe. Sometimes you cannot stop catastrophes with fires but, as long as everybody does their bit and remembers that it is Bushfire Action Week and clears around their property and does everything possible, hopefully we will get through this summer and autumn okay.

Time expired.

STEEL INDUSTRY

Mr HUGHES (Giles) (15:35): Comments in the *Financial Review* last week by the Chief Executive Steel at Arrium, Steve Hamer, are concerning on a number of levels. He was critical of the federal government for failing to protect domestic steel manufacturers from dumped steel. He said that our antidumping regime was neither fast enough nor robust enough. This is especially disturbing at a time when the Australian steel industry and the steel industries of other nations are under unprecedented pressure as a result of the huge increase in Chinese steel exports. Chinese steel exports have doubled over the last five years and now exceed 100 million tonnes per year. This has put massive downward pressure on steel prices internationally and has led to a number of countries acting to support their steel manufacturers.

The $100 million in cuts at Arrium's Whyalla steelworks is a reflection of the pressure that is being exerted, and that $100 million in cuts comes on top of the previously announced $60 million in cuts. This will inevitably lead to yet more job losses in Whyalla. Those job losses will come on top of the jobs already lost at the steelworks and the jobs that have been lost in the iron ore export

operations at Whyalla. The job losses to date in Whyalla are significantly greater than the combined loss of employment amongst power station workers in Port Augusta and the Leigh Creek miners.

In addition to criticising the federal government for its failure to strengthen our antidumping regime, Steve Hamer, in response to a question about the future of the Whyalla steelworks and whether closure was being considered, said, 'This is a live and active question in our business.' He did indicate that he believed that the blast furnace at Whyalla had a future but that all options had to be considered in the current climate, including whether to import raw steel.

I do not believe closure is on the cards but publicly canvassing the range of options understandably generates uncertainty in a community that is so dependent on value-adding to iron ore. Approximately 2,000 people are employed in the steel industry in Whyalla: apply a conservative multiplier of two jobs for every one in the steel sector and consider that the labour market in Whyalla numbers approximately 10,000, and you get an idea of the potential impact.

The federal government needs to pull its finger out and, as a matter of urgency, strengthen Australia's antidumping provisions. We are not playing on anything like a level playing field. Over recent months, the Chinese steel industry has racked up losses in excess of $4 billion, and a recent survey of 163 Chinese steel mills indicated that over 90 per cent are running at a deficit.

At the ALP State Convention on Saturday, the importance of the steel industry was recognised when the following motion was adopted:

> SA Labor recognises the strategic need for an Australian steel industry and its significant contribution to the economy of South Australia, especially in Whyalla.
>
> In order to safeguard the Australian steel industry and help ensure its long-term viability, SA Labor calls on the relevant state and federal governments, together with industry and unions, to cooperatively and collaboratively develop a national steel plan.

Such a plan should seek to increase the use of Australian steel in projects funded by governments, promote investment in the sector, improve antidumping and other systems designed to safeguard Australian industry from unfair trade practices, and assist in a cooperative approach between unions and industry to improve efficiency in the sector.

In the absence of a commitment by the Coalition federal government to a Steel Plan, SA Labor calls on the federal parliamentary Labor Party to develop such a plan so minimal time is lost in its implementation once Labor is returned to federal power.

Time expired.

MEALS ON WHEELS

Mr SPEIRS (Bright) (15:40): I rise today to pay tribute to the work of a great organisation which serves the community in my electorate: Meals on Wheels. Meals on Wheels has a significant presence across the Bright electorate, having branches at both Hallett Cove and Brighton. I just want to talk about the service that Meals on Wheels contributes to the community and also provide some names of people who go above and beyond in their service to the local Meals on Wheels branches in Hallett Cove and Brighton.

The two organisations combined serve hundreds of meals every week to those who are perhaps a little frailer and unable to prepare their own meals. Not only does Meals on Wheels provide vital sustenance for many older people living in our community but Meals on Wheels also ensures that there is a knock on the door, that the doorbell is being rung and that someone is checking on these older people in our community on a regular basis.

That, I think, actually has equal value to providing meals to older people in our community—being able to have that ongoing connection, with a familiar face knocking on the door and making sure that they are doing okay. If they need any extra assistance, that can be brought to the attention of family, friends, or the appropriate authorities. That is often an unrecognised benefit of an organisation like Meals on Wheels, but one that I really want to emphasise is incredibly important to the community I represent. There are many older people in my electorate who benefit from this great organisation.

On 26 August this year, I had the pleasure of going along to the AGM of the Hallett Cove branch of Meals on Wheels. I was able to catch up with many of the regulars who are involved in putting that organisation together. It was an opportunity for the long-serving chair of Hallett Cove Meals on Wheels, Llew Jones, to step down from that role and to be replaced by Mr Gordon Burns, another Hallett Cove stalwart who no doubt will carry on Llew's great work in Meals on Wheels, Hallett Cove.

At the AGM at Hallett Cove, there were a number of achievement awards for service provided to those who are involved in that branch. I would like to name those people this afternoon. We had a number of people who received five-year service awards, including Eric Ebelthite, Raymond Hadchity, Robert Joyce, Anne Cavanagh, Beverley Leader and Wayne McGrath.

Eric Ebelthite was also a recipient of a City of Marion Unsung Hero Award earlier in the year for his work with Meals on Wheels Hallett Cove. Pat Anesbury and Carol Shaw were awarded 10-year service awards, and Yvonne Gill received a 15-year service award. These are all people who have been exceptional contributors to the Hallett Cove Meals on Wheels branch.

I also want to make mention of the Brighton Meals on Wheels AGM, which I attended earlier this month, on 12 October. It is another great organisation, and a particularly large branch of Meals on Wheels. It is one of the largest in the state, serving quite a large area, covering the northern part of my electorate and stretching next door into the member for Mitchell's electorate as well. Mr John Francis is the chair there and does a great job and oversees a large group—an army, really—of volunteers.

Service awards which were given out included one year to Jake Glass, a friend of mine and someone who is doing great work for Meals on Wheels; five years to Norman Boucher, Monica McGee, Rosemary Miller, Bill Purling, Julie Skillitzi and Beverley Wigglesworth; 10-year service awards were given to John Conigrave, Terry Maddison, Olwen Moore and Maxine Reid; and 15-year service awards were given to Robert Earle, Margot Eime, Leon Gregory, Adam Jablonskas, Marian Maitland and Elizabeth Milner.

Twenty-year service awards went to Mary Francis and Rae Stranger; 30 years—this lady has been doing it for as long as I have been alive—went to Phyllis Boots; 45 years went to Margaret Fairhead; and a service award was also given to Brighton Uniting Church for hosting Meals on Wheels in our community for 55 years. Congratulations and thanks to them all.

Time expired.

VOLUNTARY EUTHANASIA

The Hon. S.W. KEY (Ashford) (15:45): Following the seminar at the Hawke Centre earlier this year, and also the reception at Parliament House, we had guests the former Northern Territory chief minister, Marshall Perron, and Dr Rob Jonquiere, the World Federation of the Right to Die, as our main speakers. These were very well-attended events and, as a consequence, a number of constituents and people in South Australia generally have contacted me asking when the next bill is going to be introduced with regard to dignity in dying and voluntary euthanasia.

I have also been very mindful of what has been happening in other places. Dying with Dignity Tasmania advises that they are going to be planning new voluntary assisted dying legislation before the end of the year and former premier, now Labor backbencher, Lara Giddings, and Senator Nick McKim, who has replaced Senator Christine Milne, are keen to sponsor a bill, and it looks as if there is going to be some work, certainly in Tasmania, on that issue.

I was interested to read in the most recent *SAVES Bulletin*, (the South Australia Voluntary Euthanasia Society Inc.) that there has been an interesting article featuring in *The Economist* newspaper. I have to confess that I am not an avid reader of *The Economist*, but it is interesting that for quite some time, I am advised in this article, there have been a number of articles on social issues, including the right to assisted dying.

The most recent article that has been quoted is by international editor, Dr Helen Joyce, who participated in the 2015 Sydney Festival of Dangerous Ideas, where she presented a lecture entitled the Right to Die, and it was very interesting that she did this. She is not very complimentary to us

politicians. She defines the issue of assisted dying as 'the most complex contemporary issue' and one that effectively silences politicians in an act which she calls 'political cowardliness'.

She also states that her research reveals that sick people want to stop not only the pain but also their existential suffering at the end of life. She says that such suffering is characterised by feelings of hopelessness, indignity, loneliness, exhaustion and loss of bodily functions. She argues that many jurisdictions still stand in the way of the choice of dying under any circumstances and that an increasing number of people believe this is wrong.

I know certainly from the public opinion polls that have been carried out in the last two decades that an overwhelming number of people think that the choice should be there for people to make about the end of their days, particularly if they are in pain and in circumstances that are intolerable to them. In addition, *The Economist* polled residents in 14 OECD countries, plus Russia, to compare support for dying amongst advanced nations. They found that a majority in every country, except Poland and Russia, polled in positive ways with regard to having access to assisted dying.

I am also told that one of the views that has been put forward is that terminally ill people who have a high quality of palliative care may be more open to the idea of assisted dying than those who do not. *The Economist* stated that some in America and elsewhere think that demand for assisted dying would shrink if other options for dying patients, such as hospice care, was more widely available. However, it was noted in that article, particularly in research by Clive Seale, sociologist in Brunel University London, that terminally ill patients in British hospices were more, not less, likely to consider doctor-assisted dying than those in hospitals. By entering a hospice, patients must accept they are close to death, and often consider themselves and all their alternatives.

Time expired.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr GRIFFITHS (Goyder) (15:51): The next stage of my contribution is going to be about some unsolicited feedback that came to me. There was a group of people and individuals who were contacted, but there were probably about 10 groups that came through with no contact from me at all. In some of those cases, the same message has been sent to the Attorney-General and Minister for Planning. The first email is from Mr Rob Stephens, who is at Streaky Bay, so it is from a wide variety of areas, and it is about the planning bill. This letter went to the Attorney also:

> Dear Sirs,
>
> I have lived and worked in Streaky Bay for 35 years as a real estate agent and more recently I have been involved with Local Government.
>
> There are certain issues in the new act which may be beneficial, but to have it completely taken away from locals it would be damaging.
>
> I know we need to have certain rules and regulations but there is a lot of differing factors which are hard to swallow in the country compared to the cities.
>
> Local knowledge can make a huge difference in decision making.
>
> We have had a recent example of where a subdivision was approved locally but declined by the minister because the allotments were 'too large'.
>
> This is a city mentality, nothing to do with the country or local knowledge.
>
> I think there is a lot of decisions being made without any consultation.

Can I say that I have taken this email to have actually been about rural living allotment requirements and I will have a little bit more to say later in the debate about that, because it is a very concerning issue with the position that the minister has taken on that when it comes to considering regional areas.

The next message came only to me in this case; it did not go to the minister or any member of the Legislative Council. It is from a lady who prefers to be identified just as a concerned South Australian. She writes:

I would like to voice my concerns about the planning reforms recently proposed by the State Government.

While I understand that we need a better planning system, I would like to keep the planning system local and to continue to work with my local council to have a say on the type of development that I want in my community. I believe my view is representative of the broader community, and I would appreciate if you could keep my concerns top of mind in the decision making process on these planning reforms.

Interesting feedback. The next email is from Dr Jonathan Deakin. I mention his name by virtue of the fact that he also sent this submission to the Minister for Planning, the Hon. Robert Brokenshire, the Hon. Dennis Hood, the Hon. John Darley, the Hon. Kelly Vincent and the Hon. Mark Parnell's office. Mr Deakin's submission is:

I am appealing to you to consider the following views, on the Government's response to planning reform. I have been an elected member and member of DAPs for 13 of the past 20 years.

It is my opinion that the State Government is the legitimate authority to dictate how our planning system will manage the State's development. However, I also believe it is unfair to legislate such that Local Government shoulders the responsibility and by default the blame for unpopular policies and decisions, when it has no say in those policies and decisions.

The Expert Panel found that twenty years ago, when I was first elected to a council and allowances were minimal and planning assessment was half the work load, our planning system was 'groundbreaking'.

That goes back to the 1993 Development Act.

Now after 20 years of State Government's, Planner's and Developer's, frustration at not being able to control outcomes, we have a system that is 'unaffordable, unsustainable and unconnected', with little or no local involvement. We have been on a path of incremental policy change for the past 15 years.

Indeed, that is reflected by virtue that there has been approximately 50 amendment bills to the Development Act 1993. Mr Deakin's contribution continues:

The planning minister that started it is now our Premier—

which does not quite match in, but close—

and the changes continue with the proposed Planning, Development & Infrastructure Bill 2015, soon to come before you.

Local government has always carried the burden of administrating and responsibility for the Planning system. Today we are more professional and work in a much tighter legislative environment. We also receive 20 times the allowance to do half the work of our predecessors;

That is interesting. He continues:

I believe we have become an underutilised resource in Planning, policy, assessment and community engagement simply because we are often the voice of communities that either don't share, don't understand or don't want, the outcomes pursued by the State Government.

In conclusion when the State Government finally takes the local out of planning, they will break an important link between policy and practice, risk the wrath of the electorate and motivate Local Government into just complying with the Act and or becoming its community's planning advocate. These factors along with the anticipated increased costs, delays in assessment and unacceptable decisions will force the Government of the day to again institute reform.

He finalises that, 'Without prejudice'. The next submission received by me was from Mr Graham Webster, and I am quoting his name also because it has gone to a variety of members, including the minister. The submission states:

I write to you to ask that you vote against the wholesale changes proposed in the forthcoming Bill.

There has been great improvement in the State Planning System over the past 10 years with the Independent Members on DAPS, improved Development Plans through the Planning Library that has led to a standardisation of policies across Councils, and a very transparent process in amending Development Plans with a thorough public consultation process. Also Category 1 approvals have been standardised ensuring the speedy processing of minor developments.

There have been few problems for developers whose proposals fit within existing Development Plans.

So the truth behind the State Government's Bill is that they are bowing to unrealistic pressure by developers who don't wish to adhere to a proper process of policy, checks and balances. They want a 'free for all' system (which is no system at all).

This disregard for our well developed system is fed by greed and fear.

Greed to go higher and wider (airspace is free) and an attitude that overlooking is just bad luck for those already there.

And fear of the impending economic slowdown. This new 'system' will not improve our chances of capturing the investment dollar as developers (controlled by banks) will decide not to spend until things improve. Growth in employment will not happen just because we throw out our development rules.

Ensuring our city remains a great place to live and get around easily will bring more people to Adelaide to live and bring up families. Turning it into a Melbourne or Sydney will just make it another overcrowded place without soul.

Please don't be fooled by the assurance that the yet unseen Design Code and Regulations will ensure good development in the future. We know that is unsupported waffle. It's like saying, 'Trust us—this won't hurt!'

This disregard for our community is an insult to our intelligence. We are in your hands.

It is interesting in making comment about Mr Webster's contribution that he bases a lot of his comments on the fact that the minister is doing what the development industry wants. Indeed, the development industry, as I will say later on, also has concerns. The next submission is from a councillor at Mount Barker. It states:

It is 2015! Why do legislators, their staff and departments put so much effort in to creating unworkable, unreasonable, complicated volumes of legislation that show they have learnt NOTHING from their predecessors mistakes.

Here again the decision I made 34 years ago to be a political agnostic is explained.

I seek leave to continue my remarks.

Leave granted; debate adjourned.

Auditor-General's Report

AUDITOR-GENERAL'S REPORT

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (15:59): I move:

That standing orders be and remain so far suspended as to enable the report of the Auditor-General 2014-15 to be referred to a committee of the whole house and for ministers to be examined on matters contained in the papers in accordance with the timetable as distributed.

Motion carried.

In committee.

The CHAIR: I remind members that the committee is in normal session so any questions have to be asked by members on their feet, and all questions must be directed in reference to the Auditor-General's Report. The member for Bright is going to ask some questions, and I understand you have half an hour for your questions to the Premier.

Mr SPEIRS: I reference the first question to the Auditor-General's Report 2014-15 Part A, page 46, remuneration of employees disclosures. Can the Premier explain the reduction in the number of employees employed within the Department of the Premier and Cabinet whose normal remuneration is greater than the base executive remuneration level?

The Hon. J.W. WEATHERILL: For 2014-15, the top nine employees with the highest remuneration are executives who were terminated and had their contracts paid out, so that changes the figures a little bit. Remuneration increased by $800,000 compared with 2013-14, despite a reduction in the number of employees reported from 91 to 80, due to the executive contract payouts.

Mr SPEIRS: Were these 11 executives, who were dismissed in January of this year, included here?

The Hon. J.W. WEATHERILL: I think it is probably more accurate to say 11 employees no longer had continuing employment. For some of them, their contracts terminated through the effluxion of time, so it was the end of the contract and they were not renewed. For others, the provisions under the contract to bring the contract to an end were accessed.

Mr SPEIRS: How many of the executives the Premier just referred to have subsequently been reemployed in the public sector?

The Hon. J.W. WEATHERILL: As far as we can tell, none of the employees were reappointed as executives, although one employee was employed as a non-executive public sector employee in another part of government.

Mr SPEIRS: What was the total value of costs, including TVSPs and other payments, related to the terminations of these executives?

The Hon. J.W. WEATHERILL: I think that was asked and answered in the Budget and Finance Committee, so I will try to get that answer for you. The total number of executive positions that were abolished across the department since 1 July 2014 was 18, 14 of which occurred after 1 January of this year. Fifteen of the abolished positions were subject to termination payments and the net reduction of seven executive positions for an annual saving of $1 million per annum. So, fifteen executives received early termination payments. The total cost was $2.74 million in relation to the early termination provisions, plus normal leave accrued payments on termination.

Mr SPEIRS: Moving on to Part B of the Auditor-General's Report, page 340, which covers payroll. With regard to the issues identified in relation to the CHRIS payroll system, can the Premier clarify whether the failure of controls has resulted in overpayments or underpayments, and, if so, the total value of these incorrect payments?

The Hon. J.W. WEATHERILL: The Auditor-General does note, in Part A of his report, that payroll and human resource system controls reflect the materiality of the outlay, so they receive substantial attention. The Auditor-General has raised some operational concerns, particularly as it relates to the payroll function, but this is a matter that should be referred to the Minister for the Public Sector as the operational management of this function sits within her area of responsibility.

Mr SPEIRS: Notwithstanding your reference to the Minister for the Public Sector, are you able to provide any information of whether or not there have been instances where the lack of controls have allowed employees to lodge incorrect information?

The Hon. J.W. WEATHERILL: I do not have any briefing about that. I think that is a matter you should refer to the relevant minister. I will pass this question on to her and she will be prepared when the question is asked on that occasion.

Mr SPEIRS: Thank you, and I appreciate the Minister for the Public Sector listening intently to that question. Moving a few pages further on to page 342 of Part B, which covers purchase cards. As referred to in bullet point 2 on this page, have there been any instances where purchase cards have been used to make incorrect purchases in contravention of departmental policy?

The Hon. J.W. WEATHERILL: I think there were about 190 purchase cards on issue. Three instances were identified where cardholder reconciliations were returned one week late and one instance where the reconciliation was two weeks late. In one instance it was identified that the cardholder reconciliation was not independently reviewed and approved and in three instances the cardholder did not provide any supporting documentation for purchases. One instance was identified where inadequate supporting documentation was provided. In relation to travel, two instances were identified where purchase cards were used to purchase items that were not permitted by departmental policy and two instances were identified where an account code allocated by the cardholder did not align with the description of the purchase.

Mr SPEIRS: What did these purchases include, and what was the value of those purchases?

The Hon. J.W. WEATHERILL: We do not have that detail, but we are more than happy to bring that back.

Mr SPEIRS: This is probably related to that. In the second-last dot point it states that purchase cards were used to purchase items that were not permitted by the department's policy. Can the Premier tell the committee what items were purchased that were not permitted by the departmental policy, as referred to in that dot point?

The Hon. J.W. WEATHERILL: One of them was a single, wooden wine box for presentation of wine to then governor Scarce at his farewell dinner for an amount of $95. The suggestion there is that it was not permitted to give a gift to employees. Frankly, I do not think he was an employee; nevertheless, it was regarded as being inconsistent with policy so we will have to tidy that up. The other one was that a flight was booked for a DPC employee to travel to an overseas conference directly through the airline instead of through the mandated government supplier. Strictly speaking they are meant to go through the mandated supplier. That was for the sum of $658.78.

Mr SPEIRS: Thank you, Premier. Throughout the Auditor-General's Report there is a canvassing of policies around purchase cards and mistakes being made here and there, as we have just discussed. Are there any plans by your department, or has your department undertaken any action, to tighten up the use of purchase cards or to ensure that policies are being appropriately dealt with?

The Hon. J.W. WEATHERILL: In response to these matters the department has revised its purchase card policy and procedure and reiterated the importance of adhering to this policy to all cardholders and senior management. The department has also commenced scoping the implementation of an online reconciliation system through its purchase card provider ANZ, which will further strengthen controls in relation to these matters.

Mr SPEIRS: Moving on to page 345, Increment progression. Did the data entry resulting in the incorrect change to an employee's increment date result in an overpayment or underpayment? Has the overpayment or underpayment been corrected?

The Hon. J.W. WEATHERILL: I will refer that matter to the Minister for the Public Sector, and if you ask it again I am sure you will get an answer.

Mr SPEIRS: Moving to page 346 of Part B, Business continuity and disaster recovery plans. What was the total cost for engaging Ernst & Young to undertake the awareness session and testing consultation referred to in the final paragraph?

The Hon. J.W. WEATHERILL: I will have to refer that matter also to the Minister for the Public Sector. We will have that data by the time of that examination.

Mr SPEIRS: Thank you. Moving on to page 349 of Part B of the report, Across-government stationery procurement review. Can the Premier explain the matters of noncompliance with requirements stated in procurement policy guidelines, as referred to in the third last paragraph of this section?

The Hon. J.W. WEATHERILL: Once again this is for the Minister for the Public Sector as this is in her general area of responsibility; so, I will refer that matter to her.

Mr SPEIRS: Going to Volume 4 of the report now, page 143, which is the Statement of Comprehensive Income, are there any other changes outside of machinery of government changes and the movement of agencies outside of the department which have substantially impacted the finances of the department in the 2014-15 financial year?

The Hon. J.W. WEATHERILL: I am sorry, I missed the first bit. What was the reference point?

Mr SPEIRS: It was in the appendix to the annual report, Volume 4, page 143, under Statement of Comprehensive Income.

The Hon. J.W. WEATHERILL: All of the changes relate to machinery of government changes except the revenue that was received through the sale of the Auditor-General's residence. I am sorry, the Agent-General's residence. The Auditor-General does not have a residence—not in London, anyway.

Mr SPEIRS: Just a supplementary to that and with reference to machinery of government changes, in previous hearings with the Auditor-General through the Economic and Finance Committee, the Auditor-General has raised some concerns about the frequency of machinery of government changes and the disruption that that can create and the continuity of financial and policy management within departments. Does the Premier have an opinion about how the government is dealing with the view of the previous Auditor-General with regard to machinery of government?

The Hon. J.W. WEATHERILL: I think it is a reasonable point. What we are seeking to do, obviously, with the Department of the Premier and Cabinet now is to have a rather slimmed down Department of the Premier and Cabinet, which is largely responsible for the imperatives of managing my office and the functions associated with Premier.

We still share some functions with agencies. The machinery of government changes that have been occurring in every agency have been, to some degree, driven by the need to keep economising because of the challenges of shrinking revenues and the growing demands, in particular, of the healthcare budget; and, so, we have been forced to restructure on a number of occasions.

A number of agencies obviously have significantly decreased over the years and that has led to amalgamations and the consequential machinery of government changes. But, by and large, we are trying to reduce the frequency of those matters, but we are conscious of the disruption that it causes.

Mr SPEIRS: Thank you, Chair, and supplementary to that: when a machinery of government change is undertaken is a cost-benefit analysis or similar analysis undertaken to assess the benefits or costs of such changes, and are evaluations taken down the track within a specified period of time to gain an understanding of the success or otherwise of machinery of government changes?

The Hon. J.W. WEATHERILL: Probably the most substantial machinery of government change was really the Shared Services change where we brought together many of the back office functions and consolidated them. The total saving to 30 June this year is $352 million, so a very substantial efficiency. In fact, the whole purpose of that rather dramatic machinery of government change was, in fact, savings. It was driven by a cost-benefit analysis; that was the whole purpose of the exercise.

Generally speaking, some of the smaller machinery of government changes are largely consequent upon reshuffles where, as far as possible, we try to line up ministerial responsibilities with a single chief executive, if we can, so some of them are driven by those matters.

Mr SPEIRS: Moving on to page 145 of Volume 4 (so the same section of the report) it is Statement of Changes in Equity. Can the Premier explain the correction of a $305,000 error as referred to in this table?

The Hon. J.W. WEATHERILL: Yes, the explanation is that the correction of error relates to accounting adjustments made as a result of prior year machinery of government changes—not that that is particularly helpful.

Mr SPEIRS: Moving to page 173 of Volume 4, Payments to consultants, will the Premier provide a list of all consultancies commissioned by the department with a value equal to or greater than $10,000, including the name of the consultant, the value of the engagement and the general purpose of the consultancy?

The Hon. J.W. WEATHERILL: I will take that on notice and get that answer.

Ms CHAPMAN: I am referring to Part B, Agency audit reports at page 569 and it is under the agency of Urban Renewal Authority. I am going to refer to some sections which suggest that cabinet approval is to be obtained. When the representative from the department has the opportunity to identify that, I am looking at Governance at the bottom of the page.

I appreciate this is a portfolio area that I will be asking the Deputy Premier about because obviously it is strictly under his role but, as you can see there, the Auditor-General reports that the URA (which is abbreviated here) was established from March 2012—you will be familiar with that. It

was to establish an ownership framework and he notes that it is yet to be finalised and formally approved. He goes on to say:

> It is of particular concern that the URA has operated without an approved ownership framework for a period of more than three years. In the absence of a formal approved ownership framework, Cabinet's expectations regarding the URA's role, functions and funding arrangements may be unclear. This may result in the URA not conducting its operations in accordance with government expectations.

The response is detailed on page 570 where the agency is saying it is still developing this, together with some other policies and developing a long-term financial plan which, as I paraphrase, he then suggests will ultimately be presented and subject to cabinet approval. It concludes on that section by stating:

> Once Cabinet approval has been obtained, the ownership framework will be drafted and approved, formalising the targets associated with the revised financial plan.

As I said, I will be asking the Deputy Premier some questions about this, but in respect of that identified process, were you aware until this report had been published that this agency had been operating without an ownership framework for more than three years?

The Hon. J.W. WEATHERILL: I am not familiar whether I was aware that it was operating with or without an ownership framework. What I do know though is that we are going to have to look at the governance arrangements for the URA. The truth is that the government has important parcels of land that it needs to use for strategic purposes. I think there has been in the past some confusion about the role of the URA. It historically had been just a land disposal body, which was all about trying to maximise the value of land.

More recently, we have been asking the URA to deal with elements of its land for purposes which were not strictly about simply land disposal to create dividends for government. We have been seeking to use it as a showcase for renewable energy projects and sustainable living, such as Lochiel Park. We have been asking it to use its land for economic development purposes. We have asked it to develop key strategic sites like Bowden.

I think we are going to have to review the whole governance and the way in which the URA operates, because we have obviously very significant ambitions for government landholdings which may be a little inconsistent with a government business enterprise just simply trying to maximise the rate of return of its government landholdings through a process of disposal. So, that is the process that we are now going to embark upon. It is something that I think was touched on in the Ombudsman's report which Commissioner Lander has handed down. It now becomes something that we will come back and consider in due course.

Ms CHAPMAN: I appreciate, Premier, that Mr Lander has touched on this question of governance and the line of command between the board, the minister and the CEO and all those matters; that is not what I asked you about. What I have asked you about is the governance aspect that has been highlighted here by the Auditor-General, which is that for three years now, since you announced the establishment of the new model with a new charter converting it from the Land Management Corporation to the Urban Renewal Authority, it has been acting without even an ownership framework for three years.

The Hon. J.W. WEATHERILL: You have my answer.

Ms CHAPMAN: I am sorry, I did not hear that.

The Hon. J.W. WEATHERILL: You have my answer.

Ms CHAPMAN: That you were not aware?

The Hon. J.W. WEATHERILL: Have a look at my answer.

Ms CHAPMAN: Alright. It goes on here to talk about the unsolicited proposals, and in particular refers to the Gillman report, which as you know was the subject of the Auditor-General's Report last year, as a separate, distinct report held until, I think, December 2014. To paraphrase what is here on page 570: the government has acted—in fact, I think as early as November 2014—to introduce a new general unsolicited bid policy guideline that has been published. What is noted here, at about point 7 of that page, is that:

[The Auditor-General's] follow-up in 2014-15 indicated that a formal policy and procedure framework, specific to the URA, governing the consideration and assessment of unsolicited proposals and significant transactions [has not yet been] finalised and approved.

The details of what have been recommended are preceded on that page but I am assuming that you are familiar with that. So, whilst there is a general proposal, and whilst they have been working on some policies, were you aware that the URA were continuing to operate without having concluded its new policy recommendations and guidelines, as set out by the Auditor-General's Report from 2014?

The Hon. J.W. WEATHERILL: I do not think that is necessarily an accurate summation of what is contained in the report, but that is a matter for the relevant minister, and no doubt you will ask him that question during that examination.

Ms CHAPMAN: On the update of the Board of Management policy, which is detailed at the bottom of page 570 and on 571, the Auditor-General says:

Our follow-up in 2014-15—

after detailing all its recommendations from last year's report—

indicated that the Board of Management policy had not yet been updated to provide guidance on these areas.

Again, were you aware that, a year later, that still has not been concluded?

The Hon. J.W. WEATHERILL: The member knows that I am not responsible to the house for that particular agency, and you can ask those questions of the relevant minister.

Ms CHAPMAN: Finally, on the gifts and benefits policy which again is reported here as having been breached to the extent of persons who have certain areas of responsibility in the URA, namely procurement, payment or property delegation, persons responsible for contracting who are prohibited under the guidelines from receiving gifts, have apparently done so. I just heard the member for Bright ask you some questions about a similar issue in your department. Were you aware that there had been gifts and benefits provided to the URA staff which had not been recorded or were in breach of that policy?

The Hon. J.W. WEATHERILL: As the member knows, it is not within my area of responsibility to the house and there are no briefings about those matters.

Ms CHAPMAN: Has the Deputy Premier advised the Premier—

The CHAIR: The time has expired. The beep did go so I thank the minister and his advisers and we look to the next section. The Deputy Premier is coming into position with his advisers.

Ms CHAPMAN: I refer to Part B: Agency audit reports. I am referring firstly to the Urban Renewal Authority, page 568, and following pages, and I also indicate that on this topic there is a provision for—

The CHAIR: Which page are we on?

Ms CHAPMAN: It commences at page 568 in the large volume, and on the same issue in Part A: Executive summary of the Auditor-General's Report at page 7 under 2.6 Urban Renewal Authority. I will start with the latter. On this matter, Attorney—the reference here is page 7—the URA's board recommendation budgeted dividend of $14 million has not been paid in 2014-15. The minister approved the URA's recommendation.

In short, during estimates, there was a provision for an $11.6 million estimated dividend that was identified to be paid. At estimates you indicated that there had been a process where a request had been sent to the Treasurer to enable that dividend not to be paid, and obviously the Auditor-General says it has not. But there is a difference: $11.6 million at estimates, 22 July, was the estimated dividend to be paid, and he reports a $14 million budgeted dividend. Can you explain the difference?

The Hon. J.R. RAU: I will have to take that one on notice. I am not going to make a guess at where the numbers come from. I have a vague recollection that when we were in estimates and questions were asked around this, there was some explanation given to me by those who were sitting

next to me about another smaller amount of money, but that is only a recollection and I do not have in front of me the *Hansard* from the estimates. I will take it on notice so that I am not guessing.

Ms CHAPMAN: The difficulty with it is that, when I asked the questions at estimates on 22 July, and you indicated that you were going to get back to the house with something in writing on it, we are now near the end of October and we still do not have any answers.

I will perhaps direct your attention to page 83 of Estimates Committee A, where you indicated you were going to get back to answers on that, including the time at which a request had been put to the Treasurer. Are you able to confirm, as per the Auditor-General's Report, that basically the recommendation not to pay the dividend has occurred and that there has been no money paid to the government from the URA in the 2014-15 financial year?

The Hon. J.R. RAU: I will take those one at a time. First of all, there was a resolution by the URA board to the effect that, in light of their view of their current financial circumstances, there should be no dividend payable to the government. The opinion of the board so expressed was conveyed to me and conveyed to me in circumstances where I then referred that on to the Treasurer.

I think the member for Bragg asked me a question about this in the parliament not that long after the estimates, and I confirmed to her that the formal note to the Treasurer had occurred post estimates. There has been an ongoing discussion with Treasury and the URA about not just this particular amount of money but in general the financial circumstances of the URA, and those conversations are actually ongoing.

I caught the tail end of some remarks made by the Premier when he was answering a question about governance, wherein he explained that there are a number of different considerations a government might legitimately have in respect of the way in which they dispose of assets and the price at which they dispose of assets. Those policies have implications for the URA, and there is work presently being done around a sustainable, ongoing model for the URA, not simply in respect of governance, in the sense the Premier's remarks were focusing upon, but also from a financial point of view.

The exact status of that amount of money is something that continues to be the subject of conversation between the URA and Treasury. I am hopeful that there will be a satisfactory resolution of that in the not too distant future, but I see that as being part and parcel of a bigger question about the funding arrangements for the URA because, by any measure, the old model of the LMC, where you had large amounts of land acquired for very little, and you were able to put it to market and get a good price for it and the government actually earned a significant return year in year out from the LMC, has morphed into what is now Renewal, in circumstances where the days of the government having massive landholdings on the periphery of the city ready and available for major development is increasingly a thing of the past.

Ms Chapman: You sold them, that's why.

The Hon. J.R. RAU: That is what happens when you sell it: it is not yours anymore. Renewal is increasingly doing quite a diverse range of jobs for the government. At one end of the spectrum, you have things like Clipsal, where the government has invested a great deal of money in that site. There are costs associated with remediation, costs associated with proper planning and development for that site.

The site represents something which is of great value to the city above and beyond what the government gets out of that in terms of sheer dollars and cents. It is an urban renewal project of great significance. It is a demonstration project in terms of new technologies and new architecture and new design. I think the Premier probably covered all that stuff off, but it is a different beast from the LMC.

Ms CHAPMAN: We have had three years of the new beast. I now change to page 569 of Part B, which is the first reference I gave you. There are three things that I brought to the attention of the Premier, which he thought you were better able to answer; hence, he did not—lucky you. Of particular concern, at the bottom of page 569, is the Auditor-General's observation that the new URA has been operating without an approved ownership framework for more than three years.

At page 570, he then says, in respect of the unsolicited proposal, guidelines and recommendations he made in respect of what URA does, aside from the November 2014 new

guidelines for unsolicited bids, should be advanced. He notes that has not been finished; some work has been done and sent off to the Crown Solicitor's Office at about point 9 on page 570, and then the third aspect, which he refers to at about point 4 on page 571, is that there should be a board of management policy which again, notwithstanding his report from last year that it should be attended to, has been started and again is sitting with the Crown Solicitor's Office.

I appreciate that this is a report to June 2015, so a few months have passed, but have these policies and their recommendations come out from the Crown Solicitor's Office? Are they in place? Are they still there? Are you still considering them? Are they operational? What is the status of them?

The Hon. J.R. RAU: I thank the member for her question. The situation is that, yes, we have referred all these matters to the Crown Solicitor's Office because I consider governance of all government agencies, and in particular obviously Renewal, to be important especially in the light of the comments made by the Auditor-General and other comments that have been made by other reviewing agencies.

One of the complexities in this matter has been that there has been, running in tandem with this process that we are looking at here, or that the Auditor-General is looking at here, court proceedings in the Supreme Court between various protagonists in the Gillman business. This has drawn the URA into litigation in a tangential way, I guess, and we have had Justice Blue making certain comments and findings about the nature of governance within the URA. His decision was then, we discovered, immediately about to be the subject of an appeal.

That appeal, in due course, was heard. There was a bench of three, as is usually the case for these matters; two of the judges took more or less one view. A dissenting judge, Acting Justice Debelle, took a different view. Can I say that the view of the majority in that case slightly at least changed the interpretation open on the basis of Justice Blue's original decision and, in some respects, departed from his original decision. The parties then decided that they would seek special leave to go to the High Court, or at least one of them did.

Now, as I understand it, there is going to be a hearing, some time in the next month, where the parties will be arguing before the High Court that they should be granted special leave to take the matter of the Full Court decision to the High Court. If they are granted that, it is my advice that the final determination of the matter by the High Court could be as much as a further year away.

The reason I am explaining that in some detail is that the crown, in order to finish this advice, needs to be reasonably clear what the law is in this space. What I am told, and from the explanation I have just given I hope it makes sense, is that when you have got a single Supreme Court judge, then a full bench of the Supreme Court and then, potentially, the High Court, yet to settle on what some of these fundamental principles are, the crown is still in a position where, to some degree, they are doing their best to assume where things are going to land but there are still things that are, to some extent, up in the air because of the state of this litigation.

I am quite disappointed it has taken this long, because I would have liked to have had all this sorted out a long time ago, but I am not in charge of those legal proceedings and those legal proceedings continue to leave question marks around some of the issues that are talked about here.

Ms CHAPMAN: I thank the Attorney for that, but that might well be the explanation as to why the unsolicited proposals formal policy and procedure framework has been delayed, and the Auditor-General makes that comment on page 570. But when it comes to the board of management, he says, after it has been referred for legal review, 'Once the Crown Solicitor's Office completes its legal review', and there is no reference to legal proceedings holding that up, 'URA intends to present the updated policy to the board of management in either September or October 2015.' Has that happened?

The Hon. J.R. RAU: Not to my knowledge, but I will check. I can say that, in light of this report and also in light of the remarks made by Commissioner Lander, sitting as the Ombudsman, in his recent report, there is a need for governance arrangements with the URA to be given special attention, although I do note the commissioner on, I think, page 243 of his report did say that most of the things that he could have recommended be done by the board of management of Renewal have, in fact, already been done. However, he did point out there are still some untidy reporting and

accountability lines there which need to be fixed. I agree with him and I do have the Crown Solicitor looking at the recommendations of Mr Lander, as well as this.

Ms CHAPMAN: I look forward to receiving that. At about 0.5 on that page it refers to the gifts and benefits policy having been breached, to the extent that staff who were involved in contract and procurement, payment or property delegations had accepted gifts, and that is obviously prohibited, as he indicates, under the rules. My question is: what gifts were given, or benefits received; to whom, and to what value? If you do not have that detail on you, will you take it on notice and provide it to the committee?

The Hon. J.R. RAU: I will take that on notice, yes.

Ms CHAPMAN: At page 572, the Tonsley Park redevelopment project. This is another project which has come to attention sufficiently to be commented on significantly and adversely by the Auditor-General. First, he says at page 572 that the procurement and contract management sector adopted a sloppy practice—and that is my word. However, I think it is fair to say that if you look at that comprehensive list of what he considers to be failings, you would have to be concerned. He also makes comment on simple things, such as the contract not being disclosed on the South Australian government's tenders and contracts website, as required by the Department of the Premier and Cabinet circular.

These are pretty basic requirements and I would have thought their not being done would be of concern to you as minister, particularly as this agency which you are responsible for (the URA) is supposed to be working in tandem with the Department of State Development. It is noted at page 573 that its joint committee has not met for a whole year. It is called project control group meetings, and it did not happen at all during the subject year 2014-15. So, there are clearly some problems there. What he does note, at page 572, is that, as a consequence of some of this general failing in relation to the procurement and contract management framework:

> Given these instances of non-compliance with applicable policy requirements, there is an increased risk the URA may not have obtained maximum value for money from the procurement contract.

Just as a reminder here, what he is referring to there is with respect to the access to the Flinders University, as I recall. It might have been the University of South Australia—it is Flinders University, I think. Obviously, he has identified this as a problem. The agency's response is that it is going to do some staff training. Has that happened? Are you satisfied the situation has been remedied?

The Hon. J.R. RAU: As to staff training and whether this has been fully rectified, I would need, obviously, to seek advice from the agency on that, and I will. It is an interesting point though the deputy leader raises with respect to Tonsley. Tonsley is a reasonably complicated proposition and it is complicated because DSD is basically running it but the URA is the landowner. That is not without its complexity.

Ms Chapman interjecting:

The Hon. J.R. RAU: That is a good question.

Ms Chapman: You're the minister.

The Hon. J.R. RAU: I am only a minister—

The CHAIR: One at a time.

The Hon. J.R. RAU: Can I just explain? Inasmuch as it is Renewal, I am basically the minister for the agency or the entity which has the title to that land. Inasmuch as we are talking about the day-to-day running of what goes on down there, that is pretty much exclusively being managed by DSD, not by Renewal.

Ms Chapman: Is that you?

The Hon. J.R. RAU: No. I am spared some things.

The CHAIR: One at a time, in an orderly fashion.

The Hon. J.R. RAU: No, that is alright.

The CHAIR: You are okay?

The Hon. J.R. RAU: Yes, I am fine. I think minister Maher is the responsible minister in that regard. I intend to have a very close look at the Tonsley situation, partly as a response to the passages that you have pointed out to me but also because I think that governance structure is potentially problematic in going forward. The idea that you are separating the beneficial and the legal ownership of the asset is not necessarily a good idea, in my view.

Ms CHAPMAN: When you do get that information, because it is all reported under your agency—at page 573 at about point 3 it says, with respect to the project risk register, that that was to be completed in September 2015—can we have an update on that when you get that information? It also says, at about point 5 on that page, with respect to the Project Delivery Structure manual, that that is supposed to be finalised by 30 September 2015. So, I would appreciate an update and, hopefully, have the information to confirm that both are completed and in operation and are successful.

The Hon. J.R. RAU: Yes, of course, I will seek that information. Just to make it clear again: the governance here is complicated. I am not meaning to argue, or I am not arguing at all, with the Auditor inasmuch as the Auditor identifies the URA as the agency to whom this remark is directed. I am just making the point that behind this it might be that URA, for the reasons of governance that apply out there, is not capable of doing all of that, standing alone in isolation, without having to be engaged with DSD, and that is the complicated bit, but I will seek to get an answer about that.

Ms CHAPMAN: Page 96, same volume, Courts precinct urban renewal project procurement. It covers up to page 98, to which I will be referring. My first question is: can the minister advise the total amount spent on the courts precinct development project procurement to date?

The Hon. J.R. RAU: I think the answer to that question lies somewhere inside DPTI, and not the bit of DPTI that responds to me. I think you will find that minister Mullighan is the appropriate person. I can say this though—and I am advised this by AGD—and I am quoting from page 27 of the report of the Auditor-General, 30 June, Part A—

Ms CHAPMAN: Sorry?

The Hon. J.R. RAU: Page 27—

Ms CHAPMAN: Of this report?

The Hon. J.R. RAU: Yes; Part A. At the middle of the page, or thereabouts, it says:

The Courts Administration Authority advised it incurred expenses of $356,000 for the project and the Department of Planning, Transport and Infrastructure received $2.8 million for the procurement process and additional funding to acquire intellectual property. The final amount spent was not confirmed at the time of this report.

Ms CHAPMAN: That is why I am asking.

The Hon. J.R. RAU: Okay; that is as far as I can take you presently. I will have to take that on notice.

Ms CHAPMAN: On page 98 it says, again, the—

The Hon. J.R. RAU: Minister Mullighan might have the latest information about that. I do not know.

Ms CHAPMAN: It is just that in your section, under Courts Administration Authority, it says, again at page 98, that it has incurred the $356,000. It then goes on to say that was made up of salary of $341,000 of existing staff resources on the project and $70,000 it got from the Department of Planning. I will come back to the Department of Planning, because it got $2.8 million allocated to it, and I will deal with that down there.

The Hon. J.R. RAU: DPTI—

Ms CHAPMAN: Sorry, DPTI; the Department of Planning, Transport and Infrastructure I meant to say, which is referred to further on in the report. I will be asking Mr Mullighan about that. It says here though, again at page 98 and you have just referred to it being summarised in the page 27 reference, that you have purchased the intellectual property. What did you pay for it?

The Hon. J.R. RAU: Again, I think that is a question for minister Mullighan. He is the one who can answer that question. If I can just explain, although DPTI is in part responsible to me or reports to me, it is only the planning bit of DPTI, not the infrastructure, transport or other elements of it. They report to minister Mullighan. The question you are asking relates to his bit, not my bit.

Ms CHAPMAN: I will ask him as well, but if it is not the case, because it does talk about cabinet approval of this discontinuance of the process and the approval to purchase that, if he does not have it available, will you make it available, as to the amount that has been paid? If we are ultimately going to proceed with the courts precinct proposal was it necessary for the government to buy it in the first place?

The Hon. J.R. RAU: As far as the money paid for the intellectual property goes, I will leave that with minister Mullighan. The second part of your question was why was anything paid at all—

Ms CHAPMAN: Why did you buy it?

The Hon. J.R. RAU: Buy the IP? I think the answer is that the government still, in my opinion—and I have made no secret of this—at some point in time has to confront the fact that the courts' physical infrastructure is no longer likely to be sustainable, and something has to be done. That project, and the intellectual property associated with that project, represented one potential solution to that problem into which quite a bit of work has been done. If it turned out that the government ultimately decided that a single build of that nature was the appropriate solution, in my view it was not an imprudent thing for the government to acquire the intellectual property and all that work so that we did not have to reinvent the wheel if we went down that track.

I think, in fact, that is quite a prudent option, in particular given the fact that the proponents, in having worked the thing up to that point, had clearly invested a lot of time and effort in doing that. I think it is part of the government paying attention to the sovereign risk issues associated with dealing with government; if you have a process like this which misfires, it is reasonable that a proponent that has taken it that far and has worked that hard is not, basically, out of pocket on the exercise.

Ms CHAPMAN: I will conclude on that, and I appreciate that you are going to get the amount that you paid them, and that, in the circumstances of the government's election not to proceed with the project at that time, they would be given some fair payment for the work that they had prepared. My question is: was it a condition of the proponents not proceeding with an application for a compensation payment that they receive a fair payment for their intellectual property?

The Hon. J.R. RAU: Again, you might need to ask that of minister Mullighan, but to the best of my recollection there was no talk of anybody suing anybody or anything else. My recollection of what happened was that, when we got to this point, we recognised that there was a potential unfairness, if I can put it that way, that might be visited on the developers of that proposal, and I think that negotiations began with them with a view to resolving that. That is my recollection of it.

The CHAIR: I thank the Deputy Premier and his advisers, and I ask the advisers to the Minister for Health to assemble as quickly as possible. Deputy leader, are you doing the health questions or is the member for Davenport?

Ms CHAPMAN: No, the member for Davenport.

The CHAIR: Member for Davenport, would you like to start us off on your page while everyone is assembling and we can be ready. Tell us what page you are looking at and we will be ready.

Mr DULUK: We are starting on page 2.

The CHAIR: What book are we in?

Mr DULUK: We are in Part A of the Executive Summary, page 9.

The CHAIR: Why don't you ask the first question, then the clock is going back to 30 minutes and away we go.

Mr DULUK: Minister, on page 9 of the Executive Summary the Auditor-General comments on the Deed of Settlement, state development and SAHP, which was executed on 17 September 2015. The Auditor-General writes that the deed provided for the state to make

payments to SAHP (SA Health Partnership) totalling $69 million for direct costs and delayed costs, including the state's share of financing costs payable over the period the commercial acceptance state was extended. What are the direct costs referred to and what is the monetary value of each; and, as part of that, which of these costs involved payment to SAHP and which of these costs are borne by the government?

The Hon. J.J. SNELLING: Do you really want that broken down?

Mr DULUK: Yes.

The Hon. J.J. SNELLING: I will just say at the outset that the Auditor-General includes moneys that were being paid to SAHP, anyway, hence the $69 million figure, but in terms of the budget impact $34 million takes in the cost of settlement of remediation, which is $20 million, the cost for modifications to be made, which is $10 million, and as well we have other costs associated with prolongation of the project office and things like that. So, the total budget impact is $34 million. That is what the Mid-Year Budget Review will find.

In terms of the settlement payment: remediation, $20 million; modifications, $10 million. In terms of the second settlement payment which deals with the financial costs and which, I say, were already budgeted for because they are already being paid for: principal repayment, $6.068 million; interest $22.774 million; equity distribution, $6.348 million, which means total finance costs come to $35.189 million. Prolongation, (that is primarily Spotless and SAHP), $1.345 million; total secondary payment to project code, $36.534 million; modifications funded within the approved budget program, $1.528 million. Modifications included in the cabinet submission, in the deed, $1.150 million, which brings us to a total of $69.212 million.

Mr DULUK: Delay costs as well as deferred costs? Further to those delay costs on page 181 of Agency audit reports Part B, the Auditor-General comments on changes to the state government's public-private partnership arrangement with SAHP. What amount of financing delay costs have or will be incurred as a result of the 76-day delay in commercial acceptance of the new Royal Adelaide Hospital?

The Hon. J.J. SNELLING: It is included in the figures that I quoted, so the total delay cost is $35.189 million.

Mr DULUK: As part of the 76-day delay?

The Hon. J.J. SNELLING: Yes.

Mr DULUK: What amount of the financing delay cost will the government pay the consortium in relation to the 76-day delay in commercial acceptance to 3 July 2016?

The Hon. J.J. SNELLING: If I understand the member for Davenport correctly, that is it. They are the delay costs. The settlement, I guess, consists of a number of things. Obviously there is the direct cost, the cost we had to pay the consortium to remediate the land—and that is $20 million; cost of the modifications is $10 million. I guess they are the new costs, additional costs that we have to pay to SAHP.

The project was delayed and we, as part of the settlement, shared the responsibility for the delay—so that is equally shared between SAHP and the government. We are accepting that part of the delay is because of modifications and delays because of the remediation. Of the $69 million that the Auditor-General refers to, the total finance cost associated with that delay—so basically what we have to pay because SAHP have financing costs associated with the delay—our share of that is $35.189 million.

Mr DULUK: Have any financing delay costs for which SAHP considers the government is liable in relation to that 76-day delay in commercial acceptance been waived by the consortium? Have they waived any costs?

The Hon. J.J. SNELLING: Yes, they have; they have agreed to that and the cost is shared. It is the delay cost. We are not up for the full cost to 3 July, so it is a three-month delay (April to July) and we are paying roughly their finance cost for half that time and they are paying roughly the other half. It is pretty much a fifty-fifty split, if I remember correctly; roughly a fifty-fifty split between us and

SAHP. Yes, they have waived it; they have waived about half of the cost. If the settlement was or if it was decided in court that the reasons for the delay were entirely to be borne by the state we would be up for the full cost but we are not; we are up for about half of it and SAHP are meeting the cost of the other half.

Mr DULUK: And that is it? There is no future costs in relation to the delay? There is nothing unexpected down the track or budgeted for or provisioned for?

The Hon. J.J. SNELLING: As much as there is anything unexpected in this but, no, this is certainly, as far as I am concerned, full and final settlement of all these issues. It is full and final settlement with regard to the remediation issues with SAHP and it is full and final settlement with regard to the delay costs.

Theoretically speaking, if SAHP came back to us and said, 'Well, we can't deliver it in July now,' then obviously that would be something that would have to be negotiated, but I certainly do not anticipate that happening. As far as anything which the government might be on the hook for, the only issues were associated with remediation and with the modifications.

Mr DULUK: Has SAHP agreed to forgo all financing delay costs in relation to the 76-day delay in commercial acceptance to 3 July 2016 and, as you said, should that move on, should that 3 July 2016 date not be met, what do you envisage the breakdown or cost-sharing split would be?

The Hon. J.J. SNELLING: If I understood you correctly, just to re-emphasise, the costs of the delay are being shared by both government and SAHP—roughly fifty-fifty are the costs associated with that. So, we are not paying for the entire costs of the delay, it is shared between the two. If there was any future delay, without wanting to crystal ball gaze, I cannot envisage the government being on the hook for that, because if there was anything I would have thought it would be apparent now.

Certainly, I have no reason to believe that if there was any further delay there would be any reason—there is nothing to my knowledge to give me any cause for concern that the government would in any way have any liability.

Mr DULUK: Thank you, minister. Further from that, are there any other forms of payment being made to the consortium from the government as a result of commercial acceptance being delayed?

The Hon. J.J. SNELLING: No, other than what I have outlined.

Mr DULUK: Are there any provisions in the contract for the new Royal Adelaide Hospital which provide for penalties on SAHP for a delay in the construction or commissioning of the new RAH?

The Hon. J.J. SNELLING: Any additional delays?

Mr DULUK: Correct.

The Hon. J.J. SNELLING: As I said, if there are any additional delays, if SAHP were to come to us and say they were not able to deliver on 3 July, then basically they would not get paid. That is a considerable penalty for SAHP, because they have had to borrow significant amounts of money to finance the contract. So, if they were not being paid, that would be a considerable penalty. So, that is the penalty, basically: they do not get paid until commercial acceptance.

Mr SPEIRS: Moving on to page 25 of the supplementary report, which refers to the fact that the annual service payments of $395.3 million for the new hospital are budgeted to commence in the 2016-17 financial year, during the period between commercial acceptance on 3 July and the opening of the new hospital in November 2016, how much is the government liable to pay the consortium per day?

The Hon. J.J. SNELLING: As was said before, it is approximately $1 million per day that we have to pay. Having said that, we will be speaking to the consortium because, given that the hospital will not be fully operational probably until November at the latest, there is potentially some benefit to SAHP because they are not going to have to employ orderlies, catering staff and those

sort of staff who are part of the contract. So, we will be speaking to SAHP about us harvesting some benefit from that.

We do not have a figure yet. If we were paying the full cost, it would be roughly $1 million a day, but I would hope, if we are able to harvest some of that benefit that SAHP will get, because Spotless will not have to employ caterers and so on for a period of time, then that would be some benefit to the budget.

Mr SPEIRS: On page 25 of the supplementary report—so, the same page—the Auditor-General refers to $176.6 million allocated in the Mid-Year Budget Review for the transition of services to the new RAH. This allocation included funding to cover the cost of operating the old and new RAHs concurrently. Did the $176.6 million allocation provide resources to maintain the new RAH empty up until November 2016?

The Hon. J.J. SNELLING: The $34 million that I have previously said is the budget impact arising from this delay. It incorporates all the costs; so, the costs of having to continue to run the old Royal Adelaide Hospital and the costs associated with holding onto the new Royal Adelaide Hospital for a period of time. The $34 million is the total budget impact taking into account basically everything—the cost of the old, the cost of the new, project office elongation and having to run them longer—so that everything is being incorporated into that $34 million budget impact. Obviously, if we have to continue running the old Royal Adelaide Hospital for a period of time, yes, that is an additional cost, but that additional cost is factored into the $34 million.

Mr DULUK: Back to page 25 of the supplementary report, the Auditor-General writes that the new Royal Adelaide Hospital is 'expected to be open by November 2016'. On what day will the new Royal Adelaide Hospital receive its first patients?

The Hon. J.J. SNELLING: We are working through that at the moment. We would hope that we would have an answer to that fairly reasonably in the next couple of months or so, but the time frame over which we move patients into the new Royal Adelaide Hospital is something that we are planning for at the moment. Obviously we are keen not to have two hospitals running for too long, and we want to try to condense the move down into as short a period as possible. We are looking at a number of different scenarios at the moment but we do not have the answer as yet.

Mr DULUK: What date does the SAHP Master Works Program currently show as the technical completion date?

The Hon. J.J. SNELLING: The revised technical completion date is April 2016. I do not have a particular date but we shifted from January to April because of the delay.

Mr DULUK: I refer back to page 181 of Part B. The term 'prolongation costs' refers to the actual costs that a contractor, in this case SAHP, incurs as a result of the completion of works being delayed by an event that is the responsibility of the client. What prolongation costs in relation to the 76-day delay in commercial acceptance of 3 July 2016 has the government paid the consortium?

The Hon. J.J. SNELLING: That is what we have already been through, so I have already answered that question. That is the table of costs which I gave you. Sorry, that is the budget impact, but $35.189 million is that now—having said that, we have not paid that yet I do not think. We will not pay that yet, and the only thing we have paid so far is for the cost of the remediation. We have paid for the remediation, and may have paid them $10 million for the modifications, so that is all we have paid for so far.

With regard to the delay costs, they will be paid for, and they will not be due until next year. It has just been pointed out too, it is only the $20 million which is accounted for in the Auditor-General's report because he is dealing with the 2014-15 financial year. The remediation costs hit the 2014-15 financial year. The modification costs do not hit until the 2015-16 financial year, so they are not covered by the Auditor-General.

Mr SPEIRS: I now refer to Part B, page 181, where the Auditor-General refers to the components of the payments to SAHP under the deed of settlement. In the Budget and Finance Committee on 28 September, the CEO of SA Health listed a series of budget impact items in relation

to the payment under the deed of settlement. Does the $14.198 million for the continuation of the project office mentioned by Mr Swan relate to the SA Health project office?

The Hon. J.J. SNELLING: Yes, it does.

Mr SPEIRS: What period of time is covered by this allocation for the project office?

The Hon. J.J. SNELLING: I need to check because I do not know whether we kept the project office going right through to November or whether it winds up its function some time before then.

Mr SPEIRS: Can you confirm that the cost of continuing the project office is a SA Health expenditure and does not involve any further payment to the SAHP?

The Hon. J.J. SNELLING: Yes, that is correct.

Mr SPEIRS: What does the additional dual running cost of $7.621 million relate to? Is this the dual operation cost of the old and new RAHs?

The Hon. J.J. SNELLING: Yes, it is.

Mr SPEIRS: How does the construction delay affect the period of dual operation?

The Hon. J.J. SNELLING: It is longer.

Mr SPEIRS: How is this a budget impact on the deed of settlement?

The Hon. J.J. SNELLING: That does not affect the deed of settlement. It is purely an increased cost which the government has to bear to continue the project office longer than we otherwise would. It does not relate at all to the deed of settlement; the deed of settlement is quite separate. It is not a payment.

The project office is run by SA Health, so it is the cost of the transition team, basically. We have a transition director and other people working on the transition from the old hospital to the new, and the effect of the delay means that we have to keep that office running longer than we had otherwise budgeted for. That is a cost entirely borne by government; it does not relate in any way to the settlement. It is not a payment. We are not paying SAHP for the project office: it is our project office that we run.

Mr SPEIRS: In Mr Swan's evidence to the Budget and Finance Committee, he refers to prolongation costs of $1.345 million. What are those costs?

The Hon. J.J. SNELLING: The only information I have primarily relates to Spotless, so I have to get the information if you are after any other detail.

Mr SPEIRS: In the same evidence, Mr Swan referred to procurement holding costs of $2 million. What are those?

The Hon. J.J. SNELLING: We have to procure equipment, and we have a schedule for the procurement of equipment to go into the new hospital. If the hospital is not ready, it means we have to hold that equipment, and there are costs associated with that.

Mr DULUK: In the supplementary report on state finances, page 22, are all the estimated interest payments on the finance lease for the NRAH part of the annual payments, as indicated in the report?

The Hon. J.J. SNELLING: Yes.

Mr DULUK: In the supplementary report on state finances, page 25, how much of the annual service payments of $395.3 million will be expensed as a cash payment as it applied to the reduction in the lease liability?

The Hon. J.J. SNELLING: I do not have that detail, but I will get it to you.

Mr DULUK: Assuming that, how much of the annual service payment of $395.3 million will be expensed as a finance charge?

The Hon. J.J. SNELLING: We can provide the complete breakdown for you. Obviously, it is composed of both the cost of providing non-clinical services, the cost of the capital and interest costs. We do not have the breakdown here, but we are happy to make that available.

Mr SPEIRS: Minister, moving on to EPAS, Part B: Agency audit reports, page 219, what steps is the government taking to review user access to EPAS given that the Auditor-General found that 'without a regular review of user access to EPAS, inappropriate access could result in inaccurate or unauthorised changes being made to data'?

The Hon. J.J. SNELLING: The department's response, which is quoted in the report, is that the EPAS program group:

- had a process for establishing new EPAS user accounts that is reliant on the underlying network account unique to each computer user
- will develop specifications for user audit reports and a process whereby EPAS sites can access the report to manage staff who are no longer employees or require access to EPAS for their facility.
- will develop a procedure that will be incorporated into site policies around managing user access to their systems.

Mr SPEIRS: Have any cases of inaccurate or unauthorised changes been identified?

The Hon. J.J. SNELLING: I will check, but my advice is we are not aware of any.

Mr SPEIRS: 'The total of the EPAS transactional data extract differed from the Oracle general ledger by $589,955.' What led to this variance? That is on pages 219 and 220 of the report.

The Hon. J.J. SNELLING: We are getting a report done inquiring into the reason for the discrepancy between the two. A review is being undertaken to quantify the volume of validation errors and I have actioned that an escalation process will be developed. My advice is that there are two reports generated by EPAS. There is a summary and there is a transaction detail. The summary reconciled with the general ledger but what did not reconcile was the transaction detail, and we are getting to the bottom of why there was a discrepancy between the two.

Mr SPEIRS: Moving on to the supplementary report Health Savings Targets, on page 71 of that report, given that it is almost a year since the findings of the SA Medical Imaging review were released, when will SA Health release a response to this review?

The Hon. J.J. SNELLING: My advice is that it is imminent.

Mr DULUK: Back to Volume 2 of the appendix, page 440. The Auditor-General says that an additional $417 million of the state works expenditure has been approved. Is that $417 million additional to the $244.7 million originally approved or is that $244.7 million included in the $417 million figure?

The Hon. J.J. SNELLING: It is included.

Mr DULUK: How much of that original state-funded works budget relates to core clinical equipment, precinct works, project management costs and transition works?

The Hon. J.J. SNELLING: We do not have a breakdown of that but we can get it.

Mr DULUK: Further to that, the total amount in that same breakdown as well?

The Hon. J.J. SNELLING: Yes, we can do that.

Mr DULUK: How much of the expenditure in each category will be capitalised? Can you provide that figure as well?

The Hon. J.J. SNELLING: You can take away the accounting firm but you cannot take the accounting firm out of the boy.

Mr DULUK: I refer to Volume 2 of that same appendix on page 440 which relates to the expenditure to date on the state-funded works. What has the $59.2 million of transitioning been spent on?

The Hon. J.J. SNELLING: I will have to get that.

Mr SPEIRS: I refer to volume 2 of the appendix, page 314, and the references to 'Unexpended funding commitments' and 'New Royal Adelaide Hospital—Site Works (Operational)' for both the 2014 and 2015 years. What do those references relate to, and who owes who?

The Hon. J.J. SNELLING: We will have to get that information for you. We have not got the breakdown of it, but it is money that has been carried over from 2014.

Mr SPEIRS: Moving back to page 181 of the agency audit Part B, around the financing delay costs that we discussed before. I am just trying to get it clear in my own head. Some of the financing costs are due to a construction delay and then we move into the winter period and that would obviously create some additional financing costs. Are you able to provide a breakdown of the delay costs because of the construction around financing and then the financing costs because we move into the winter period?

The Hon. J.J. SNELLING: I am not sure what you mean by construction delay?

Mr SPEIRS: The project has been delayed. The handover of the project from SAHP has been delayed from January 2016 to 3 April 2016.

The Hon. J.J. Snelling interjecting:

Mr SPEIRS: Yes, that is what I meant. Then we have the commercial acceptance date which is then pushed out to 3 July and then we move into the winter period. Can you differentiate between the financing and the costs that come through the technical completion date and the commercial acceptance date being pushed out and then when we move into that winter period when the hospital will sit empty for a period of time?

The Hon. J.J. SNELLING: The technical completion is basically when we have access to the hospital to do our own testing to make sure that the builders have fulfilled the contract. So, we have access, we go in, we can test everything and make sure that it meets the contract. We have three months to do that and then there is commercial acceptance, which was in April now in July. The technical completion has been pushed back from January to April. That has no additional cost because we do not start paying anything until commercial acceptance—we still do not pay anything until commercial acceptance.

Then there is a further delay. If commercial acceptance is July, the hospital is not going to be fully operational until November. We have to pay the consortium the normal service payment for that period from July to November. We are trying to negotiate whether we can get some benefit from the fact that Spotless is not going to be employing catering staff, cleaning staff and so on, or at least the full complement thereof, until the hospital is fully operational. That is something which we are negotiating at the moment, that we would get a benefit from that. Putting that aside, we have to pay the consortium for the hospital even though we are not using it. We do not get a benefit from that.

The CHAIR: The time for the examination of the health minister has expired.

Progress reported; committee to sit again.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr GRIFFITHS (Goyder) (17:35): I still have a bit to go, but I will try to bring things forward a bit because I understand that we have been here for a while.

The DEPUTY SPEAKER: No, no; we are enjoying it.

Mr GRIFFITHS: The next contribution I want to put on the record—and those who are listening intently (no doubt many in this room as well as many in their offices upstairs) have been hearing, in some cases, the submissions I have received that I have put on the record—is, again, an unsolicited submission, that was provided to me by a counsellor for the City of Campbelltown. It states:

In reading through documents and trying to analyse implications for councils, I along with my fellow councillors have very grave concerns. In fact the bill raises more questions than it answers. We do not believe for one minute that the intent of the bill is to serve our communities for the better.

The language used is loose in its interpretation without confirming the processes involved and how the changes will affect what is in place already. In fact it is ambiguous in many parts and fails miserably to deliver a comprehensive outline of the changes. The devil is in the detail and there is not enough of this to be able to accept this as a clear and well thought out document. The following very simplistically represents our greatest concerns at the moment:

- elected members will be prohibited from sitting on panels assessing development applications, therefore removing the voice of local communities affected by proposed developments. Local knowledge and vested interests in the community's wellbeing will be lost to independents who could not be, and most probably won't be local residents;
- there will be an overall reduced role for councils in planning and development, leading to a lack of appropriate and area-specific developmental requirements;
- fewer activities will require planning approval and councils will have substantially reduced revenue from development applications;
- councils will face increased costs through having to contribute to state programs, such as the new planning portal, and will have little or no control over the quality of specific infrastructure that they will be required to fund. The increased opportunity for cost-shifting from state to local government will place a huge burden on available revenues, causing many already stretched councils to [go to] the brink of ruin. It will cause an erosion of what is now a responsive and area-specific response from local councils for their community's needs;
- councils will be encouraged to amalgamate their planning functions with other councils in the region, and those that don't comply will have plans enforced on them by the minister;
- council 'development plans' will be phased out and replaced with a new 'planning and design code' with more standardised provisions, limiting area-specific requirements;
- there will be reduced avenues for residents to comment on or challenge inappropriate developments directly affecting them and their enjoyment of their neighbourhoods and communities.

There are not many redeeming features of the bill and the proposed changes sought will in turn create more problems than they hope to solve. Centralisation and a one-size-fits-all approach is a recipe for disaster, lacking in the necessary considerations for the most important role of government; and that is representing the needs of its people and their quality of life.

Strong words indeed. The next submission is from a purely community-based organisation. I have met with its officers and they have provided this, rather extensively, particularly to members of the other place and myself. This from the Prospect Residents Association Inc., and I will use the acronym PRA when describing them. It says:

The PRA is seriously alarmed by the changes proposed in the new planning and infrastructure bill, in particular:

- elected members, both on councils and MPs, and members of the community being removed from decision-making;
- the planning minister having too much control;
- loss of heritage and character in historic conservation zones;
- restrictions on public access to information;
- the financial impost on the community to pay for various aspects implemented by the bill;
- emphasis on fast tracking approvals which will lead to inappropriate development/decisions;
- loss of rights and abilities to challenge inappropriate development;
- the lack of criteria against which building proposals will be assessed;
- the continuing misuse of interim operation which allows development to occur without community consultation;
- lack of consideration of social and environmental goals.

They continue, as follows:

The PRA wants the following changes/amendments

- The reinstatement of Local Council's role in planning and assessment;
- Reinstate councillors on assessment panels;
- Retain residents' current right to have a say about what is built next to their property in particular with regards to access to sunlight, solar power, overshadowing and privacy issues;
- To give residents some certainty in a planning system, Design Codes and Design Plans should be mandatory, not advisory;
- Developers should fulfill the existing requirements listed in any Council Development Plans with only a variation of 10% allowed and the community should have comment and appeal rights;
- Any development exceeding the maximum building height limit in a zone, should be considered to be performance assessed with full public notification and appeal rights;
- Contributory items in Historic Conservation Zones must be included in the proposed Design Code;
- Adjacent residents within 100m of the boundary are performance assessed and restricted development proposals, should be notified;
- The community should not have to bear the costs of the changes proposed in the Bill for example the online planning system and infrastructure costs. This will result in increased council rates;
- The Minister's powers should be reduced not increased as was agreed in the Expert Panel report;
- The Planning Commission should include a range of interests outside of business and development interests, including heritage, environment and community representatives;
- All meetings of all decision making planning bodies must be held in public;
- Remove the proposal to compel residents to allow neighbouring applicants to enter their property to undertake any work, without consent and consent must be discretionary. Compensation must be made for any damage or inconvenience, caused by such entry;
- There must be compensation for damage to homes and properties from neighbouring developments;
- The bill should include the consideration of social, health and environmental impacts not just economic impacts;
- Availability of planning information must not be restricted and access to it should be free;
- Freedom of information rights must be applied to the planning system and at the same charge as exists now;
- Public notifications must occur for applications for performance assessed development and restricted development including in the newspaper.

That is an issue where it is removed, as I understand it. I will comment on that later. They go on to say:

We have serious concerns that the new system is overwhelmingly pro-development and anti community. This skewed focus will result in very poor planning decisions having long lasting negative impacts on the character of our communities which will in turn lead to increased negative impact on social and environmental aspects of our local areas. It will also significantly increase community conflict.

I have an email from a resident of Prospect who provided this to me and it would appear to be all other members of both chambers by the extensive list on the email. It states:

I am very concerned about the proposed changes to the Development Act in the new Planning and Infrastructure Bill currently before Parliament. In particular I am concerned about the erosion of my rights as an individual and as a community member. It is the following changes that concern me greatly:

- Elected members, both on Councils and MPs, and members of the community being removed from decision making;
- I want the Bill to be amended so that communities have reasonable input into planning the development of their local areas and can question inappropriate development proposals. The Bill also needs to be amended to constrain developers to create plans which abide by the existing Act's intentions of creating better places to live, and require them to meet the development plans as they have been agreed to;
- Loss of heritage character in historic conservation zones by removing contributory items;

- The financial imposition on the community to pay for various aspects implemented by the Bill eg the online system and infrastructure costs for new development which will be passed onto rate payers;
- Emphasis on fast tracking approvals which will lead to inappropriate development/decisions;
- Loss of rights and abilities to challenge inappropriate development;
- The lack of criteria against which building plans will be assessed;
- The continuing misuse of interim operations which allows development to occur without community consultation;
- Lack consideration of social and environmental goals.

There is a similar theme coming through this, and I am sure those who are listening have got that. The next one is from a resident of Willunga who I have not had contact with in the past. This was an email directed to me solely. It states:

I write to express my concern regarding this Bill and urge you to take note and act on the concerns raised by Local Government and your community. As a Council Elected Member it is important to me that the electorate are able to engage with the decision makers on issues that will impact their lifestyles and quality of life.

I agree that the system in place is by no means perfect and some reforms are most likely required, however I feel that some of the proposed changes would greatly reduce how and when people can have a say in the developments occurring around them and the lack of notification and engagement opportunity they will receive prior to the development assessments being made.

I am very worried about some of the proposed reforms in particular the changes that I feel will negatively affect, not only my own quality of life and freedom afforded by democracy, but that of the community I live in and serve.

My understanding of democracy is that it is based on self-government which distributes administrative power right down to grass root levels, through various layers of government which hopefully provides enough exposure, administrative power and participation opportunity to the people, increasing efficiency and in turn making the government more accountable. Taking away decision making processes at local level is surely not an inclusive, transparent or honest way of government.

This resident of Willunga goes on to list quite a few areas which have been covered by others, but she finishes by saying:

I once again respectfully ask that you, as an elected representative of your community, take these concerns further and endeavour to influence the decision making processes of this Bill to ensure a more favourable and fairer outcome for your community.

The next one is from a chap I know who lives to the east of Adelaide. We have had some previous contact, and he sent me an email in particular about this. He is a councillor for the Mid Murray Council. He states:

I am concerned about any requirement which might force Councils to contribute to the infrastructure of any subdivision of land, in order to reduce the cost of building blocks for households. Whilst subdivisions are great for stimulating growth, any increase in population has other cost factors outside the subdivision which are not covered by the Developer. These include stormwater drainage for the new subdivisions and increased traffic on roads leading to the subdivisions. These costs are already met by Local Government, although in some cases it takes years to find the funds to install the stormwater, and in the meantime, other residents can be flooded out in severe storms due to the extra water coming from the subdivisions. Within the township of Mannum I have a backlog of footpaths that require paving, stormwater plans which Council is not prepared to fund, and a few streets in the township still requiring a bitumen surface. We are still trying to find funds to complete our Waste Management Infrastructure including Waste Transfer Stations and the future of bin banks. If we can't fund these its not fair that we should have to contribute to the infrastructure within subdivisions.

That is interesting feedback from that chap. Another resident of Mannum provided me with some feedback that I thought was rather interesting, but I do not think, for the sake of what we are doing here, that I need to repeat some of it today. I will go on to the North Adelaide Society, and this is from one of their officers who works for them in a voluntary role. He talks about some reforms within Adelaide City Council, and the planning reform and a review of some details at Adelaide City Council that are available on its website by Googling and reviewing it. The email states:

This allowed council to compare what had been delivered in the final paper with what council wanted, and teased out all the details (what was good, bad, and what was simply left silent). Council then advertised in the City North Messenger—

looking for details—

The new bill reflects political expediency in the extreme, where, after all those years of the panel taking so much detailed evidence, the minister has picked out the most convenient bits, left the hard bits untouched, and been ruthless in locking out local government from its long-held role as central to planning in SA—as it always flagged it would. The citizen charter is an excellent case in point where the panel heard so much about keeping local communities in the loop, so Labor have now come up with a charter idea—but no evidence of the charter yet exists. Finally, all the 'ministerial solutions' are uncosted.

Indeed, as I understand it, there is no money in the budget to fund solutions. The email goes on:

I think the city council's position is generally valid and reasonable, and (now a year later) makes the bill look like the political opportunism that it is.

That is an interesting reply from that chap. I am nearing the end of these submissions, but there are more things I want to reflect upon later on. This is an email from a surveyor who operates a business within Adelaide, and I had a telephone conversation with him before he sent me the email. He states:

Following our recent phone call, I am writing as a long time experienced consulting, Licensed Surveyor, who has since 1978 specialised in land divisions in my own practice and hence extremely aware of the planning process that has evolved since I was an undergraduate, lectured in the late 60's by those responsible for the preparation and implementation of the then Planning Act.

I have witnessed the land division planning processes grow from when the then State Planning Office had two officers handling land divisions under 6 allotments and an officer and assistant coordinate those land divisions over 5 allotments. These plans of division then forwarded to the appropriate council for approval. At that time councils did not engage planners or have council development plans so approval/refusal decisions were made by the elected members of council.

Today, the major review into planning laws prepared for the Planning Minister Rau by Brian Hayes QC and his committee has detailed the subsequent short fallings of the current planning system, so that now in 2015 the Planning, Development and Infrastructure Bill was introduced by the Minister in September with the reported fact that the Minister wants this bill approved by the end of the year. I count less than 12 sitting days now available for the debate—

This email was received on 14 October. They go on to say:

While much of the proposed bill is to be commended—

I put on the record that there are those who will find support for this. I am predominantly focusing a bit on the negatives at the moment, but I will soon, probably, provide the other side of the argument—and I recognise the great challenge. This chap goes on to say:

I wish to make mention of one glaring irony. The bill proposes community involvement through a Community Engagement Charter, particularly in the early stages when planning policies are being formed. So I find it extremely ironic that the Planning Minister has released this bill without any formal ability for public consultation and comments from professionals. Please insist that more time is given to discussing contentious issues arising in this important bill and urge public discussion, that I am told will take 5 years to implement—

I interject here to say that the minister, in his briefings I heard and his comments to me, talked about a three to five-year implementation period—

and set the direction of the state's planning and development for the next 25 years. I will also add a few comments if the bill is passed in its current form then,

- The public are not aware of the significant change to moving public comment to only at the stage of setting the policy to rightly remove the current time wasting…[not in my backyard] protests.
- Place undue control/power with the Minister instead of the proposed Commission, thus allowing political interference or public servant advisors to input.
- The bill will place additional financial burden on all existing land owners to fund costs of developments requiring infrastructure upgrade in urban renewal projects or extension and provision in outer urban areas.
- Open space provisions include 'option' provision of 12.5% open space or financial contribution to council if only one allotment is under 1 hectare in a land division of 20 or more allotments.
- There is no provision to change open space contributions or provision to reduce the current 1 hectare area for residential allotments to those under 0.2 hectare area [2,000 square metres] as those allotments above 0.2 hectare provide sufficient open space.

I found in the conversation I had with him that this chap is rather passionate about it. I think that the email and the submission he has made is somewhat of an abridged version of what we spoke about at length on the telephone.

The next submission I have, still from a community-based one, which was again unsolicited but which was as a result of this person's attendance at a Prospect Residents Association meeting. The concerns raised are:

> The 1993 Act focuses on
>
> - facilitating sustainable development
> - advancing social as well as economic goals of the community
> - establishing and enforcing requirements compatible with the public interest
> - provides for appropriate public participation in the planning process and the assessment of development proposal
> - is about enhancing the amenity of buildings to provide for the safety and health of people
> - ensuring that development plans address social and economic issues
> - contains the notion of contributory items when describing heritage values
> - contains a specific list of building requirements.

They go on to say:

> This new Bill contains none of the above, and as a piece of legislation is lacking in vital detail about the proposed Planning and Design Code which is to be a comprehensive set of policies, rules [and] classifications to be applied in various parts of the State through its operation for the purposes of development assessment and related matters.
>
> There is nothing about the public interest, sustainability or social planning except for mixed and affordable housing
>
> These new rules will govern the use and development within a particular zone, subzone or any zone and include any matter considered appropriate by the Minister—

and then they have the exclamation words 'Wow'—

> and yet there is indication of the criteria which will be used when making these decisions except 'at the discretion of the Minister'
>
> And worrying their provisions may provide guidance for the development of the public realm [equal sign] clear the way for development on the Parklands.

There are quite a few exclamation marks after that.

> As any policy or rule under the Planning and Design Code may apply in relation to development generally or any class of development—

they then raise the point: does that mean nuclear waste dump or a power station? It is amazing the level of feedback you get on these things.

> Please change the name of Community Engagement Charter—under the proposal, the public is not consulted on the full meaning of the word and it 'must not relate to the assessment of applications for development authorisations'!

That is specifically in the act at about page 48 or something like that. I am trying to remember where I read it.

> Indeed, 'the Commissioner may adopt an alternative way to achieving compliance with the requirement of the Charter if satisfied the alternative way is at least as effective in achieving public consultation'.

Then there are the words 'Ye, gods'.

> Furthermore 'the Charter does not give rise to substantive rights and a failure to comply with the Charter does not give rise to a right of action or invalidate any decisions'.

Then in capitals it says:

> Please notice how precise this is unlike the state design and planning code—

which does not exist yet.

Fear of litigation can be seen in many sections.

They go on:

The Minister has vast powers endowed by the Bill.

He or she prepares the Regional Plans and strangely, a 'regional plan is not to be taken into account for the purposes of any assessment or decision with respect to an application for a development authorisation under this act.'

Then there is a question mark.

Appoints the members of the Commission, who are not allowed to be MPs, but 'accredited professionals.'

Is responsible for preparing the all important Planning and Design Code.

The Minister makes many decisions and policies without having to consult, research, make public or justify decisions made and does so without providing a publicly accessible set of guidelines.

[The Minister] must comply with the Charter of Community Engagement, but remember the provision of 'alternative ways' of consultation!

Good news! However, if the ERD does disagree with a proposed amendment by the Minister, it then goes to both Houses of Parliament. Here at least rule without representation is challenged!

Bad news! The Minister has absolute discretion about whether or not to agree to an amendment relating to zoning if 'in the opinion of the Minister' the changes are considered to be appropriate, as in the establishment of a nuclear waste dump/power station/building developments on parkland areas.

I know what this person thinks, that is for sure.

Furthermore, if the Minister is of the opinion that it is necessary in the interests of orderly and proper development that an amendment to a Development Plan can come into operation without delay…without the need for any process under the Community Engagement Charter…on an interim basis…

and then they use the other examples that have been quoted already about the types of what they believe to be inappropriate development.

The Minister's call in powers are extended. Is there constraint on these?

This Bill is so unsubtle, so arrogant and so uncaring of ordinary people that it is frightening.

It results in our government undermining our democratic rights by assuming extraordinary powers while at the same time denying any avenue of legal recourse or questioning of decisions.

At the risk of sounding like an arrogant alarmist, the new system is too similar to autocratic regimes' ability to rule without question.

Then the person indicates who they are not going to be voting for at the next election.

Sitting suspended from 17:59 to 19:30.

Mr GRIFFITHS: The contribution will change tack somewhat now, minister. The contributions I have made so far have been based around—

The Hon. J.R. Rau: Reading out things people have said to you.

Mr GRIFFITHS: True—and I will still do it on this occasion also, but more from the industry development focus area and some areas they have because a good level of dialogue has occurred there. I acknowledge that from the Urban Development Industry of Australia, the Master Builders Association, the Housing Industry Association, the Property Council and Business SA there has been an opportunity for continued dialogue.

I put on the record that my understanding is that the minister and his staff have continued to meet with a variety of groups in an effort, as the minister mentioned at the very start, to ensure that there is an opportunity to approve things; I do acknowledge that. I think that is probably a bit reflective of the fact that 74 amendments have been provided to me, which we will debate when the opportunity arises as part of the committee stage.

I hope that some of the positions that I put, because they might be a week old, have not necessarily moved forward too much, but I understand that from the continued discussion opportunities that some things are changing almost on a daily basis.

The Hon. J.R. Rau interjecting:

Mr GRIFFITHS: Well, reasonably, even though there are some positions that the minister takes.

I will put on the record on this occasion that the Housing Industry Association, which has a rather strong opinion, no doubt about that, provided comment early on—I think 10 September was the first time I saw anything from the Housing Industry Association. On 12 October, they provided me with some comments, which I thought were important to put into *Hansard*, as follows:

> The HIA has significant concerns about the Planning, Development & Infrastructure Bill that is presently before the South Australian State Parliament.
>
> Provisions in the bill will reduce availability of land and inflate house prices. Driving up land prices will economically disempower many South Australian home buyers, denying them affordable housing on a block of land. The HIA advocates that South Australians should have freedom of choice in the type of accommodation they select, whether it is a house or a traditional quarter-acre block, a townhouse, a unit or an apartment.
>
> While the government proposes some positive reforms to expedite planning approvals by improving local council processes, there are also some worrying aspects about the bill for the housing industry.
>
> The Housing Industry Association (HIA) is concerned about 4 major aspects of the Bill:
>
> - Statutory Urban Growth Boundary (Greater Adelaide) provisions that the HIA advocates must be removed from the Bill, otherwise the Bill will be defeated. Urban growth boundaries are placed around capital cities or regional towns to constrain housing growth in new locations. As the supply of land subsequently diminishes, higher land prices result, as does the appearance of smaller allotments as developers try to stretch the available land to meet housing demand and maintain an affordable product. It also forces increased apartment construction to provide more affordable housing.
>
>   The Bill is not transparent in formally recognising or defining an UGB. However, a Statutory UGB is effectively created in PART 1 of the bill through a combination of environment and food production areas (Section 7)—

I interject here that my interpretation, on reading the bill, is that it talks about creating one or more. While it is possible that one or more of these may be within the boundary to be determined by the urban growth boundary, there is also, one would have to assume, the probability of creating an environmental or food production area within the urban growth boundary, clearly.

The Hon. J.R. Rau interjecting:

Mr GRIFFITHS: No, the minister says that is not the case. We have another level of discussion in the committee then. The Housing Industry Association continues:

> …character preservation areas (Section 11) and the declaration of a Greater Adelaide region (Section 5). The UGB becomes a balance of the land that will be left in the Greater Adelaide region after the land within that region comprising environment and food production areas and character preservation areas is excluded;
>
> - Infrastructure Tax (Infrastructure Delivery Schemes) provisions that the HIA advocates must be removed from the Bill otherwise the Bill be defeated. The HIA submits that this is effectively an insidious new tax.
>
>   The housing industry is already the highest taxed sector in Australia with 38 percent of the cost of building a new house in South Australia being attributable to Government taxes and charges. Home buyers and the industry need support from the government, not new taxes. Housing has never been less affordable for struggling families and a new infrastructure tax will not help. The Government should instead be reducing taxes on home ownership;
>
> - Planning and Design Code provisions about which more detail needs to be provided to determine their intent and effect. The HIA advocates that these provisions be removed from the Bill and only be introduced after an acceptable Planning and Design Code has been written and released for public comment;
>
> - Community Engagement Charter provisions about which more detail needs to be provided to determine their intent and effect. The HIA advocates that these provisions be removed from the Bill and only be introduced after an acceptable community engagement charter has been written and released for public comment.

I note, as do some of the representations I have referred to, that that is not available. The submission continues:

> We note that a second Bill dealing with implementation measures and amendments to related laws will be developed for Parliament to consider in 2016 and that the existing planning system will continue to operate during implementation, which Government expects to take three to five years.

The HIA is disappointed that the Government did not make the bill available for public consultation prior to its introduction to the State Parliament. Had full and proper consultation occurred, many of the concerns that we have about the Bill may have been resolved in advance.

The Bill essentially covers the same elements and several new aspects that arise from the recommendations of the Expert Panel on Planning Reform, a number of which the HIA opposed.

That was 22 recommendations and 149 subrecommendations. The HIA continues:

There is a series of yet to be written subordinate procedural and policy documents that will support the operation of the Bill. Without these documents it is not possible for the HIA or the Parliament to accurately assess the full impact of the proposed new planning system.

Again the HIA, as others have done, states:

The 'devil is in the detail' of the yet to be written documents.

The Bill has been drafted as a framework for the later drafting and proclamation/publication of regulations and codes. As such it is scant on detail that in some areas is essential in order for the HIA and the Parliament, to determine the intent and effect of the Bill. It is therefore the view of the HIA that if the aforementioned areas of concern about the Bill are not addressed, then the bill should be defeated.

There is certainly a more wideranging submission on that, but I thought those were the keywords, and they express real concern. I have also had discussions with individual members within the HIA structure, and the position put by the association is one that I believe the majority of their members support. They have had a high level of feedback, and they have been available at relatively short notice to confirm the positions they hold. There were some additional words in the executive director's report, published in the October 2015 edition of *SA/NT Building News* magazine, that basically concur exactly with the words I have just provided to the parliament.

The next submission I have is from the Master Builders Association. I have met with officers from the association, and they have provided a rather detailed review. It is not my intention to provide that to the parliament at this stage, but I know that it has gone to the minister and is being considered. They do make some statements that I think are worthwhile reading, and I go back to the original one of 12 October, when the Master Builders Association stated:

We believe there are some excellent provisions within this Bill but we are concerned about the lack of time we have to review what is a complex piece of legislation. We believe we have provided some constructive feedback that will improve the Bill, but also note that penalties appear to have increased six-fold—part of a section we are yet to review fully.

We are more than willing to support a call for more time to consider the Bill if the end result is to provide either bipartisan support or, alternatively, clear demarcation of outstanding issues.

Since that time, they have provided a complete review based on parts 1 to 10 and then 10 to 20, which is about 50 pages in length and which I have assimilated into the question areas that I have when we get to the committee stage. The second email to me, which came on 23 October, is:

We have just finished our draft detailed submissions to the State Government—

I have been provided with a copy also—

relating to the…Bill. In the interests of goodwill, they have been provided to the State Government in an attempt to improve the Bill's provisions and structure and we are hoping that providing them to a broader audience may aid discussion.

We will continue to consult with members to work on a final version and will advise of any material changes of position when that occurs.

The challenge when it comes to all of the industry-based groups has been the ability to provide a high level of response, not because of a lack of putting resources into it but because of the time constraints they have been asked to work upon. When the bill was first introduced, there was the possibility of it being debated at the next sitting week; that did not occur. It was listed in a subsequent sitting week, but on a Thursday and it was never achieved. In all of those times I have asked the groups to provide me with feedback.

From that, in many cases they have gone and undertaken a legal based review of it, so they can consider the implications of the legislation upon the industry in which they work. I am still waiting for the final position from some of those groups, for example, the Property Council only had a meeting

last night to confirm their position on that. The Urban Development Institute of Australia, whom I will refer to very soon, are not having a meeting until, I think, tomorrow night to finalise things. In a discussion with them on Monday afternoon, they provided me with 13 key priority areas based around the infrastructure levy that they have questions of, so that will be considered at the committee stage.

All these groups have tried to be proactive. Yes, they have gone to the minister, as I understand it, as part of a collective seeking some level of delay in the debate on it, and while through natural causes it has been delayed somewhat from what was intended at one stage, they have had significant time pressures in place to try to ensure that they give a fulsome review of it and to ensure that the parliament is able to consider the issues that they have raised.

In referring to the Urban Development Institute of Australia, I have had two contacts with them that I think are relevant to the contribution to the debate. The first one is one dated 17 September, in which they talk about the challenges and the time frame, but their summary at that stage they provided to me was:

> The Urban Development Institute (SA):
>
> - Supports independent assessment panels and statewide standard planning rules to make the planning process faster and more certain
> - Supports deemed consent, online consents, joint planning arrangements, and the approach to public notification and appeal rights
> - Continues to oppose a legislated urban growth boundary and doesn't support any moves that will ultimately result in less choice for homebuyers in the longer term.
> - Calls on the Government to provide more detail regarding the reforms before introducing them, and in particular as it relates to the infrastructure because these changes will shape the way South Australians live for decades to come.
> - Has long sought a fairer and more transparent mechanism to fund costs of development, but is cautious of anything that could lead to homebuyers funding what has traditionally been the responsibility of government without agreement with the sector.

From a planning assessment point of view:

> UDIA supports the need for the independent assessment of development applications and the proposal to exclude elected Council members and Members of Parliament from DAPS. UDIA believes that there is a need for an unbiased panel and the Government should also consider tightened controls over ex-councillors and members of other vested interest groups being excluded, particularly where there is the potential for conflict or to ignore the spirit and intent of approved development plans.

On the statewide menu of zones, their contribution was:

> We believe the standardisation of zoning will result in a significant improvement to the planning system by addressing inconsistency, internal conflict, subjectivity and excessive variation in zoning rules. Therefore, we would propose that this reform is prioritised and implemented as quickly as possible to avoid the problems experienced with the Better Development Plan program where years down the track some Councils have not converted their Development Plans.
>
> Joint Planning Arrangements
>
> The UDIA supports joint planning arrangements including the ability to establish Regional Planning Boards allows for better regional co-operation between Councils, the State and communities. This has the potential to benefit regions on a number of fronts including planning, economic development and environmental management.
>
> Planning consents
>
> The UDIA supports the new capacity for 'outlined consent' to be sought by applicants (in permitted circumstances) which will assist the industry in getting an early in principle 'yes' for development proposals. This is important as it assists in gaining finance for projects and reduces risk in having to spend significant sums without any certainty.
>
> The UDIA also strongly supports 'deemed planning consents' where an applicant can apply to have an application approved if the assessment body fails to make a decision on the application within the prescribed time—

But, as it stands we do not know what the prescribed time is. It continues:

> Public notification and appeal rights

UDIA supports the planning system having an emphasis on public consultation during the setting of planning policy rather than at the application assessment stage. Therefore, the proposed public notification arrangements and appeal rights as set out in Section 42 are appropriate as is the newly introduced right of appeal against local heritage listing.

Urban Growth Boundary

The UDIA remains concerned with respect to the urban growth boundary. We believe that electors are elected to lead and the Government should make decisions on where the boundary is based upon the best expert advice, not rely on a majority in both houses of Parliament which has the potential to be compromised in the potential appeasement of many sectional interests and be at risk of being stifled.

By requiring Parliament to legislate to amend the boundary presents a great risk for South Australia in its capacity to quickly respond to future challenges and is likely to lead to it only reacting in a time of crisis. Through the current policy and zoning regimes an effective boundary is already in place. A legislated urban growth boundary may only cause future speculation and adversely impact home affordability and choice.

Therefore we do not support it in the current form before the Parliament.

Consultation on Policy Direction

Whilst the Government indicates that there has been an unprecedented level of consultation with respect to these changes, and through the Expert Panel on Planning Reform in particular, it should be noted that this Panel was only charged with assessing a new process for planning, not policy.

That is where I raised before the fact that a policy exists within the legislation. It continues:

The UDIA is concerned that significant policy decisions have now been combined with planning process reform. For example only in one small reference did the Expert Panel refer to an urban growth boundary and that was the suggestion a Planning Commission could hold an inquiry to 'set and review' an [urban growth boundary]. We believe further discussion around the reasons for this Boundary, the resultant strong push towards infill and how it will initially be set needs more consideration.

More details on the operation of the legislation and consultation with the associated regulations are required.

Infill and Infrastructure Costs

The strong promotion towards infill, it seems that there the Government's view is based on a number of assumptions related to the benefits of urban infill.

To be clear, with the right policy settings the UDIA supports both infill and as green field developments and agree wholeheartedly with the Minister's view that it's time to explore myths around the cost of infrastructure on past, current and future generations.

It's important that there is transparency with respect to the cost of different types of development so that appropriate charges can be made to those that benefit, notwithstanding there should be also a consideration of intergenerational contributions as well as a recognition of a number of taxes that already exist in the different types of development.

We call upon the Government not only to provide the analysis that's used to justify its infill focus but allow it to be independently peer reviewed as the UDIA does not agree with a number of assumptions made. In particular a number of UDIA members involved in infill development are experiencing significantly higher costs than those stated and those involved in greenfields are reporting lower. We feel that to make generational changes without this review would not be in South Australia's best interests.

Infrastructure Charging

The UDIA has done a significant amount of work with respect to infrastructure charging and has provided a model to the Government—

of which I have a copy. They continue:

We are however concerned that in the proposed legislation a number of fundament components of our model are not included. Unfortunately, it's not possible to provide for support for a model without the associated detail, particularly relating to the scope of infrastructure inclusion, the expected standard of infrastructure delivery and the extent to which different entities will be expected to contribute financially.

The UDIA is also cautious of anything that could lead to homebuyers funding what has traditionally been the responsibility of government without agreement with the sector. Of particular concern is the scope of infrastructure which residents will be required to pay and how these costs overlap with existing State and Local government taxes and charges.

Strong words, indeed. As I mentioned, in the meeting that I had with them earlier this week, they had 13 areas in relation to the infrastructure levy. They are resolving, as I understand it, the final position

from the UDIA perspective on the urban growth boundary tomorrow at some time, so that creates some challenges for us.

They provided me with a copy of the UDIA infrastructure funding and delivery model, and you do not have to look too far to find an interesting name because the second page notes that, at the time of the presentation of this, Mr Stuart Moseley, was president. Mr Moseley, indeed, now works for the department and has been significantly involved in the development of this piece of legislation. I have had some contact also with the Property Council. We are nearing the end, minister, from my point of view anyway.

The Hon. J.R. Rau: Excellent.

Mr GRIFFITHS: There will be others who wish to speak though.

The Hon. J.R. Rau interjecting:

Mr GRIFFITHS: Yes, an extensive list. The Property Council, as I mentioned, finalised their position last night, and I am not aware of any changes from some information that has been provided to me, but they had some general comments on the legislation.

The Property Council welcomes much of the reform proposed in the Bill (for instance moves to de-politicise assessment and some very pragmatic responses to issues for developers..

We note that there is much detail to come and a lot of the Act is principles-based. It would be beneficial to have greater clarity around timing, content and intent of the important supplements to the Bill. Examples include—

and they quote these—

- Design policy
- Regional plans
- Planning/design code
- Community Engagement Charter
- Code of conduct
- Professional standards/accreditation [and the]
- Implementation Bill

The bill centralises much power to the Minister of the day.

It includes benchmarks around practice, e.g. cooperation/honesty, professionalism—there is a question around adequate enforcement of these benchmarks.

Overall the Bill means a policy burden shift to State Government—this must be adequately funded.

The Property Council also wants to see a firm funding commitment to the rolling out of the Commission, the development of new planning policy, and also the implementation of a modern e-planning system that facilitates access to data and is user-friendly.

I absolutely completely agree about access to that.

Contentious Areas of the Bill.

Environment & Food Production Area—

which are clauses 5 to 7—

The Minister has proposed a new requirement for Parliament to approve (after considering a report and inquiry by the State Planning Commission) any decisions about urban expansion that affect 'food production and environmental areas'.

The Minister can declare a boundary; one of those boundaries must include the Greater Adelaide Region boundary. These parameters can only be varied or revoked by declaration made upon advice from the Commission. It must then be put to both Houses of State Parliament and, to seek approval, a resolution must be passed.

It's important to note that the boundary's approval requires the support of *both* Houses of Parliament.

However, there are concerns that Parliament does not have the experience in complex questions of economics, social or planning policy—

interesting—

to make such a determination in a meaningful way. In fact, if independence is the intention, the Planning Commission should be an alternative decision-maker.

The Property Council's long-held national position is to oppose the introduction of urban growth boundaries as it can constrain supply and limit choice. For example, families who value extra space, or work outside of metropolitan areas, should have the ability to choose a house and lifestyle that suits their needs.

If the State Government is intent on introducing a boundary and industry seeks to further strengthen the process, the sector could recommend a firm consultation mechanism around reviewing the boundary. That is, putting a review timeframe in place…

The example they quote is a requirement to review the boundary every five years. They go on:

Infrastructure levy—

which is clauses 155 to 171—

An infrastructure delivery scheme may be initiated by the Minister acting on his own initiative or at the request of another party, including Councils, developers, or an infrastructure provider. In initiating a scheme the Minister is required to prepare, with the advice of the Planning Commission and in consultation with the relevant councils, a draft outline that:

- provides detailed information about the nature and intended scope of the infrastructure;
- identifies where the scheme will be established;
- provides information about the proposed timing or staging of the scheme;
- assesses the costs and benefits of the scheme;
- outlines proposed funding arrangements (including any charges to be required in a 'contribution area'); and,
- identifies the short- and long-term management arrangements for the scheme.

Now, the risks:

- Gold-plating infrastructure requirements.
- Currently drafted so Minister 'may'—

the word 'may' is highlighted there—

consult with ESCOSA—this is not a requirement.

- Particular risks around infill/established suburbs.
- Needs amendment to ensure hypothecation of the levy raised.

The opportunities that they identify are:

- Developers can seek exemptions on taxes/levies through application to the Minister (could foreseeably include land tax, stamp duty).

Interesting feedback on that.

An honourable member interjecting:

Mr GRIFFITHS: Yes. They also note as an opportunity:

- Currently significant negotiation required to determine infrastructure issues. To the extent it enables and contemplates that costs can be passed on to other stakeholders, this is welcome.

I also had some contact with Business South Australia, and I appreciate their feedback. Mr Cairney or Mr McBride have probably liaised with the minister on that and they published an article I think in one of the Tuesday sessions probably not long after the bill was introduced where Mr McBride reported being generally supportive of it. I think it is fair to say that in my subsequent discussions with Mr Cairney the position may have changed fractionally but I will not necessarily put all that on the record.

There are some things associated with all of this that I want to raise as part of the second reading contribution. One is about contact that I know the minister has had and certainly I have had

on numerous occasions with Mr Peter Grocke. The minister's staff is acknowledging that they have also received contact from Mr Grocke. In my case it has been probably over a three-year period; we are in regular contact.

He talks to me all the time about buffer zone issues as they relate to development of conflicting land uses. I have raised this issue in a brief way with the minister, I think during an estimates session, too, but for me it is an absolutely key issue. I think as part of planning reviews, particularly as buffer zones were one of the recommendations that came from the committee for sustainable agriculture—I was a member of the select committee formed on that topic where two ministers of the Crown were, at that stage, involved in different roles—about the fact that this should be one of the areas we wanted to put forward.

Mr Grocke put some very strong opinions forward. He would like to see an assurance that, from an agricultural linkage to the planning requirements as they operate across the state, where a development is approved of a land use type adjacent to a broadacre area which has an impact upon the management of that broadacre property, consideration is given to ensuring that there is no impact upon the existing broadacre opportunities.

Mr Grocke has, as I understand it, with other property owners in his area—which is predominantly within the member for Schubert's area—been meeting with local government in the area, other property owners, Primary Industries staff and I believe staff of the minister's Department of Planning.

How to move it forward is the challenge. It is something that I believe needs addressing. It is not just located and impacting upon him; it is an issue that I believe will impact upon all regional areas so I put that on the record. I have also received some correspondence from Mr Charles Teusner, who I have not met but I have received a letter from him which talks in a similar vein to concerns that have been put.

As part of the second reading contribution, I want to raise rural living development. The minister has formed a rather strong position, as I understand it. My understanding, from a variety of councils, is that where the opportunity has been sought for rural living developments to be created around regional communities, the minister has not been supportive of that. I know in a discussion the minister and I had about it, I put to him that I see it—having experienced it—as a viable opportunity around regional communities that I believe does not necessarily stifle the growth of those communities in the long term.

Just so that the minister knows, I indicate that I have written to all regional councils and outer metropolitan ones asking for feedback from them on how rural living proposals have been treated, over the last two years in particular. I have talked to some property owners who have purchased land or had it on the basis of a development opportunity that is provided for that in the longer term, whereby the position of the minister—

The Hon. J.R. Rau: They're speculators. If it's not rezoned when they buy it, they're speculators.

Mr GRIFFITHS: Yes, well, I'm not sure, but it is a frustration for people. Having grown up in a regional community, I have recognised for a long time the desire of some people to locate themselves in that way, where they have an area of land available to them which, in many cases, was created by titles put in place decades before, but now where an opportunity is sought to have some level of interim growth—and it is not residential, it is not deferred urban, it is a rural living opportunity on a large parcel of land—the minister's position is to not support that. That is an issue that I hold true to, and it is one where there will be even further debate when it comes to planning matters.

I want to put that on the record and, indeed, to highlight one proposal I am aware of which surprises me and which is not purely rural living. As I understand it, it is on Yorke Peninsula, and it is an application to build a farmhouse on agricultural land that is noncomplying. There is no other house that is located within this property; it is 900 acres in size.

There is a younger person, who I believe is the fifth generation of the family, the operator of the farm. They had been not disjointed from it but not operating it themselves. They have leased it

out, and they wish to return to that. The farmhouse that had been previously associated with it was on a smaller block, which was subsequently sold when this young man's grandmother passed away. Now this young man wants to come back and build a house, and he has been told that it is noncomplying, the change having occurred in 2012. I have to tell you that the frustration this young fellow has is enormous. This is an issue that needs to be considered. Yes, it does not impact on a lot of other areas, but for regional communities it came as a significant surprise to me.

I want to put on the record also that I did receive some contact from the Rural Press, which is a bit unusual, about this piece of legislation. As they understand it, based on one of their previous members being an elected member of a council, there is a proposal to remove the requirement for advertising within newspapers circulating in that area. I would be interested to flush out some information on that and also what the minister's intentions on it are.

One chap who spoke to me quoted the dollar impact that it has on them. I understand from the minister's point of view that he wants to create efficiencies and wants to use technology where it exists to ensure that the information flow occurs, but from what I have read and seen there is certainly a requirement for a sign to go on a property. Indeed, it is an issue that the Rural Press members are rather concerned about.

I will acknowledge that there is no doubt that I have put a variety of positions here, and they have come from a lot of different perspectives on it. I can respect that the great challenge is to determine how to proceed on a rewrite of a bill—and I do support the intent of rewriting the bill—and how you find some level of balance. But I come back to one of my earliest comments in this contribution to the house that I cannot find anybody who supports the bill in its entirety as it is currently placed.

The Hon. J.R. Rau: Of course you won't.

Mr GRIFFITHS: But, minister, every other example of legislation that I have seen—

The DEPUTY SPEAKER: Through the Chair.

Mr GRIFFITHS: Sorry, Deputy Speaker. I believe it to be true that, with every other example of legislation I have seen come into this place, there have been differences of opinion—and, yes, I understand that—but there has been a level of agreed position that is reached. But in this case, we have diametrically opposed positions on it. The challenge will be determining how the hell to proceed.

The Hon. J.R. Rau: They're all self-interested. You have to—

The DEPUTY SPEAKER: Order, minister! You are not in the chair.

Mr GRIFFITHS: It will be one of the hard parts for us to do. It is 207 pages, with 17 pages of amendments proposed by the minister so far, with the potential of more to come. It will be an interesting debate.

As I mentioned at the very start, I look forward to the Minister for Local Government providing a contribution on this, because there is significant impact upon the councils too. I understand there is a mood for a change completely. I understand that we want to get the best possible situation in place that provides some surety for development opportunities, a legislative framework that ensures that there is a fair way of doing things, that community involvement exists, that some surety exists in relation to an application, that some design principles are put in place, and that we have an improvement overall to what we do. The hard part is how to actually achieve it.

The minister has put forward legislation. He and his staff have put considerable time into that, and I do respect that. The Hayes review team met for 20 months, or thereabouts, and 2,500 people were directly contacted. I cannot remember the number of localities they went to, but it was extensive. I still put the position of the concerns which have been raised by the development group in the main about the urban growth boundary, because it is bizarre to me that the minister puts quite strongly that he wants the parliament to be in control of that, but there are clearly other areas within the legislation where the authority and responsibility becomes the minister's own. I am not sure about the consistency of application of how things will occur here.

We have put those concerns on behalf of all groups predominantly because, since the bill was tabled on 8 September, the consultation has been in many ways done in a lot of different forums

and I understand that. There has been an effort made since then, yes, but the feedback that I received from so many groups is about the lack of opportunity to review a draft bill and to ensure that we get the outcomes from it.

Finally, I had a bit of near panic this morning in preparing some notes on this and I thank PNSG for rescuing me when it came to preparation of data on that. I do appreciate the feedback and the ability that I have had with the minister's staff in ensuring information flows existed. I do recognise that the minister has met with a variety of groups on a continuing basis. He has put himself in front of people who do not necessarily want to hear the message that he relays, but he has continued to do that.

The great challenge for this house in the first instance is to ensure that we have a really detailed debate on the bill. The concern that is genuinely expressed by all is the fact that it sets an overarching template for the legislation that is intended to come out next year, but it requires the creation of issues that are not able to be reviewed in a detailed way. It is that concern that I think all groups have and it is that concern that I believe the parliament should be discussing. So it is my intention during the committee stage to ask lots of questions, minister, to ensure that there is an opportunity for the words that you use to be recorded here and circulated for people to know the intention of the legislation at the earliest possible stage and how it is to impact upon them. I look forward to the passage of the bill.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before I call the next speaker, I would like to acknowledge the presence in the gallery this evening of a group of visitors from the Rotary Club of Salisbury and the Rotaract Club of Salisbury, who are guests of the Hon. John Dawkins. We hope you enjoy your time with us here this evening. Also, earlier this evening the member for Ramsay had a group from the Rotary Club of Salisbury. It is a pleasure to have you all with us this evening. We hope that you can stay with us for a little bit longer because the next debate might be very interesting.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Second Reading

Debate resumed.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (20:08): I rise to speak on the Planning, Development and Infrastructure Bill 2015. I thank the member for Goyder for his absolutely splendid contribution and the forensic examination of the bill to date in presenting both the benefits and the deficiencies of this bill. Thousands of people across South Australia have expressed their view about this bill and he has made sure that this parliament is fully apprised of the good, the bad and the ugly of this bill. That is important because, let's face it, when we are asked to pass legislation here which is going to slash people's lives and the capacity for them to be able to make determinations about the environment in which they live, in particular their built environment, then that is to be applauded. I thank him for doing so and I am indebted to him.

For that reason I do not propose to dwell at length in respect of the planning reforms that are proposed by this bill. Mr Brian Hayes QC, under a charter of the government—and handsomely paid, I am sure, to do so—has chaired a body to review planning laws. I thought it was a fairly adept move of the government, just before the election, to push this little chestnut off for a couple of years. Nevertheless, Mr Hayes and his committee is to be thanked for the work that has been undertaken and the reports they have provided, and I do thank them for that. I do not think there is any question that there was an area of reform that was needed, and it was in the planning area.

There are two aspects I want to comment on in respect of planning, and I will leave the detail entirely to the forensic examination by the member for Goyder. The first is the government's attempt to exclude elected members in councils from a role in the development assessment process. I want to make the point that it is often said they are not really a reliable body to actually undertake this work, that it should be done in an independent, professional and dispassionate manner and not by

elected members who might be unfairly influenced by groups within the community they represent. Well, hello! We all represent electorates, we all represent people in this parliament, and are we influenced by the people that we represent? You bet.

The important thing is to remember that that is exactly what we are here to do in the house of the people, to represent the people of South Australia and to bring their concerns and issues to this parliament, not to be dismissed as some kind of unacceptable, biased, easily influenced body of people who should be removed and these automaton professionals brought in who are supposed to be able to rigidly enforce some strict 10 commandments that are issued by the minister. That is the reality of what we are doing here, that is why we are accountable, and that is why if we fail to do that, put the case and present the arguments to the parliament, our electorates are perfectly entitled to remove us on a four-yearly rotation. So, I make that point.

The second thing is that private planning certifications are proposed. There is a concern by councils—expressed adeptly, I am sure, by the member for Goyder—as to what the legal liability of councils will be with the compliance in respect of the planning process, where private certifiers have been involved. I support the concept of having private certifiers, but this issue does need to be clarified. I think there needs to be some reassurance given to councils in respect of that.

Enough about planning, I want to get on to the urban growth boundary, euphemistically called some kind of protection of food. What is it called—

Mr Griffiths interjecting:

Ms CHAPMAN: Environment and food protection. What a nonsense clause that is. This is all about the 'I am in charge of planning (minister Rau plan).' That is what this is all about, so I do want to have something to say about it and I do want to have something to say about the infrastructure levy. The development restrictions and the obsession of this government to only have urban infill, as though the only place to live is in the metropolitan area of Adelaide, within the City of Adelaide, within the greater area of Adelaide, acceptable as some kind of social control of what we are all going to be doing, I find completely contemptible.

The reason is not because of the dream of someone like the Hon. Diana Laidlaw, of saying, 'Let's not have rampant, uncontrolled urban sprawl without adequate infrastructure and services.' That was important, so that everyone had some idea of what the expectation was under the planning rules of the government of the day, to be able to say, 'Look, this is what is proposed; it is going to be much easier for you to develop within the boundary than out. We have other expectations about that.' Fine, we have had that for 20 years. It has actually worked, it is in the government's own 30-year plan. Yet what does the minister do in this bill? He comes in here and says we are going to have this, what is it called—

Mr Griffiths interjecting:

Ms CHAPMAN: Environment and food or whatever, wank that it is. Whatever it is that we are—

The DEPUTY SPEAKER: I beg your pardon, what did you say? Order! What was that word? I am horrified, and I am just so very, very pleased that the Rotary Club of Salisbury are no longer with us.

Ms CHAPMAN: It was conversational. If you are in any way offended by it, Deputy Speaker, I am happy to withdraw the word.

The DEPUTY SPEAKER: You are speaking to me, you are speaking through me, and I actually had to take a second look at that one.

Ms CHAPMAN: I understand that. As I say, if you are in any way offended, Madam Deputy Speaker, I am happy to withdraw that.

The DEPUTY SPEAKER: No, that is okay.

Ms CHAPMAN: Can I say this: for the government, and the minister in particular, to introduce this bill into this parliament, with the audacity of saying to us, 'I want to have this environment and food protected region but I'm not even going to tell you where it is. I'm not even

going to give you the boundary. It's not even going to be the boundary, necessarily, that I put into our state government's 30-year plan. I'm going to have my own little paradigm and paradise of urban development when I make a decision about what it's going to be, but no other minister in the future of the state is going to be able to do it.' No; everyone else has to put up with the parliament making that determination.

If it is such a good idea then why does the minister not say, 'Well, let's just start with the 30-year plan which the government has drawn up, it's been consulted on, it's been approved, and put that in there'? But no, he wants to have his own final little say. He wants to do his own little scribble on his own little drawing and make the decision and then every other minister for planning and/or housing and urban development (whatever combination you want to have) in the future of this state is going to be bound by the parliament. Well, who the hell does he think he is? That is the question I ask. It is a disgrace, an absolute disgrace.

Leaving that little, 'I'm so important, full of kingdom' idea that he has, can I say this: overwhelmingly, the submissions we have had have been on the question of housing affordability. When you set up a legislated boundary of who is in and who is out, no matter what the paradigm is—in this case it is the planning opportunity to build a home—there is a cost and in this case it is the cost to our children and the capacity for them to be able to afford to have their own home. The immense amount of data we have been presented with to present the case that, where there have been legislated boundaries, where there have been restrictions on development, there is a massive response in increase in the cost of accommodation and the building of new homes, in land prices (obviously because of the restriction of land availability) and the housing costs that go with that.

So, what we have is the government saying, 'Well, it's always cheaper to build high-rise within a certain area.' Others will say it is actually cheaper to go greenfields and develop in those areas. I am not going to go through all the debate on that today, but I am persuaded by the fact that I have children and grandchildren and I want them to have a chance to invest in this state. I want them to have a choice about whether they have a house with three bedrooms in Noarlunga or whether they have a three-bedroom or a one-bedroom apartment on top of a garage in Gilles Street. That is the choice I want them to have, and that will depend on the family and the amalgam of the social network that they propose to live in, whatever it is, in the future.

I think it is disgraceful that the government should ignore these two things. Firstly, that the minister demand that he should have the autocratic right to set what this boundary is and then everyone else has to suffer it in the future, and not say the 30-year plan is acceptable. If he was genuinely bona fide about this then that is what he would do. The second thing is to ignore the fact that thousands of our young people are leaving the state every year.

The Hon. S.W. Key: We always have had.

Ms CHAPMAN: The member for Ashford interjects to say, 'We always have had.' That is not true. That is simply not true. South Australia was built on a migration system which is one of the best in the world.

Members interjecting:

The DEPUTY SPEAKER: Order! Can you sit down for a moment, deputy leader. I am wanting to remind members that the deputy leader is entitled to be heard in silence and that it is unparliamentary to both interject and to respond to interjections. So, if we could just concentrate on the next 10 minutes getting through this speech that would be marvellous. Thank you.

The Hon. J.R. Rau interjecting:

The DEPUTY SPEAKER: Yes.

Ms CHAPMAN: The second matter I want to raise is the infrastructure levy. It does not surprise me that the Minister for Planning would want to say that we are going to have a major review in relation to planning and then just slip in a little infrastructure levy, which gives them two things. One is, complete control. The second is, the capacity to be able to impose the cost of infrastructure outside the region of the proposed development. They are the two, in my view, fundamental flaws with respect to infrastructure.

It is reasonable for any minister to want to have a system that fairly allows for the provision of infrastructure that is necessary whether it is the usual road, rail, sewerage, electricity, child care centres, schools, and all the things that go with a modern development—no issue about that. The UDIA and others have presented different models and proposals over the years. The government has picked up one—butchered most of them—but nevertheless, in this instance, they have come along. The two things they say are, one, we are not going to have any dissidents. It is a bit like the autocratic approach, 'We are not going to have any dissidents. You are in the tent. You do not have a choice about being in the tent. You are all going to play by the same rules.' The second thing is that any existing opportunities to be able to have protection when there is not development is just going to be squashed.

The problem with that is that the retention of power vested in the minister's position of being able to determine what the essential infrastructure is going to be means that if I were to take the Mount Barker development which has had a controversial history—and incidentally, I notice it has escaped by the dropping of an ICAC inquiry this week, or last week it might have been. There was a corruption submission put to the ICAC. It was apparently cleared. So secret is the ICAC under the legal rules that were imposed by this government that first of all *The Courier* in Mount Barker had to get permission from Mr Lander to even publish the findings that he had on that and then, when InDaily wanted to do their proposed publication of the fact as to what had happened in relation to this, they had to go and get permission from Mr Lander to even publish that. The way this government has operated is just unbelievable.

The demonstrated history of ministers, not just the present Minister for Planning because there have been a few others under this government. I recall one who had utterly abused the major project status. I think this minister is absolutely full on when it comes to just dealing with what he wants to do by ministerial development assessments. So, they have always found different ways about how they are going to get around things, but they want a simple model in relation to who is going to pay for infrastructure.

The minister wants to have control about what it is going to be. It is far too broad for my liking. If the minister is prepared to work with those who are going to be in this space, then that is great to reach some compromise in that regard but it seems to me that the crushing of people's fundamental rights and the expectation that again the minister is going to be kingpin of the whole deal and that they are going to have control of the whole lot is just at the moment unacceptable and the government needs to back down. The minister needs to get off his high horse and understand that we are talking about real people, real assets, a real home and a real environment—and these people have made a commitment to South Australia—and not just bludgeon them into submission. There is an opportunity for that to be improved and I think it should be.

The other matter I will touch on is the Coordinator-General. We have a coordinator-general in South Australia. He is appointed and accountable to the Premier. We have not heard much about him in this debate to date because he stands alone. We have him because it is such a dog's breakfast when it comes to development in this state. Unsurprisingly we now have to have a high-powered public servant to make sure that these developments are dealt with at a higher level. So, that is no problem. I do not have an issue about having the person to assist in that. It is anything over $3 million, you can apply at the discretion of Mr Hallion as to whether he is going to take control of the process of approving that development. We have had over 100 or so since he was established, I think in mid-2014, and he deals with aged care centres, lots of service stations, lots of school developments and the like. I do not make any comment about the merits of each of these applications. Obviously, if you have a $3 million-plus development and you can fast track yours through this dog's breakfast, then it is unsurprising that people would go and knock on his door and apply to have their process put through his. I think it is not acceptable to have one rule for one group and one rule for another.

There are residential properties—not many in my electorate, I might say, but in other people's electorates—that are worth more than $3 million, whether they are rural properties or residences in other areas which could be using this to fast track their process. If the system is a mess, fix it. If it is going to be a new system, it has to apply to everybody. We need some decision from the government about what they are going to do with respect to the Coordinator General, because it certainly needs to be dealt with.

Can I conclude by saying this: the biggest single property developer in South Australia is the South Australian government, and they do it through what I would describe as a dysfunctional agency (you only have to read Auditor-General's Report and heaps of other reports since I have been here in the parliament), but in the last three years, since the Premier remodelled it from the Land Management Corporation into the Urban Renewal Authority, trading as Renewal SA, it has been an absolute financial cot case. It has cost the taxpayers a fortune.

When the urban development bill was amended to corporatise it formally by statue rather than regulation a few years ago, I remember speaking for seven and a half hours on that bill. I promise that I will not repeat that today, but let me tell you that, of the matters we raised on this side of the house, just about every one of them has come true. What has happened is that the government, as the biggest property developer in this state, having flogged off just about everything that moves in this state, has now decided that it will go into the property development business, and they are into the property development business big time.

The unfair advantage about the rest of South Australia's property development industry is that they have to pay their taxes, they have to go through the process and they do not get any subsidised promotions. These guys spend money like there is no tomorrow. In fact, with the Bowden development (and I do not criticise it specifically), something like $80 million has already been spent on getting that property up for presentation. As I once said to the head of the Land Management Corporation on Lochiel Park, I personally have no problem with a government agency picking up as an embryo a new idea in respect of urban development, giving it a go, giving it some subsidy, giving it some support, to be able to deal with sustainable energy, etc., etc.—no problem with that.

But we have a heavily subsidised government property development operator in this space, and what does the government do? Budget after budget it comes in, allocates moneys for it to be able to pick up property it wants to buy, flog off when it wants to and make a loss when it feels like it, and turn up to work when it feels like it. It is an absolute dysfunctional disgrace, and every year we come into this house and the government dividend is abolished because it just cannot even afford to pay, it is such a dysfunctional mess.

Then with the budget we have the Treasurer come in every year to tell us, 'Oh, we're going to have an exemption on stamp duty if you develop in the metropolitan area of Adelaide.' Well, hello! Do you think we came down in the last shower? No, we did not! This is all about promoting government property development to their benefit, to the exclusion of all others, and to dismiss and show disrespect for the rest of South Australians and the property industry. We have a long way to go on this bill. We commend the original objectives.

Members interjecting:

Ms CHAPMAN: A long, long way. I will not oppose its passage in this house, but I will say that it is far from adequate.

The DEPUTY SPEAKER: Before I call the next speaker, I remind all members about standing order 142, and I will not hesitate to warn and name you.

The Hon. J.R. Rau: Name me!

The DEPUTY SPEAKER: You are not in your right spot. The member for Finniss.

Mr PENGILLY (Finniss) (20:28): I find it a bit of a hard act to follow after the member for Goyder and member for Bragg, but I will give it my best shot. I do not object in any way to doing something about planning in South Australia, but unfortunately in this case with this Planning, Development and Infrastructure Bill 2015 the minister has got everybody off side, successfully—completely everybody—and I shake my head in disbelief.

What a piece of arrogant stupidity that his party actually lets him bring something like that in here when nobody really agrees with it. It is just crazy. I do not think I have ever seen or heard from such a wide group of people opposed to a piece of legislation put up by a supposedly senior member of the government. He has brought on himself the flagellation that he is going to cop tonight, and I think that he will live to regret it. I do not even know why he is bothering to go on with it. I know where it will end up in this house, but when it gets to the other place, anything could happen with it;

absolutely anything could happen with it, and it might not be back here before March next year. Who knows? Instead of having something that was cleverly done, half smart and useful and in the best interests of South Australia, he has unloaded a dinosaur.

I do not know—other members in this house may well have sat on planning panels over the years. I had 17 years of sitting on planning panels in local government and my first experience was on the former Dudley council of blessed memory where quite soon after I was elected, I think in 1989 or 1990, we had an application put in for a large coastal development by a Mr Zappacosta on the Dudley Peninsula which quickly developed into world war III at that stage between the pros and the cons, and everybody wanted to have their two bob's worth and I wondered what on earth I had gotten into. We were lobbied heavily by the developer and the whole council was on the planning panel, and eventually we supported the development and it never happened. I am sad to say that that has happened with so many things on the island over so many years and continues to happen unfortunately.

But with the bill that the minister has brought into the house this time, I cannot understand why you would bring in a bill and then let the opposition know that you are going to move 70 amendments to your own bill. I mean how unprofessional is that? Just completely stupid. On top of that, obviously, we will in due course have amendments to put to the bill. There are things like regulations. A host of regulations will be brought into play, eventually. We do not know what they are; we have no idea. My understanding is that the Local Government Association, which seemed to have got itself fairly well into gear on this, is proposing a series of amendments as well. If you think that the second reading is going to take a while, Lord knows how long will it take to get through the committee stage. We could be here Christmas Day if they are serious about wanting to get it through. I would hope that the minister has a rethink—

Mr Gardner interjecting:

Mr PENGILLY: Yes, well if they put our amendments in, it will improve it. There is just so much to it that I find that, instead of the minister trying to improve the planning system—and he and I have had discussions on planning and we share similar frustrations on many things—this time he has got it wrong. Instead of having a concise document which may well have done some good, he has something there that is really going to bottle up the parliament. There is going to be a logjam in the Legislative Council, in my view, and it is going to be difficult for the minister to achieve.

The member for Bragg and the member for Goyder have both talked about the urban growth boundary that has been in place since the early 1990s. Any change by decision of the minister but now intended to become a legislative issue determined by the parliament, the development industry is opposed to, and it believes that it will drive up the cost of doing business. The last thing we need in South Australia is to drive up further the cost of business. Heaven alone knows that it is expensive enough now to do anything in South Australia. Our economy is struggling along and if it were not for the agricultural sector, in my view, we would be even worse, and that is with a bad year.

Recently I supported the minister on something to do with planning, but that was when he resumed the plan down in Victor Harbor to do with the Coles/Bunnings development. He resumed it after the council had fiddle-flopped around with it for quite some time, and he took it back.

I actually came out and supported the minister on that. I supported it because I thought that they had had plenty of time to get on with it, the City of Victor Harbor. They had had plenty of time to get on with it. They had been given extensions in which they still had not completed it, and I shared with the minister the fact that we needed to move on it. However, I did indicate to him that I viewed that the developers would have to come up with the cost of the infrastructure, rather than the City of Victor Harbor being left to pick up the pieces.

Last night, I was asked to brief the City of Victor Harbor on this bill. I simply explained to them, 'Look, this came in two or three weeks ago. We still haven't even really got into it. I don't know what's going to develop by way of debate, by way of amendments.' I went through, chapter and verse, what I knew, and I think I left them there scratching their heads because I really could not tell them what they wanted to know.

I think that the councils being removed from the development assessment panels has been an evolutionary thing and that it has probably been coming for a fair while. I know that the

Local Government Association has a good degree of angst about it, and I do not like the centralising of planning. What we have seen with this government is that they have centralised again the health bureaucracy, they have centralised education, and they have taken decision-making in education, in health, and now to a large degree in planning, away from local communities.

They are a centralist, centrally planned colony in the very best tradition of communism, in my view. That said, they are in government and they have the capacity to do these things when they want to. Again, I do hope that members in another place will pick this bill to pieces and try to sort out some of the mess that is going to end up there.

The essential infrastructure levy has gone down like a lead balloon with the development industry. Why ESCOSA would be involved and why they have even considered bringing in the essential infrastructure levy I am just not sure. It is going to be an impost that nobody needs, and the levy could apply to areas outside the boundaries of development. At the very least, if the minister decides to try to tidy that up with one of his supposed 70 amendments, we will wait and see what happens.

The community involvement is most important. In fairness to this government, past governments and future governments, I do not think there will ever be a satisfactory answer to planning and development. It is always going to be a dog's breakfast. It is always going to be difficult and you are always going to get all sides of the equation having a different view on how to do it better. We have not done it too badly in South Australia. I think the current minister has tried bullyboy tactics in trying to push his own view of the world on everybody, and I know from the member for Bragg's comments tonight that she was quite emphatic about the style in which the minister has brought this into the house.

As I said earlier, it upset completely everybody—completely everybody. Heaven alone knows how it got on when it went to the Labor caucus. I can imagine that they had long and copious discussions about it, but they kept that to themselves, as indeed they should, and we have what we have. Unfortunately and regrettably, it is a sad display by an incompetent and arrogant government. More to the point, it is a sad display by an incompetent and arrogant minister, in my view, on this planning matter in particular.

I just do not trust this minister. Unfortunately, I do not trust him, and I will give you an example of that. Recently, in Kangaroo Island Council they had a development amendment on the Emu Bay area. This went through the full consultation with Planning SA, the Department of Planning. The council did all the consultation and the community was consulted. They put in place something they thought was workable. In the little township of Emu Bay, they were all comfortable with it. In August this year, the council moved that it go off for gazettal, so everybody was happy.

What did we get in the middle of the week before last? I got a phone call from disgruntled constituents on the island. It would appear that, after it had been to the ERD Committee and the council, the minister decided in his own arrogant way to alter the lines on the plan. He changed it. I said, 'I'm unaware of this. I thought it was all signed off.' It was all signed off, but my advice is that the minister changed the lines on the map and now we have just a complete mess.

I put the constituents in touch with the ERD Committee and that is going to go through a process there. However, I took it upon myself to speak to the mayor of Kangaroo Island, Mayor Peter Clements, and I said, 'Peter, is it correct that you signed off on this and it went off and that you are all satisfied with it?' He said, 'Yes.' I said, 'Is it correct, then, that after it had been through that process the minister changed the lines?' He said, 'Yes, we are furious about it. We are absolutely furious about it.' He said, 'I have written a strongly worded letter to the minister. He signed off on it Monday this week,' I think he said to me.

You cannot trust this minister at all. He is a smart-arse, I am afraid, in the language of the classics. By doing what he has done there—

Mr Duluk: Conversational swearing.

Mr PENGILLY: Conversational swearing. A smart alec, okay? Why on earth would you go and upset a community after everyone had agreed? Why would he change the lines on the map prior to it being gazetted? Why would he do that? That will take its due course and I guess that we will

hear about it in the future, but it was disappointing. It was disappointing for the local community, it was disappointing for the landholders and it was disappointing for the council over there, and we now just have a complete muddle.

The community groups do not support areas of the bill and it is fair to say that they probably do support other areas of the bill, but why would you not get unanimous agreement and do all consultation before you tried to ram something like this, which has dramatic changes in it, through the House of Assembly? Why would you do it? Why would you bring in a bill and then indicate you are going to put in 70 amendments to your own bill? I shake my head.

Someone has not done their homework. Someone has not thought the thing through. I do not know whether the Deputy Premier is under pressure from his parliamentary colleagues to perform—I would not have a clue what goes on over there—but he has made a mess of this one and, as I have said for about the fourth time, he has successfully upset everyone.

The development industry supports the removal of councillors, who are elected members, from assessment panels, but they do have great concerns with the urban growth boundary. I want to hear the minister when he completes the debate on this—which may be the sitting week after next the way we are going, and it is unusual that we have so many members on this side who want to speak for so long and use up their time on this matter tonight, tomorrow and the next day.

I am wondering, because the Local Government Association of South Australia is now under new direction. They seem to have reinvented themselves and they are uptight about this bill, so it will be interesting to see where they come from. I am surprised they are not sitting in the house tonight to listen to the debate—I thought they may have been—but that is their choice, and I guess they can listen online or read *Hansard* tomorrow.

Mr Gardner: They're probably listening right now.

Mr PENGILLY: They probably are. They have many issues with the bill. Clearly, they have been speaking at length with the member for Goyder (the shadow planning minister) and he has listened. We want to progress planning and development in this state. We want some good outcomes for it, and I think the state deserves good outcomes. At the moment, we are not going to get good outcomes. As I also said earlier, when this bill comes back from the upper house, by the time the Hon. Mark Parnell, our members and the other Independents have all had a go at it, I do not know what it is going to look like. I really do not know what it is going to look like. It might be in a completely different form, so what is the minister going to do then?

I go back again to somewhere near where I started. He had the opportunity to do this thing properly, but he has fluffed it. He has completely fluffed it. He has made a mess of it. He has upset everybody, and now we have to go through this farce of debating a bill that is something of a muddle and something which is not supported by the vast majority of people around the state.

Where we go, I am not sure. I will listen with interest to other members' contributions in this place tonight and tomorrow. I again say that I am supportive of change. Indeed, I am supportive of substantial change, if it is what everyone agrees to, but I am not supportive of something that we do not know what we are going to end up with because we do not know the amendments, we do not know what regulations are going to come out and we do not know what amendments the Local Government Association want put into it. We are still waiting for that, and we may or may not get that.

I would suggest we will still be talking about it the week after next or in three weeks, whenever we come back here again. I am pleased to make a small contribution to this bill tonight. I just ask my colleagues on the other side if they can get hold of the minister, give him a good shake and tell him to wake up and do what he should be doing in getting agreement from most people. You are never going to get agreement on everything, we understand that; it just does not work like that.

It may well be that he says, 'I am going to give people what they need, not what they want,' but, in giving people what they need, he also needs to understand that some of what they want may be in the best interests of South Australia as well. I think, if he can actually twist what he has turned into a mess back into something half decent, we may progress something for the betterment of the state. I conclude my remarks.

Mr DULUK (Davenport) (20:46): I also rise to speak on the Planning, Development and Infrastructure Bill 2015, commend the member for Goyder for his contribution and note it is always difficult to follow the deputy leader and member for Finniss. South Australia's planning system is complex, cumbersome and confusing. Anyone needing to use the planning system must navigate up to 23,000 pages of planning rules across 500 residential zones and some 2,500 combinations of zones, overlays and spatial layers.

Reform is vital, which we all acknowledge, as the member for Finniss was just acknowledging then. We must create more certainty for business, homeowners and industry. We need a system that is more responsive, involves less red tape, easy to understand and delivers better outcomes, but reform must be considered, balanced and transparent. Once again, this government has illustrated that it has achieved none of those in this bill and has failed on those objectives of considered legislation, balanced legislation and transparent legislation.

The government committed to introduce the bill in July to allow consultation over the winter break. This did not happen, and the bill was introduced on 8 September. After that, we had 17 pages of amendments tabled to go with the introduced bill in September. The bill is supposed to deliver a planning system that balances the interests of the development industry, business and community; it does not.

It was expected that this bill would provide detailed information on its coverage and operation—wrong again. Key information such as the draft regulations are not available, details on the planning and design code are not available and the charter of community participation is not available. The missing details will determine what the reforms actually mean for sectors and consumers. The government wants us to take a giant leap of faith. They want us to endorse planning reforms which could affect the way South Australians live for decades to come without detailed information on how it will operate. I think this is an insult to this parliament, its members and the public of South Australia.

At a recent public meeting convened by the Community Alliance of South Australia last week, the minister left immediately after his speech. He had gone within 10 minutes. He made his contribution and left. He did not stay to hear the other speakers. He did not stay to listen to the community. This is a minister who is a key member of the government that recently launched Reforming Democracy: Deciding, Designing and Delivering Together with a message of democratic reform and bringing people into the decision-making process. None of these key elements is present in this bill.

I have a suggestion for the minister if he truly wants to involve people in the decision-making; that is, stick around and listen to them and listen to parliament and involve the parliament in the process and in consultation. For the record, and for the minister, the Community Alliance meeting resulted in a communiqué stating that the bill was to be rejected. The Community Alliance SA have asked parliament to oppose this bill, and they are not alone.

I have heard from many in the community expressing their concerns with the proposed changes to planning laws. I have received correspondence from businesses, councils, developers, representative groups and my constituents. Not one of them, not a single individual or group supports this bill in its entirety. Constituents have urged me to keep their concerns in mind and raise their objections. They have a strong resolve to keep the planning system local. They want local councils to have a say on the type of development that occurs in their community. They do not want to see a blanket decision of the minister covering all South Australia. They want to retain influence and a sense of input into planning legislation and it is for this reason that they oppose this bill.

I have received a copy of correspondence to the minister sent on behalf of the City of Mitcham, City of Onkaparinga, Adelaide City Council, and the City of Norwood, Payneham and St Peters. I have also received representations directly from many local councillors. They are all united in their opposition to these proposed reforms. The first and most notable criticism has been the lack of community consultation, and for a government that prides itself on involving the community, involving stakeholders and listening to the people, once again it is all lip service.

In particular, there is a failure to consult with local government in this proposed legislation in the lead-up to the production of this bill. When you are proposing the most substantial changes to

the state planning system in some 30 years, I would have thought it may be a good idea to go out there and actually talk to those most involved in that system and consult with those who will be most affected by the changes.

The local councils are frustrated. They are frustrated that the bill goes significantly further than discussions that occurred through the expert panel process. They are frustrated by the significant lack of detail that was available throughout that process and they are frustrated that the panel was presented as a forum for potential ideas that would lead toward reform not an outcome in itself in the form of the bill.

Like many of us reading this proposed legislation, local councils believed that it would benefit everyone considerably if the regulations were provided together with the bill. You would have thought we would see those today. Without regulations it is more than a little difficult to determine the eventual outcomes envisaged by this bill and with any proposed amendments that will be put in the other place.

There are also many other more detailed concerns put forward by the councils—the proposed statewide planning and design code to replace all 68 council development plans. It may take finding information regarding these policies relevant to property easier but it will also mean that there will be less ability for the community to influence a policy that directly affects them.

The proposed charter of community participation may—and I stress 'may'—provide more opportunity to comment on planning policy up-front. I stress 'may' because we still have not seen the charter of community participation. The details of the consultation are not known. They are not known because they have not been developed. Local councils are adamant that they must be included in the development of the charter to ensure that it is implemented in the correct manner, given that councils will be responsible for delivering on the charter. I would have thought that if we are having this debate we would have the charter in front of us but, alas, we do not. Perhaps the government should have considered putting the horse before the cart. As the Mayor of Mitcham council, Glenn Spear, notes:

> Had the charter been developed before the bill it could have been used to undertake thorough consultation on the draft bill prior to it being presented to the parliament.

The proposed removal of elected members of the Development Assessment Panel provides few opportunities for elected members to represent their community interests. It does not allow for the community to feel involved in the decision-making process and it removes the community's main advocate that can represent and push for outcomes that best suit a local situation.

The proposed removal of the category 3 public notification process and, therefore, removal of third-party appeal rights against development decisions, removes the community's right to review and potentially influence development decisions. Councils consider it important that the community be engaged and have an ability to have their say in relation to development within their area. Big government does not always knows best.

The proposed infrastructure scheme may result in higher council rates, particularly if you live in a new development area as council may need to recoup the cost of infrastructure otherwise funded by the developer under the current planning system. It will also likely impose a financial impost on councils, which will be responsible for the administration of such schemes.

Under the proposed changes, councils will be responsible for granting access to private land by the neighbours if they need access for stability requirements, undertake developments on the boundary and require access, or to enable an inspection of property, so that they can lodge a development application. This will have significant resourcing and enforcement implications for council. Currently, council has limited involvement with such matters, and they would like to keep it that way. They do not see it as their role to act as mediators in relation to neighbourhood disputes.

It is acknowledged that the proposed SA planning portal should provide a simpler and easier way to lodge an approval and find information in relation to a property, but many councils have already made a considerable investment in undertaking electronic assessments, storing the majority of information electronically. They are also in various stages of having an online lodgement, processing and monitoring system in their own right.

Councils are weary of further government attempts to cost shift or effect any changes that place an inequitable financial burden on them. In so many cases, time and time again, we are seeing a transfer of cost burden from this government onto every other group that is not this government in order for them, in every way, to balance their budget.

Much could have been learned and gained through utilising existing local government expertise and existing systems. Once again, the lack of transparency is a major concern for councils. They have requested information pertaining to the fees and charges associated with accessing information held on the portal. This information will be quite important to the community, especially given that the current legislation provides this as a free service.

Residents associations have also expressed their unease and opposition to the planning bill. I am sure that the member for Adelaide will touch on this, but the Prospect Residents Association has written to the minister outlining their serious concerns. They believe that the proposed changes are overwhelmingly pro-development and anti-community. They consider this skewed focus will lead to poor outcomes that will have a negative impact on the character of a local community, the social and environmental features of local areas will be adversely affected, and changes are likely to increase community conflict.

They are also alarmed at the overall tone and emphasis of the bill, in particular, elected members, both on councils and members of parliament, and members of the community being removed from the decision-making process; loss of heritage and character in historic conservation zones; the restriction on public access to information; the financial impost on the community to pay for various aspects implemented by the bill; emphasis on fast-tracking approvals, which will lead to inappropriate development and decisions; and loss of rights and abilities to challenge inappropriate development; the lack of criteria against which building proposals will be assessed; the continuing misuse of interim operations which allow development to occur without community consultation; and, indeed, a lack of consideration of social and environmental goals.

In light of the opposition of both councils and residential associations I have already outlined, it will come as no surprise that the Local Government Association is opposing this bill. This opposition is understandable and it is to be expected. It is expected because of their experience interacting with the government, their experience being ignored, their experience where the decision-making process has failed them, and experience where this government has thrown out the rule book and made it up as they go along.

As evidenced by the Cremorne Plaza development within the City of Unley, the state government's Development Assessment Commission approved a seven-storey development. The decision was made in spite of the council's development plan allowing for only up to five storeys in this area, and it was a decision that disregarded considerable local opposition—and there were many written objections to this seven-storey proposal. This government does not listen.

We had the case most recently with the Aldi development in the City of Mitcham, where the City of Mitcham declined the proposal, not because it was against development but because it was against the location and, once again, the state government overruled the City of Mitcham on this issue. At times, local government, local community groups and local input sometimes does know best. Yet here we are being asked by the government to take a leap of faith and support a bill that has major holes in it—as some would say, more holes than Swiss cheese—and one that takes away the right to consultation by local communities.

Another vocal opponent to this bill is the Environmental Defenders Office South Australia. They do believe that environmental matters have been prioritised or have received appropriate consideration in this bill. Given the importance of our environment and ensuring its sustainability, environmental matters should be at the forefront of decision-making.

The bill reduces community participation in the planning system and fails to accord appropriate checks and balances on the powers of the minister and the proposed state planning commission. Further, it is also unclear whether the environment minister will have a power of veto if the minister is unsatisfied with the planning proposal meeting South Australia's broader environmental considerations.

Among the EDO's key concerns is that the primary objective of the proposed new planning system will be to promote and facilitate development. Recognition of community ownership of the planning system, sustainability and intergenerational equity is relegated to planning principles. There are fears that when courts interpret the act, they will look to the economic aims, with environmental and social impacts only secondary thoughts. It is important that a precautionary principle is included to prioritise social and environmental goals.

The Housing Industry Association has also raised its concerns with the planning bill. The HIA is well positioned to comment on the bill as Australia's largest residential building organisation. The HIA believes the urban growth boundary must be removed from the bill. They advocate that the supply of land will diminish, higher land prices will result and the appearance of smaller allotments will spawn as developers try to stretch available land to meet housing demand and maintain an affordable product should the urban growth boundary be included.

The key word is transparency and this is raised time and time again from every single stakeholder group that is concerned with this bill. The HIA's concern is that the bill is not transparent in formally recognising or defining the urban growth boundary. The HIA strongly opposed the new infrastructure scheme and what it refers to as an insidious new tax. The HIA note that the housing industry is already the highest taxed sector in Australia, with 38 per cent of the cost of building a new house in South Australia being attributable to government taxes and charges. Thirty-eight per cent of the cost of building a new house in South Australia is attributable to government taxes and charges. It is quite incredible when you really think about it.

The Property Council claims that the proposal may amount to stamp duty by stealth. We welcomed the government's announcement in the state budget—and I know the Treasurer is in the house right now—that it will abolish stamp duty on commercial property transactions, but there was no point in taking that step and then slapping down a new tax through the development levy by stealth. At a time when we need to improve housing affordability, it is difficult to understand how this proposal is going to help homebuyers, in particular first homebuyers.

The HIA is calling for more transparency in response to the proposed Planning and Design Code. Details are needed to determine the intent and effect of those proposed changes. The HIA want these provisions removed from the bill. They could then be introduced after an acceptable planning and design code has been written and released for public comment. No-one is actually against the bill and no-one is against making improvements to the planning act, but let's work out what we are talking about. Let's look at the codes. Let's look at the regulations. Let's look at the Charter of Community Participation so we know what we are actually talking about.

The HIA has asked for more transparency, this time concerning the Charter of Community Participation and, again, they have asked for this provision to be removed. It should only be introduced after an acceptable charter has been written and released for public comment. The HIA has reiterated widespread disappointment that the government did not make the bill available for public consultation prior to its introduction into parliament. It has also added its voice to the criticism of the government's omission of key regulation and procedural and policy documents that will support the operation of the bill.

Without these documents, it is not possible for the HIA or parliament to accurately assess the full impact of the proposed new planning system. This bill is scant in detail, even though it is over 200 pages. It is detail that the HIA, and every other interested party, considers essential to determine the intent and effect of the bill. Without this information, and without addressing the concerns I have detailed today, the Housing Industry Association is another group that advocates for this bill to be defeated.

The bill will have significant impact on rural South Australia, as well as metropolitan Adelaide. It will deliver a major overhaul of the state's planning system, a system that protects and administers the houses we live in, the infrastructure and services we need, and our places of work and recreation. We all want a planning system that is easier to understand and simpler to deal with, but the system needs to be balanced, fair, have broad support and reflect the interest of all users—individuals, communities, businesses and industry. As it stands, the minister's proposed planning reforms do not deliver.

South Australia's planning system is integral to the competitiveness of our state and, right now, we need to be competitive. The regulatory impact statement prepared last month in response to the proposed reforms highlighted the relationship between the planning system and economic activity.

Over 10 years to March 2015 the median value of construction work done (property and related work) in South Australia was approximately $8.1 billion, or 4.5 per cent of Australia's construction industry. At some stage all of this construction work has had interaction with the planning system. This interaction may have been directly through planning and building approvals or indirectly through accessing strategically planned and funded infrastructure. In any case, these interactions with the planning system are linked to regulatory processes such as the Development Act 1993, and can delay economic activity.

New legislation is a must, I think we all agree with that. We must improve the efficiency and effectiveness of the system to deliver better outcomes for all those who interact with it, and it must be improved to deliver better outcomes for our economy. However, we need to be certain that the changes we make deliver the right outcomes for South Australia and South Australians. The quality and execution of that change will determine whether the reforms are able to kickstart the investment they promise or leave us in a quagmire of confusion and discontent, just like the new cycling laws.

We need to listen to industry groups in the community, we need to take their feedback on board in order to deliver a system that is clear and easy to navigate, and that enables development that is in everyone's best interest. Based on what feedback has been received so far, we have a long way to go in this matter.

Ms SANDERSON (Adelaide) (21:06): I am pleased to be speaking today on the Planning, Development and Infrastructure Bill 2015. Whilst I welcome the government's initiative to improve our very complex and cumbersome planning legislation, albeit after almost 14 years in government, I would like to raise some of the concerns that have been brought to my attention by constituents and community leaders.

On behalf of Prospect council, Kristina Barnett expressed concerns around local government being removed from decision-making and fewer activities requiring planning approval at council level, which will reduce revenue through development application fees and have a financial imposition on local government, which will then come back to ratepayers. There are concerns around the definition of merit to be defined, which she is concerned will be used as an escape clause, and that communities need to retain a level of input into the planning system. There are concerns around the loss of heritage and character and that there is an emphasis on fast tracking and rushed decisions. There are concerns with the loss of rights and the ability to challenge, with the lack of detail on the code making it impossible to understand, and a lack of consideration of social and environmental goals.

On behalf of Community Alliance SA, Tom Matthews, the President, has sent through his list of concerns, including too much power to the minister, which is a contradiction of the recommendation of the panel to be at arms length. There are concerns that the minister appoints the planning commission and the assessment panel, that the bill does not include heritage, that regulations are not available so what provision is there for the community to be involved, that local government is not involved, and that there is a lack of detail about the environment and food protection areas. There are concerns with the infrastructure levy, outrage at nearby development being reduced from 60 metres to 40 metres, concerns with clause 118 regarding the time within which decisions must be made, and concerns with clause 133 regarding access to neighbouring land.

On behalf of the North Adelaide Society, John Bridgeland, the secretary, has concerns with the political expediency in the extreme, that the minister has picked out the most convenient bits and left the hard bits untouched, and has been ruthless in locking out local government. There is no evidence of community involvement in the charter, and the work of the expert panel was just a stunt.

The president of the Prospect Residents Association, Elizabeth Crisp, is opposed to the removal of local government from decision-making. There are concerns that the minister has too much power and that there is potential loss of heritage and conservation zones. There is concern

that residents will be restricted in accessing information, that the fast tracking of applications will lead to rushed decisions and inappropriate developments, that there is a lack of consideration of social and environmental goals. She is opposed to the reduction of public consultation, and the public wants transparency on the planning and design code. Any development exceeding maximum building heights in the zone should have comment and appeal rights, adjacent residents within 100 metres should be notified, and the public should not bear the cost of the e-planning system and infrastructure levy through council rates. They are opposed to access through neighbours' land, and the availability of planning information must not be restricted.

Some of the individual submissions from people who attended the forum that was held at the Burnside Town Hall last week, which was put on by the Community Alliance of SA, include: that the new planning legislation does not include existing key provisions to ensure sustainable development, advancing social and economic goals within the community, establishing and enforcing requirements compatible with the public interest, and ensuring development plans address social and economic issues; the bill lacks vital detail, including information on the design code; the minister has the discretion to make decisions and has too much power; the bill is unsubtle, arrogant and uncaring of ordinary people; and the public are not consulted.

We have already had many concerns in my electorate under the current legislation, particularly in Prospect, along Churchill Road and some of the side streets. People who bought into the neighbourhood under restrictions that were placed on them when they were building or redeveloping their land were led to believe that at the lower end of Prospect, along Churchill Road and Davenport Terrace, there would be duplexes and maybe town houses and they built within those restrictions. They also see it as completely unfair that the height limits are extremely increased and the type of living and environment they thought they had bought into, with duplexes and town houses of one and two storeys, now they are finding five-storey tilt-ups next to them with only one car park allocated. Their side streets are so full that on a recent occasion a fire truck could not get through and the firemen had to doorknock to get people to move their cars off the street.

I think the current planning, with the DPAs that have gone through, was already bad enough, but this goes too far by locking the community out. It certainly poses a risk of lack of parking, congestion, traffic and financial disadvantage to people who have already built or redeveloped in the area under different restrictions. We had a situation recently, on Richman Avenue in Prospect, where a four-storey 10-unit block on just over 500 square metres on a narrow side street was somehow passed off as part of the urban corridor zone, where it has no frontage facing Prospect Road, and the residents are extremely upset about that decision. It is important that we ensure this does not continue in the future.

As it stands, the current bill (the bill that is being introduced), as was quoted at the Burnside Town Hall last week, allows good ministers to do good things but bad ministers to do bad things. The credibility of the current minister bringing in this legislation is from the government that brought people Mount Barker, the Gillman deal, Buckland Park, the O-Bahn and the Festival Plaza. The people who were at this meeting made it quite clear that they do not trust the minister with that type of power, as the government does not have a very good track record.

As far as Prospect goes, all of the tilt-up, high-rise and the rush for development, particularly along Churchill Road and also along Prospect Road, where there are narrow streets being used to access some of the high-rise developments that do front onto Prospect Road, is causing a lot of issues for local residents. Prospect already has the second highest density in the state of 2,726.8 persons per square mile. So, my residents are asking: why are we doing this? Why are we giving more power to developers? Why are we cutting out the residents' rights to be consulted and to have a say? People buy into different areas for the feel of the area, for the tree-lined streets in Prospect, for the large size blocks, for the sandstone houses, and then suddenly they do not live in that area anymore. Nearly every second house in my electorate is being demolished and high-rises are going up everywhere. So, we need to stop and think about what we are doing.

I recently had dinner with some of the principals and governing chairs of the schools in my electorate. All of the schools are completely full and they are saying, 'Where will the children go who are moving into all of these developments? Where is the population going to be educated?'

So, the government is not really thinking ahead as to how they will manage all the infrastructure required for this density in population, particularly in the inner suburbs and particularly in the city as well where the schools are at capacity. We are expecting 30,000 people to be living in the city. Some of the comments from the Community Alliance forum are as follows:

> The codes must be developed and presented to the public otherwise it is like handing a blank cheque to the Minister.

Another comment is as follows:

> Interpretation is different to everyone. It is not consistent and it is not law.

The state government has a very bad record and so do some of the DAPs, I must say, on how they interpret when you only have guidelines. As we can see from this planning legislation, we do not even have the codes developed, so we are expected to pass something when we do not even know what the true outcomes are and how the community will be involved. There are lots of things we do not know which I will list soon. Other comments from the forum were:

> Minister Rau seems to have the final say on everything, changes the rules with a flick of a pen.

> Ministerial DPAs are destroying the ambiance and everything that is unique and good in areas like Prospect and Unley with a flick of a pen.

Environmental issues have been removed from the bill. There is unseemly haste by the minister which is of great concern. Consensus takes time, so what is the rush? Another comment was:

> Treatment of the community and local government being taken out stinks. Current format of experts and elected members on panels is working well as the community has a voice.

To quote Malcolm Turnbull:

> Human capital value is achieved by involving every level of Government working together.

This bill appears to exclude local government which many consider as their local voice on planning matters. What is it that we are rushing to fix?

Other concerns with this draft legislation are that we do not know what the design codes are. They have not been provided. The urban growth boundary: we do not know where it is. It has not been provided. The local government is not sure of its thoughts because there is not enough information that has been provided. The Local Government Association does not support the bill in its current form and issues raised include the role of the community being reduced, areas where the bill does not require consultation with local government, no prescribed roles in key areas, statewide codes will result in a loss of local policy, financial impact of infrastructure levy and removal of local government from assessment panels. The Local Government Association has already requested some 60 amendments.

There are a variety of opinions and interpretations. The minister has returned many powers to himself. The e-portal was a good idea but at what cost to council and ratepayers? The essential infrastructure levy appears to be a cost transfer from the state government to others, and many have concerns around this. The community involvement is at the front end only prior to most people being engaged. It seems very rushed with little detail and already the government has put forward over 70 amendments. The charter for community participation is deliberately not available. There has been a removal of local government members on the DAP and there is not sufficient time to provide a detailed review.

I would like to put on the record the Community Alliance motion that was carried on Wednesday 21 October 2015, as follows:

> The Community Forum rejects the Planning, Development and Infrastructure Bill 2015 and calls on the SA Parliament to oppose the Bill in its present form as it fails to recognise:
>
> 1. That Ecologically Sustainable Development must be an overarching objective of a new planning system in South Australia;
> 2. That a Community Engagement Charter supported by Government must be developed and mandated to enable community input into planning policy and development assessment;
> 3. That Council Development Assessment Panels must retain the involvement of elected members;

4. That as proposed by the Expert Panel Heritage must be placed on new foundations;

5. That the Planning Commission must be independent and at arms length from the Minister for Planning;

6. This Forum empowers the Community Alliance SA to initiate action to 'Bury the Bill' and to call on the State Government to 'Put the People Back into Planning and Development in SA'.

Dr McFETRIDGE (Morphett) (21:19): As a small child I spent a lot of time in Delhi Street, which is one street back from South Terrace, at my grandparents' place, which comes off Pulteney Street. They lived in a row terrace house there. Adelaide was full of people back then, and nobody wants a city that is not full of people: we want vibrant cities, vibrant places and good planning.

As a small child I grew up in Hogarth Road, Elizabeth, and that was a brand-new, well-thought out (in those days), planned city—a city of the future. Tom Playford was out there with the Housing Trust and created this wonderful new metropolis for the workers of South Australia. We all had a vast choice—a number of jobs we could walk into on any day, we could just go from job to job. We always had a choice of places in which we could live. Planning was very much in its infancy, though. Those were the exceptions to the rule, where a lot of people lived in Adelaide because the houses were still there, and then we had these one or two new opportunities.

There have been some outstanding examples of bad planning that we have seen over the last few days. The member for Adelaide reminded me of one in particular. I grew up in Elizabeth and then we moved to Salisbury when I was a kid, and we used to go out to Buckland Park and work on a family friend's farm cutting lucerne. During winter when the floods came through that whole area would flood. Buckland Park is very flood prone—why you would want to put a development out there because of that alone, never mind the distance from public transport and infrastructure. Why would you do that? If you are going to plan housing developments, going to plan the way the state is going to develop, let's do it properly. Nobody wants to have poor planning.

Recently I wrote to one of my councils and in that letter I said, because of the decisions this council was making on planning, that I have some sympathy for the direction of the Minister for Planning. And I do have some sympathy for it, because unfortunately my experience in my nearly 14 years in this place is that a lot of local government planning decisions have been consistently inconsistent. I remind myself all the time—and I remind people who come to see me about planning issues—that the development plans are based on guidelines: they are not hard and fast, locked-in-stone rules, and you can have variations on a theme. We see that all the time.

Down in my own electorate of Morphett there are some amazing examples, unfortunate examples, of where the planning guidelines have been used to their absolute maximum variation on a spectrum of what is I think considered acceptable and what is right at the very end, where you have a 1930s or 1940s bungalow, and next to it you have a two-storey, stucco duplex—quite nice looking in some people's eyes—completely out of context.

The reason I wrote to this council and said that I had some sympathy with minister Rau's bill was because I had an elderly lady come to see me about council refusing to allow her to build a carport on the front of her little bungalow. Either side of her 1930s little bungalow were new buildings—two-storey, stucco McMansions, you might want to call them. She had been living in her bungalow for many years—I think well over 50 years—and she had looked after it, and now, because of her age, she wanted to be able to park her car in a carport at the front of her house. The council said, 'No, it's got to be at the side of the house.' The problem is that you cannot park it at the side of the house.

She had a firm, who I have dealt with, who specialise in state heritage and heritage structures. She engaged them to design and hopefully build this carport on the front of her house. Council were still saying no. So, I wrote to the council and said, 'This is just a nonsense, an example of the nonsense that councils come up with in their rules and regulations.' To top it off, the letter she got back from council said that there would be no negotiation, no correspondence entered into. Well, whoever wrote that letter obviously had not dealt with me as their local member, because that is not an acceptable way to deal with my constituents, and I have spoken to the Mayor and to the CEO of the council, and things are moving along. That is an example of what we have to try to avoid.

Having said that, in this legislation we are seeing the aim of removing elected members from council development assessment panels. We are standing here as elected members, and the member for Bragg talked about that. We are here as elected members trying to overrule other elected members. Well, if that is not democracy at work, having two layers of council, then this government had better bring in some legislation to get rid of local government. I do not think that is ever going to work; I do not think this government has any intention of doing that so let's not write off the input from local government from that other sphere of government that we have in our democratic system in South Australia.

I have been very aware of the need to have good planning for many years, from right back when Philip Highway was a dirt road when I was a tiny kid. Then, of course, when we moved down to Glenelg in the early nineties, when Holdfast Shores was being developed, there was the public furore going on about that development down there: the high-rise on the foreshore, the changing of Glenelg, and the 'You can't see the sea when you drive down Anzac Highway.' There were so many furphies, and so much rubbish put out there about what is now one of the best developments that I think money could buy in South Australia.

That is evidenced by the prices that people are paying to go and live there, the fact that the restaurants are always full down there, and the fact that the lifestyle is one to be envied, by everybody in the world, I would say. The fact that we have the most highly densely populated part of South Australia in Glenelg North there around Holdfast Shores is evidence of the fact that people want that sort of development and they want that sort of style of living nowadays.

They want it done properly, though; they do not want it just slapped up and done as we did in the seventies and eighties. I remember the view I had on the northern side of our home on the South Esplanade at Glenelg, where there was a 1970s cream brick building, 10 storeys high. I think it is one of the most ugly buildings in South Australia, quite honestly. There are lots of issues associated with it now and our older strata title buildings, which will be another issue for this government to approach. But those are the sort of developments that we do not want in South Australia now. We do want good quality development and we do want good quality planning.

I have spoken to the minister and had a presentation from him on some of his ideas and some of his greenfield and brownfield developments, and they are very good, but let's not escape from the fact that this all has to be done in a cool, open and transparent manner with everybody's input. For the minister to say that he appointed a panel of people with expertise in this area and they spoke to 2,500 people is all very well, but there would not be a member in this place who has not received dozens, if not more than that, of submissions and complaints from people about the way this bill is being handled in this place.

The need to make sure that we expose these pieces of legislation to rigorous debate is something that I congratulate the member for Goyder on. He has done a terrific job in here, going through this bill—this piece of legislation—methodically and forensically. He has read into the *Hansard* the submissions he has received, as many of us have been doing as we have been making our contributions. He has done a great job, and I look forward to his contribution in committee, because I know that the Attorney-General is no slouch. He knows what the lie of the land is, no pun intended. But he will have to answer the questions, he will have to be clear, and he will have to show that this is not just a case of the executive ignoring the parliament.

There is going to be ministerial accountability, whether it is in this place or the other place, when the amendments are put through. It is going to be an issue for everybody to listen to the debate and read the debate, because there will be many people out there who will be reading this debate, every word of it, because they realise this is looking for a long-term solution for a long-term problem. With planning—and the minister has said this—we cannot just keep limping along with four-year plans because that suits the political cycle. We have to have long-term solutions for long-term planning.

When you build a house nowadays, you would like to think it is going to last that 100 years that some of the heritage buildings we have are shown to be worthy of. Some of our older buildings now are 150 years old. They are in need of repair, but there was quality building then. The planning

that was involved back then, just in building those buildings, has shown the merit of the determination of those people back then.

What we need to do now is make sure that not only are the layout, the types of buildings, the sympathy with neighbouring structures in place, but also that we have good social benefit, because it is not just about living in a house, locking the door, going inside, turning the alarms on and going to bed. It is about living in a neighbourhood; it is about living in a community; it is about living in a state where you are proud to drive around the place and show visitors, show your friends where you live because you have good planning, good residences, good residential developments, good commercial developments, good retail developments.

Certainly, in my electorate of Morphett, there have been a lot of issues over the years with the developments, but if you were down there on Saturday and Saturday night, it was just jam-packed. You could not move down Jetty Road. The restaurants were full; it was as vibrant as you could ever wish. That is what we are after; I hope that is what this minister is after, to try to promote that type of planning, that type of sustainable development in South Australia.

The Institute of Public Administration Australia put out an article in their journal just recently entitled, 'Can we plan too much?' It mainly talked about the 2010 30-Year Plan for Greater Adelaide, but in the conclusion of that article, the author, who is an academic with the University of New South Wales, said:

> …it is questionable whether the present strategic planning processes for Adelaide are the most suitable. It means frequent and laborious revision of the so-called long-term strategic plans. This occurs because the plans are predicated on long-term population forecasts over which the state government has only partial and uncertain influence. Long-term growth scenarios are useful in developing some broad information about their likely land use, infrastructure and built environment consequences, and the demands on natural resources. But they also depend on assumptions about social economic and technological conditions that are rarely realized.

We have to be very careful in the assumptions that we are working on, and the predictions and plans. We have seen it; we have seen this government go from the mirage in the desert with Roxby and embracing it as the El Dorado of South Australia to now—what have we got? It is there; you can see it, you can smell it, but you cannot grab it. It is not there for us to use just yet. We need to make sure that we heed that advice from the Institute of Public Administration. Can we plan too much? Well, I do not think we can plan too much, as long as that planning takes into account the need for getting accurate information.

As I said before in my remarks, we have all had numerous submissions. I am not going to go through all the submissions that I have received—certainly, the member for Goyder has done an excellent job there—but I must say that the Local Government Association submission is one that I do need to pay some regard to, because it is a very important part of our community, of our society, of our governance in South Australia. In its submission that was, I understand, released just a matter of days ago, it states on page 2:

> We need a planning system that balances our economic goals with the protection and enhancement of our attractive, resilient and sustainable communities.

The LGA goes on to say:

> The LGA had an expectation that it would have a four week period to comment on the details provided within this Bill. Subsequently, and unfortunately it has been introduced and may be debated before the conclusion of our consultation.

The LGA has 11 issues that are currently of concern. I am not going to read all of those. I think that the member for Goyder has listed those, and certainly anybody who is interested should go to the LGA submission. It is very concerned about a number of issues there, and it is for this minister to explain to this house what he is going to do to satisfy those concerns of the Local Government Association, which after all represents 63 different organisations, local governments in South Australia, with their elected members trying to do their best for each of their communities.

The housing industry bodies have also put in submissions and, as other members have said, particularly the member for Goyder, not one of these organisations thinks this bill is great the way it is. In fact, the government does not think this bill is great the way it is, because we have 74 government amendments filed for us to consider. If you think this debate is long, I remember

being here until three and four in the morning and getting the taxi vouchers at 10 o'clock at night and then getting a newspaper given to us before midnight to read. If you think this debate is long, it should be, it needs to be and it must be. We are representing our communities, those who have elected us to put us in this place.

One of those that has also sent in a submission, and we have heard from other members about these particular concerns, is a group that has been formed as a result of this legislation, the Community Alliance SA Inc. They had a meeting recently and issued a communique. It was a public meeting. There were hundreds of people there. I think the minister was there. Certainly the shadow minister, the member for Adelaide and the member for Hartley were there.

The communique that came out of this, as other members have also said, was to oppose the bill in its present form. We are seeing that over and over again, to oppose this bill in its present form. I hope that the government, with its 74 amendments, is doing something about heeding the concerns of the Community Alliance, the Local Government Association and the housing industry bodies. Everybody that has contacted us should be listened to. That is how democracy works.

We do not all know everything. We are not all fonts of wisdom on particular issues in this place. That is why we have our advisers and our experts but, at the same time, everybody wants to have a fair go and be listened to. We are all very concerned about good outcomes, so this debate is a healthy debate. Let us remind ourselves, though, from the minister's second reading speech, of what he has tried to do.

He set up an independent panel that undertook a comprehensive review of the planning systems, and he acknowledged that it was not going to be fixed by tweaks and tinkering, and the panel was prepared to be bold and it did not shy away from inconvenient truths. The truth is that this legislation is very, very inconvenient for the government because they are having to answer to the people of South Australia and they are having to answer to this parliament. The executive cannot ignore this parliament and cannot push this through like they did with such things as cycling regulations where they bypassed the parliament.

There is going to be ministerial accountability on this. As I remember John Hill said in October 2003 about public health, the public expects a good public health system and the buck stops with the minister. The planning responsibility for our communities in South Australia stops with this Minister for Planning. The buck will stop with him. In his second reading speech the minister said, 'I hope we can approach this bill in a genuine spirit of collaboration.' Well, we are. We want to get it right. The minister obviously wants to get it right, otherwise he would not have filed 74 amendments. The minister then went on to say that they have left:

> …current local heritage provisions essentially untouched while we undertake a close examination of the benefits of integrating our state and local heritage laws…[and] Aboriginal heritage laws are also untouched by this Bill.

That is a good thing. Having lived in a state heritage house and spent many thousands of dollars restoring it, I think any support this government can give to preserve our state, local and Aboriginal heritage is a good thing. I am concerned, though, when the minister said in his second reading speech:

> We have also chosen to leave the Urban Renewal Act essentially unchanged for the time being.

So there is obviously more to come there. He said:

> …we have decided that issues around open space and public realm, although partly addressed in this Bill, require further work in the longer-term consideration.

So open space and public realm, where are we going with that? It is another debate we will have another day. The thing we do know about this legislation is that it will be debated in this place at length and it will be examined at length in committee and the government has nobody to blame but themselves because they have come in here pushing it through. They said they have had consultation but we know the history of consultation in this place is a farce. This bill is good legislation that needs to be tidied up.

Sitting extended beyond 22:00 on motion of Hon. S.E. Close.

Mr PEDERICK (Hammond) (21:40): I rise to speak to the Planning, Development and—

The DEPUTY SPEAKER: Is that the whole speech in your hand? I am getting a bit worried.

Mr PEDERICK: Madam Deputy Speaker, this is the whole bill—the Planning, Development and Infrastructure Bill 2015. It is a bill for an act to provide for matters that are relevant to the use, development and management of land and buildings, including by providing a planning system to regulate development within the state, rules with respect to the design, construction and use of buildings, and other initiatives to facilitate the development of infrastructure, facilities and environments that will benefit the community; to repeal the Development Act 1993; to make related amendments to the Character Preservation (Barossa Valley) Act 2012, the Character Preservation (McLaren Vale) Act 2012, the Environment, Resources and Development Court Act 1993, the Liquor Licensing Act 1997, the Local Government Act 1999, the Public Sector Act 2009 and the Urban Renewal Act 1995; and for other purposes.

No, Madam Deputy Speaker, I will not be reading the whole bill word for word because I will run out of time, sadly. The rush with which a bill of this size, which was only read a first time on 8 September 2015, is to be progressed through this house is ridiculous. So often we see legislation that has supposedly been out in the realm for a couple of years being organised and, all of a sudden, there is a big rush to get it through. Why the hurry? We must ask: what is the rush? I think we realised it was so rushed when we saw that the government already had 74 amendments in place. How many more other amendments will be coming in from other members, whether from the debate in this place or the other place?

In relation to the information the minister has put on the record, he has indicated that an independent expert panel was set up a couple of years ago to undertake the review of the planning system. The panel supposedly met with over 2,500 people, including professional, industry, local government and community groups, to have a look at planning into the future.

The member for Morphett talked about heritage provisions that will be essentially untouched. A whole range of local and state heritage essentially will be untouched, but Aboriginal heritage laws will also be untouched. Certainly, the existing linkages between the mining laws and the planning system are undisturbed, but I note the issues we have with mining, especially in what we call the 'suburban zone', create some angst.

I have had a bit to do with what I guess you would call inside country mines at Mindarie and Strathalbyn. To ensure that they are conducted in a professional manner and that people come at them in the right way from both sides of the fence, whether they are landholders or potential miners, they need to undertake negotiations in good faith; otherwise, people on either side of the debate just get their backs up and all the negotiations fall into a hole. So much more work needs to be done in regard to the relationship, especially considering that the state—which is essentially all the people of this state—owns the rights to the minerals, but we also must make sure that the people who own the land above those minerals have a very fair go.

In saying that, I note that in the minister's contribution he talked about new protection for our farmlands and environmental areas around Adelaide and the formative environment and food production reserve, and he talked about giving this reserve appropriate authority. There has been a lot of politics made out of reserving farmland and, quite frankly, I am a man who believes that the market should decide.

Many people who went to my area around Coomandook and Coonalpyn once farmed in areas like Para Hills, Gawler and Angle Vale, and my own family came out of Angle Vale. I also note that within this planning bill there is provision for compulsory acquisition. I think I have spoken in this house before about my grandfather who had two lots of compulsory acquisition: one in 1939, for some of the weapons dumps at Angle Vale, and then in 1950, for part of the Edinburgh air base. We were basically getting squeezed out. I think my father lasted another 10 or 11 years before he came down to Coomandook; he thought he was ahead of compulsory acquisition and then they decided to shift the Dukes Highway and they took another 7½ acres.

Mr Treloar: He must have been wondering.

Mr PEDERICK: Yes, he must have been wondering, exactly. He was well compensated, I must say, with new fencing and new gates, and a lot of that is still in place, apart from the areas that

have been burnt by the bushfires that happen occasionally. It does concern me that there are these so-called protections put in place when I think that the market can decide.

If we look at forward planning and greater ideas that have come out of this place, I look at a former premier and former member for Norwood, as it was back then, Don Dunstan, and his thoughts on putting another city at Monarto. That was probably a very good idea and the one thing I would agree with the former premier on.

The Hon. T.R. Kenyon: He probably thought it was okay to go past 6 o'clock as well at the pub.

Mr PEDERICK: Probably a very good idea.

Mr Treloar: Can he speak from there?

Mr PEDERICK: No, I think he should be chucked out.

The DEPUTY SPEAKER: I could call him to order if you like.

Mr PEDERICK: It is up to you, Madam Deputy Speaker. What we have seen with development over time is the rushed development at Mount Barker, and we have seen developments around Gawler and towards Freeling. When you think of the best land in this state, the very best land in this state, we are probably sitting right on top of it; in fact, I think we are. This land we are sitting on here, on the banks of the Torrens, where the City of Adelaide was first developed because of access to water obviously in those early years, would be some if not the most productive land in the state. But you cannot wind the clock back, and it would be ridiculous to do that, but I am a firm believer that you let the market decide.

My father used to tell me many stories about some of the people who sold land around Salisbury when it was all farming country. You have to remember that he was born in 1920. He talked about people who came out with a good deal and some who came out with a better deal further down the track when they realised what was on offer, and so on; it has just been a progression. Yes, there has to be some planning, but it has to be sensible planning.

I think we have seen some anomalies with what has happened in the so-called preservation of the Barossa and the McLaren Vale areas. Certainly, those acts had to be watered down a fair bit because there were some circumstances in there that were unforeseen, especially when people may have wanted to develop another house on their farming property (and that is alright if you want to perhaps set up a museum), but sometimes that may not be the best outcome. I think there might have been better ways to get around it, but it is what it is and we have what we have. Getting back to Monarto, the one good thing we got out of that is that we have a world-acclaimed zoo out there. Sadly, we lost that little chimpanzee in the last couple of days.

We need to be far more forward looking at where we are going to put populations. I do not believe that Adelaide should be moving further up and down north and south, and I would be looking at opportunities further east towards my electorate and the potential out there. There is going to be some great developments out there with the Motorsport Park opening up at Tailem Bend and so on. Certainly, people are taking advantage of those opportunities.

I note that part of the contribution the minister made was talking about making sure that our market gardeners, vignerons and fruit growers spread throughout the Fleurieu and the Adelaide Hills can be certain that their livelihood will not be affected by opportunistic urban development. It is interesting that, as far as the urban growth boundary that is discussed in this legislation, there does not appear to be a northern boundary. Certainly, there are growers who want to go to the north of Gawler River and develop that, and I think that there is plenty of opportunity with the wastewater from Bolivar to open up some more market garden opportunities. We have certainly seen the opportunities with respect to the people with their major glasshouse operations to the north of Adelaide.

The Hills Face Zone has always been something that I have looked at with a little bit of intrigue. It seems that in past decades people have been able to develop to a certain level and then, if there happens to be some empty blocks on the Hills Face Zone, even though they might be amongst other housing, you cannot develop them, or if you wish to develop them, you have to go

through that many rules and regulations to get there, it is almost not worth the time. So, you can get bound up in the rules and regulations.

We have a minister who is concerned about how dense the living is around the city. He made the point in his contribution that our city is a 'legacy of cheap petrol, ignorance of climate change, a love affair with private motor vehicles, and concealed state government subsidies of greenfield development infrastructure costs'.

That is all very interesting but, as we found with the debate about the car park tax, many of us do rely on our vehicles to get where we want to go. Certainly, we regional members do need to use our vehicles to get into the city. I am sure that even members on the other side value the use of those vehicles. Just because you want to build these closely-built accommodation areas in the city, I wonder whether it truly is the answer. Yes, it does put a lot of people in one spot, but that can breed its own issues as well, but perhaps I am speaking as someone who likes living in a wide open space.

I note that in another section of the bill, the minister talks about local councils still having a central role in planning policy. I very much doubt that, judging from the feedback I have had about what local councils are concerned about, and certainly from looking through the bill. It seems to be a bill that is more about fast-tracking where the government wants to go, fast-tracking development, getting their approval through, whether it is through the Planning Commission or the planning board that will be instituted in regard to this.

I think that there needs to be far more debate in both houses, and certainly, as has been indicated before, there will be quite a bit of debate when we get to the committee stage. One thing that is a move forward, as long as it is put in a user-friendly format, is planning information being accessible on a central e-planning portal.

I note that, apart from the 74 government amendments in relation to this bill, this bill does not include consequential amendments that will be necessary in the future across the statute books, nor does it address all the reforms the government agreed it would enact when they issued their response to the expert panel's report back in March. So once this bill has been considered—and we have to see whether it survives the duration of the houses—there will need to be a further bill dealing with consequential amendments, transitional arrangements and related implementation measures, and that will have to come into this house next year. There is a whole lot of work to do before all of this even comes into play.

In relation to planning, I would put it second to water and water security issues as an issue in my electorate. There are plenty of opportunistic people who think their land, their farm or their rural living allotment should be one that you can either cut in half or take a bit off the corner and rezone so that they can capitalise on their investment. That can be a long tortuous process as you take the issue either to local government or the state government to try to work out where the future lies for these people.

I acknowledge that some of this is opportunistic. People, in my belief, cannot just buy a block on the edge of a large town and believe that it might be a rural living block now, but they will be able to cut up a four-hectare block into housing allotments one day and get on with it. I do note though that the Rural City of Murray Bridge, being the major centre in my electorate, is looking to open up some of its areas. It is a pretty rapidly growing city. Even during the drought numbers grew and it is up to about 21,000 or so as a population. Its access to the city puts it in a very good spot. It is about an hour's travelling time to get into the centre of the city, depending on the traffic.

Planning has to be right, otherwise you have a whole range of flawed circumstances. In relation to the Motorsport Park that is happening at Tailem Bend, that is exactly the right place, not just for my electorate but, I believe, for the state. There was a proposal, not long before this proposal became cemented in, to have a dragstrip out by Monarto Zoo. It was totally out of order. It was not going to happen as far as I was concerned, but this guy was determined to have a go at setting up a dragstrip and because the land is zoned for different sporting activities—there are go-karts and model planes, etc.—that can operate out there I think he thought he was going to get it through. Thankfully, this other proposal came up and that is on the cards.

In relation to when people put up a development proposal, I am certainly a firm believer that, if there is a need for a buffer zone, the proponent of that proposal needs to incorporate the buffer on

their land. It causes a lot of angst when people say, 'We have built a house next to a farm and we wonder why there is a harvester going all hours on a hot night.' There is a reason for that: it is a farmer reaping his crop. Or it could be next to a vineyard and the grape harvesters are going all night, as they do. It is about people not understanding where they have relocated to and what they have brought into and then expecting things to change around them.

That has caused some warped issues to happen where engineering firms have had to move. There is one that had to move out of Mount Barker. It came into Murray Bridge but, sadly, it went out of business because of health reasons within the family. People need to understand that if you build near a vineyard, a farm, a semi-industrial facility, or even a slaughterhouse, for that matter, you need to understand what goes on there and know what you are getting into.

In closing, there is going to be a lot of debate in the committee stage of this bill to see that we get it right. It is outrageous that it has been rushed into the house after so-called two years of work, but I think we will be here for a long time yet when we get to the committee stage, and rigorously go through all the amendments. I commend the other speakers, especially the member for Goyder, who did such a fine job as the lead speaker in regard to this bill.

Time expired.

Mr TRELOAR (Flinders) (22:00): I rise this evening to make a contribution on this bill, the Planning, Development and Infrastructure Bill 2015, and note the good work of the shadow minister in researching and preparing papers and the diligent manner in which he delivered his contribution. I also look forward to the scrutiny that he will provide, as will other members on this side, during the committee stage. I also note the contributions of my colleagues on this side; there are many who have preceded me and there are more to come, I guarantee that there are more to come. I think what that does is highlight the significance of this bill and the importance of planning to all of us within our electorates, the importance of considered development within our electorates, which we all want to see.

The bill before the parliament consists of some 207 pages—and I note that the member for Hammond has a complete copy sitting next to me here now, which is no doubt a handy reference. There are 74 government amendments already flagged for this bill, so obviously, even after all the consultation and all the preparation, the government has not managed to get this anywhere near right. However, I do appreciate the fact that the amendments have been tabled; no doubt there will be more amendments to come during the committee stage, because it is so important for us to get this right.

The intention of the bill is to provide for matters that are relevant to the use, development and management of land and buildings, including providing a planning system to regulate development within the state, rules with respect to design, construction and use of buildings and other initiatives to facilitate the development infrastructure facilities and environments that will benefit the community. That says it all.

I often think that the unsung heroes of the development of this state were, in fact, the surveyors. In the early days of settlement the surveyors would go out and, out of virgin scrub in a virgin landscape, they would carve out roads, farms, railways and townships with simply a gang of axemen and a chain measure. Life was much simpler then; in those early days they were, in their own way, doing the job of planning. It was a decision that was often made on the go, depending on the lay of the land, depending on the topography, depending on the settlers. Life has become a lot more complicated, necessarily so, and legislation has become a lot more complicated, also necessarily so. However, it does not need to be too complicated.

Many of the points that have been made here in this debate today have been urging caution in terms of the increased power and control of government, and particularly the planning minister. I suggest that in many ways he already has that power, he already has that ultimate authority, and I would like to relate a couple of stories from my own electorate that demonstrate that.

There have been a number of development applications from within the electorate of Flinders; without naming them I can think of three, definitively, that have been put forward by existing

landowners for subdivision. They have been supported by local government and, in this case, from at least two separate local councils; they have been supported by councils.

In one case in particular the local council did about 10 years work developing this proposal. A lot of time was spent with the developer, a lot of time was spent with the department. Ultimately, they got it to the point where it could proceed to the minister's desk and, to the surprise and disappointment of all concerned, the minister did not sign that application. That has occurred on at least three occasions that I am aware of, and there may be more. So, in fact, the minister already has the ultimate authority. What this bill does is consolidate that power. What people are looking for in a bill such as this is for some of the power to go back to the people, to be retained by local government, to be retained by the people who are actually living in the area and are proposing the development.

The member for Hammond made some interesting points about the market making decisions. If I can refer back to the reasons given by the Minister for Planning for not signing the development applications I was just referring to. One was that he was concerned about the use of arable acres and good farming land being taken up by housing development. Once again, the member for Hammond highlighted the point that some of the very best and most productive land in this whole state is under the city of Adelaide.

You cannot wind the clock back, but I think we are becoming a little bit precious about such things as arable acres. People forget how big this state is, how big Australia is, how big the Eyre Peninsula is, in fact. By my reckoning, the governmental zoning of Eyre Peninsula defines that area as being about the same size as the country of Scotland. It is a huge area. I can guarantee that a housing development here and there will not impact significantly on the arable acres available, nor the productive capacity of the peninsula or the state as a whole.

Within this bill an urban boundary is talked about. There seems to be no line or demarcation as to where this might be. It is an urban growth boundary. It is very difficult for us to make comment or judgement on a boundary that is proposed and yet has not been determined. I firmly believe that the market itself will take care of such things. Once again, I think people are beginning to talk about food production areas but are getting a little bit precious about the importance of planning these areas.

For example, I would be interested to see if the Barossa, which of course is contained within the seat of Schubert and the good member for Schubert represents his community very well, but it is interesting to me to note that it is often reported as a primary food production area and yet most of the produce from that area is one that is purchased through discretionary spending. I wonder in my own mind what makes a business in the lower north of the state necessarily more valuable than a business in the upper north of the state, or is the value of a business in the upper north of the state any different to that on the Yorke Peninsula or the Eyre Peninsula? As individual businesses they are equally as important, in my mind. Even though the productive capacity of the land may be different, to the families who live and work there it is equally as important. So, there are questions in my mind about how these determining factors are arrived at.

There is talk of an essential infrastructure levy. In my mind, that is simply a government solution to cost transfers from the state government to others. There seems to be very little community involvement in planning and development and infrastructure proposed in this bill, far less than we have even now. Of course, there are local government members on development assessment panels and there is discussion about removing or stopping local councillors from being appointed to those panels. So, there is significant discussion still to be had.

Relating back to my own electorate once again, the other reason the minister gave for not signing the development applications that I was talking about before was that he could not see that there was a demand for these particular developments. I would suggest to the minister that that is not his decision to make. I think we need to manage development but not control it. Surely, minister, it is for the market to decide what sort of subdivisions and housing availability should occur, not ultimately the minister himself.

One thing that has caused a great deal of grief in the electorate of Flinders over the last half dozen years at least—because it precedes my time in here, precedes the Weatherill government and

this minister—is the so-called coastal conservation zone. In fact, it was implemented when minister Holloway in the other place was the planning minister, so it is at least half a dozen years ago since this zone was implemented. What has occurred is that a coastal conservation zone has been put in place right around the coastline of Eyre Peninsula with very little consultation. There was some consultation but little with landowners. There is about 2,500 kilometres of coastline on Eyre Peninsula. Almost half of South Australia's coastline is classified as Eyre Peninsula coastline.

Around this entire length, there is a coastal conservation zone which has caused much angst to existing landowners and the local governments involved in defining it. My first introduction to the coastal conservation zone was from landowners who lived in the Far West of the state and was not within a local government area but lived in the outer areas. They had some coastal property. It was farming property but some of it was near the coast and much to their surprise they discovered one day without any notification or any consultation that a significant part of their coastal section was defined as coastal conservation zone. What this meant was that that land could continue to be used for farming but at no point could it ever be subdivided. That may or may not have mattered to the landowner but they were surprised that the government could make such a move without their input.

Further to that, the coastal conservation zone was implemented within the district councils within the settled areas and, if you will bear with me, the following coastal councils in the electorate of Flinders were affected: Ceduna, Streaky Bay, Elliston, Lower Eyre, to a degree Port Lincoln City Council, Tumby Bay, Cleve, Franklin Harbour and, outside of my electorate, the City of Whyalla was no doubt impacted as well.

Some years have been spent on discussions between the councils and government trying to decide where this coastal conservation zone should be, where the line should be drawn. Invariably, the locals are not happy, and I say that because in many situations freehold landowners who own farming property are finding that the line is drawn well back from the coastline, well into their freehold property and, in some cases, includes their primary water source. In some cases, it includes coastal townships. Port Gibbon, for example, in the District Council of Franklin Harbour is included within a coastal conservation zone. It is a town, a coastal town. How own earth is future development ever going to occur in an existing township when it is contained within a coastal conservation zone?

This zone has obviously not been ground-truthed by the government. My guess is that most of it was done by satellite imagery and topographical maps because when one comes to inspect some of these sites, as I have with many landowners who have raised the issue with me, we find that in some instances we are up on a cliff face, yet within a coastal conservation zone. I can only imagine, and I am supposing, that part of the reason for this coastal conservation zone is to protect vulnerable coastline from such things as tidal surges, rising sea levels, storm damage and all that sort of thing. Unless the government and departments actually ground-truth coastal areas, they could never really know what the topography is. I think that has been a significant oversight by the government and caused much grief not just to the landowners, often they are freehold, but also to local government who have tried to work their way through this without putting the government offside, without putting local landowners offside, and have found it incredibly difficult. Of course it precludes much development that might have been planned for future times.

Lucky Bay is another example: a coastal community north of Cowell. I know that between 25 and 30 per cent of Cowell's economic activity is derived from Lucky Bay, yet that entire community—mostly shacks admittedly, but some are permanent dwellings—are within a coastal conservation zone, and their future is under a cloud.

I think there are significant questions still to be asked. The minister needs to take a serious look at what he is imposing upon particularly country communities, and the lack of opportunity they will have under his guidance for future development, because ultimately a housing development, for example, even if it is a rural living subdivision (and I know the minister particularly does not like rural living) creates economic activity. It gives jobs to surveyors and town planners, and then there is construction and the delivery of utilities, all involving tradespeople, all who live in towns, all who have families and all who support their local shop, school, hospital, etc. At the stroke of a pen a minister can decide the future development or not of a small country town, and a lot of our country towns are desperately in need for that spike in economic activity.

I look forward to the committee stage. I understand that it is a significant bill, an attempt to bring planning and development into the 21st century. My understanding is that there were some thousands of pages in the legislation, and that will need to be—

The DEPUTY SPEAKER: Scrutinised.

Mr TRELOAR: Scrutinised—that was not the word I was looking for, but I will come back to that at every opportunity. Again, I congratulate the member for Goyder as our shadow minister on all the work he has done, and look forward to future contributions later this evening.

Mr WINGARD (Mitchell) (22:17): I rise to speak on the Planning, Development and Infrastructure Bill and to acknowledge the speakers on my side of the house who have already spoken on this bill. Unfortunately, my speech is starting much like many of theirs and much like it does on so many bills this government puts before the house. The government has written this bill and already drafted 70 amendments: can you believe it? The government has not made clear what regulations they want to attach to this bill. We are being told that 46 areas are yet to be created.

A draft of the charter for community participation deliberately is not available: yet again there are too many unanswered questions, and the government is just hoping the people of South Australia will not notice their poor handling of this matter or others before the house. I have been contacted by a number of local councils and other stakeholders who already have been mentioned by members before me, so I will speak mostly on behalf of the two local councils in my electorate.

The City of Marion is still looking at the legislation; it has not debated the bill yet. Unofficially it has indicated they have some concerns, but I will not put their issues on the record until they contact me with their formal position. The City of Onkaparinga on the other hand provided a much more detailed finding, and local ward councillors, Heidi Greaves and Gary Hennessy, both contacted me personally to voice their concerns. Mayor Lorraine Rosenberg sent through a 41-page, in-depth report, and I would like to table some of the findings here tonight.

To start with, it is pointed out that the planning minister wrote to the mayor in September 2015 referring to a website and phone number for further information. It encourages the council to take advantage of the website resources and various forums and workshops. However, it was also noted that there was no specific invitation in the letter to the council to provide comments. The council had concerns about the lack of time they have had to fully appreciate the content of the bill, but that is nothing new for this government; that is the way they operate. There is an overarching concern that has been the underlying theme in speeches across the night and that is a lack of transparency and a lack of consultation.

I refer to a document sent to me by the City of Norwood, Payneham and St Peters as well referring to this bill and they talk about the lack of consultation with government. In fact, they say there are many instances under the bill where provision is not made for consultation with councils, which is concerning. For example:

> There is no consultation on the establishment of sub-regions, the decision to initiate an infrastructure scheme and the funding arrangements under an infrastructure scheme (even where the Council is to contribute to its funding). The Council requests that this aspect of the Bill be reconsidered.

But, again, I say it is no surprise. This government is very secretive in the way it operates and does not divulge to stakeholders what is, in fact, going on. The development industry as a whole has indicated that sufficient time has not been provided for the detailed review, particularly where legal support has been engaged. Other concerns that have alarm bells ringing with this bill are that nothing has been presented on the planning and design code, and the line on the map for the urban growth boundary is not available for review.

It sounds absurd, I know, but in this bill the government is proposing an urban growth boundary although it will not show where it is. It has been suggested that this sits in the arrogant camp or the inept camp—you can make up your mind where it falls. I will leave that to you to decide: putting an urban growth boundary line in the bill and not letting people know where it will run is unbelievable. Again that theme of highlighting a lack of detail rears its head with this bill, and others delivered by this government.

The Onkaparinga council have stated that they do not support this bill in its present form. I do not think any member has managed to find anyone who supports this bill in its current form, but I will outline a few of the Onkaparinga council's concerns.

…Council has made a concerted effort to engage in each stage of the reform process.

In short, they will not support this bill in its present form and some of the points they raise centre on the following:

Many of the reforms recommended by the Expert Panel could be achieved through amendments to the Development Act and the Development Regulations. Many 'blockages' in our present system are caused by our archaic definitions and concepts, particularly in the Regulations, which have not been amended to overcome modern demands and Court authorities which affect their meaning.

The Bill is difficult to support whilst much of the finer detail that will inform its implementation is left to regulations, the Planning and Design Code and design standards and practice directions.

So just take that in for a second: the government is moving a bill with 46 regulations and they want people to submit their thoughts and have their say, and they want to pass it through this house, when they have not actually put those regulations on the table. Sounds absurd? I think it is.

Whilst the Bill reduces the role of councils and the community in planning and assessment processes, the consequence of such decisions will continue to rest with council and its community.

That is another concern that the City of Onkaparinga has raised.

Council queries whether sufficient resourcing will be provided to DPTI to create and implement the Planning and Design Code, and the new system. Planning decision-making processes consume considerable resources and from our experiences with DPTI, delays in DPAs are common place, as are delays in referral reports and other matters handled by the Development Assessment Commission (DAC). Considerable additional resourcing will need to be provided to DPTI to handle the implementation and management of the proposed new system.

You can see it is just not clear and the council has concerns. They also go on to say:

The bill contains many cost-shifting measures which will require council to fund the implementation of the new system (particularly the e-planning system)—

and I will talk more about that in a moment—

and essential infrastructure. Council is opposed to these mechanisms and urges the state government to remove them. These cost-shifting mechanisms have the potential to compromise council's ability to deliver services to its community.

The council is not clear on how this bill runs. In fact no-one is clear on what is happening with this bill and that is where the concerns are arising. Other things pointed out by the City of Onkaparinga are that objects and duties are not supported:

The Council submits that the objects of the bill be amended to better balance competing factors in the planning system and the needs of our community. This can be achieved through expressly recognising the need for balance in managing economic prosperity with orderly development that is sensitive to social, cultural and environmental factors.

In fact, it has been pointed out by a number of stakeholders that environmental factors are not mentioned at all throughout this bill. The City of Onkaparinga also does not support the planning policy documents and planning and design code which I have already mentioned, but:

Council recognises the government's intent to create a series of planning policy documents to replace the planning strategy and to create a streamlined and integrated Planning and Design Code, supplemented by design standards.

The Bill contains no detail as to whether council will be consulted by the Minister when these documents are prepared. The new Planning and Design Code should be informed by our understanding of place first (as articulated through our Development Plan), rather than be amended post-implementation to reflect this.

The council believes it ought to be involved up front and throughout the development.

The council has raised other issues under that same heading. They raise the fact that the point behind these statements is to raise concerns about the ability of DPTI to achieve a planning and design code which is effective, consistent and which properly accounts for local needs where appropriate without significant funds being provided to it. They are worried about the funding that is going to go to DPTI.

The assessment panels as well are not supported by the City of Onkaparinga. Restricted pathways are not supported:

> Council is very concerned that there is no requirement to inform council of a restricted development other than through the public notification mechanism. Councils should be kept notified of such applications due to the community interest they generate.

The council believes they should be advised as soon as the State Planning Commission (SPC) receives and categorises an application as restricted, to ensure that they agree that it is a correct determination and correct procedure.

Ministerial assessment and alternative assessment pathways for crown development and infrastructure are also not supported by the City of Onkaparinga. Reduced public notification and loss of appeal rights are also not supported. The council notes that the bill is likely to result in reduced public notification and reduced appeal rights. While the council appreciates this is predicated on improved up-front discussion with the community on matters of policy, such as through the new citizens participation charter, the council respects these changes will not meet community expectations and will create additional angst in response to development occurring throughout the council area.

Essential infrastructure funding is not supported. It is something that a lot of members have talked about already this evening and that I have raised previously as well. The council is concerned by:

> …the potential breadth of the essential infrastructure delivery scheme and extremely broad definition of 'essential infrastructure', which can include additional infrastructure designated by the Planning and Design Code and the regulations. The definition of essential infrastructure should be limited so that its breadth can only be increased through an amending Act of Parliament to ensure public confidence in the delivery scheme, particularly given that it proposes a form of indirect taxation to fund infrastructure.

It is no surprise that the council has identified that this government is looking at another form of taxation and, as they claim, an indirect taxation to fund infrastructure.

> Further, the council is concerned that the Bill does not propose any express mechanisms to ensure that the savings to be achieved by the scheme will be passed on to the purchasers of new allotments of land by developers. Without such a mechanism, the intended savings to first home owners to increase rates of home ownership in South Australia arguably will never be achieved.

The council understands from comments made to various forums that the passing on of savings will be left to the market.

Other points that the council has not supported include entry onto land. The council is wholly opposed to the new provisions that require local government to be involved in the access to land through the bill. Most development applications in the Onkaparinga council area require retaining walls, fences and other structures that cannot be constructed without entering onto neighbouring land. The resource implications of these provisions in issuing notices, considering applications for authorisation and enforcing these provisions are significant.

The City of Onkaparinga submits that such matters should be left to individual landowners to resolve between themselves, as is currently achieved through the Fences Act. Involving councils in such matters will only result in resource implications and will not significantly improve development outcomes. The City of Onkaparinga is not in the business of being a mediator in civil matters between neighbours. It is simply not their role and the provisions of the bill should be deleted altogether. That is what they conclude by saying when talking about entry onto land. Clearly, we can see that it is not supported.

Amendments to the Local Government Act 1999 are not supported, either. Enforcement and compliance is supported subject to amendments. They say:

> Council notes the new enforcement and compliance 'tools' of adverse publicity orders, civil penalties, enforceable voluntary undertakings and the recovery of economic benefits. However, [the council is] concerned these mechanisms are made only available to the proposed State Planning Commission and not councils.

They query the intent behind this and say:

> Creating new enforcement tools exercisable by the Commission only gives rise to community expectations that the Commission will use those tools. Without significant resourcing being provided to the Commission, these tools are ineffective.

Again, more concerns are being raised by the City of Onkaparinga.

E-Planning, I said I would mention, and that is supported subject to satisfactory funding arrangements. Again, we can see the theme of the issues being raised by the council, with funding being a notable concern. They say:

> Council is pleased to see the 'framework' for the state-wide planning portal. If the portal is developed consistent with the Bill's framework and appropriately resourced, it will provide a sophisticated lodgement and information system, increase openness and transparency in the planning system and will increase public access to planning documents.

The council, however:

> …urge the government to carefully consider the fees and charges for access and use of the online planning portal as many of [the City of Onkaparinga] residents are elderly and/or on low incomes and would not be able to afford significant fees and charges to access this system.

Council currently has an operational e-planning system in the City of Onkaparinga and they strongly encourage the state government to undertake meaningful consultation and collaboration with the City of Onkaparinga and other councils who have undertaken such projects in establishing the portal. They say:

> There is opportunity to save significant time, money and resources by analysing and exploiting the work already undertaken by councils in developing their own systems.

The council will be willing to share their experiences with the government in this regard. That is something I will keep very close watch on, because there is a great opportunity, with the support of the councils involved, where bringing all the systems together can potentially save money for ratepayers and save money for the people of South Australia, because we know at the moment people are hurting in their hip pocket. So the e-planning system and the option is being put forward for the government to work with the councils and look at some ways that they can all come together with work that has already been done and save a lot of money for people in the Onkaparinga council area in particular. Local heritage is supported in principle. The council goes on to say:

> We support the inclusion of local heritage places within the proposed Planning and Design Code, which is intended to be an integrated and comprehensive list of places of local heritage significance. However, it is essential that the existing local heritage places in council's area be 'carried over' or incorporated into the code, so that the important protections afforded to those local heritage places are not lost.

Tree protection is supported in principle but the big issue and the common theme that has come through from all the speakers before me tonight and is pointed out in the conclusion of the council's submission is the time frame for submissions. They say:

> Council notes there is no formal consultation process for submissions and comments on the Bill…We would appreciate clarification on the government's intentions concerning the progress of the Bill and further consultation intentions. This will enable proper engagement on the details of the Bill and ensure that it benefits from the combined wisdom of local government and the development industry.

Clearly, there are issues here amongst a lot of the key stakeholders, as I have pointed out, and taking the time to talk about one of the councils in my electorate, the City of Onkaparinga, has made it abundantly clear that this government has forced this through and not consulted, as would be seen fit. A lot of organisations, including the City of Marion, have struggled to get together an assessment of this bill.

We have mentioned already that 70 or more amendments have been made to the bill since it has been put forward, and there are 46 regulations which the government is keeping secret and will not allow anyone to see. Again, it beggars belief, and I can understand why people are very confused, but that is the way this government does business. They do not like to let people know what is going on. In fact, they like to keep things secret, and they like to trick South Australians wherever possible.

Having gone through all those proposals, I must commend the City of Onkaparinga for being ahead of the game and putting together these issues with this bill. You have to be ahead of the game

because this government will be sneaky and try to get their legislation or regulations through without stakeholder involvement. They will be as sneaky and as tricky as they possibly can. That is what they do, and that is what they give to South Australians. I believe South Australians deserve a heck of a lot better.

Unfortunately, like many others, in the brief time line that has been given, the City of Marion council did not have enough time but, when I do receive their thoughts and concerns, I will forward them on to the minister. Sadly, as this government has proven, whilst we will put issues forward, we will want to discuss things and we will want to debate things with them, it is very unlikely that they will listen.

Mr WILLIAMS (MacKillop) (23:36): A new planning act—how amazing! I was a councillor on the then Beachport district council at the time we developed the first plan for the Beachport district, and I remember at the time having some concerns about what might be the outcome of having a district plan. Would it restrict what people could do in the future?

To my mind, planning is about achieving orderly planning, and I think everybody agrees with that, but there are some really important aspects to having a plan for a region or an area or even a small parcel of the state's land area. The way we go about planning, the detail we put into a plan and the zoning that we apply to certain parcels of land have a huge impact on the value of that land.

We have seen many instant millionaires created by a simple zoning change. The dollar value that can be created by simple changes—the stroke of a pen on a piece of paper—which have an incredible impact on the way that a piece of land can be utilised means that this is an area of public policy which has become, and is the subject of, inquiries into corruption and has become an area where those who wish to make a quick buck spend a fair bit of time.

It appears to me, with the current minister, that there is a huge conflict in where that power to make those sorts of decisions might lie. The minister seems to have some sort of problem with the local government sector. The minister seems to think that, at the very best, the local government sector is incompetent and, at the worst, maybe it is corrupt from end to end.

I do not accept very much of that at all. I think the people who are involved in local government throughout the state, by and large, are community members who have a passion for their local community and want to see the right thing done within that community. That does not always work out correctly, but having a planning system which dissipates the powers down through the hierarchy, I think, is less subject to corrupt practices than one which concentrates the powers towards the top of the pyramidal structure.

One of the problems that I really have with this particular piece of legislation, and it reflects the modus operandi of this government, is that it seeks to centralise power. It seeks to bring many powers to the hand of the minister.

Mr Goldsworthy: Socialism.

Mr WILLIAMS: My colleague the member for Kavel uttered the word 'socialism' and, yes, it is socialism at its worst. It is concentrating the power into the hands of the very few and isolating the many. There are a number of things about this that I have grave fears about. One is, as I have intimated, that it opens up much more readily the spectre of corruption within planning decision-making because only a small handful of people are involved in the decision-making.

This government does not have a good track record. If we hark back to a few years ago, to what happened in the Mount Barker area, there was a travesty delivered to the people of the Mount Barker district by this government because the minister was wont to get certain outcomes irrespective of what the local community wanted.

The current minister says, 'I don't want to see that sort of thing happen again. I want to make sure it doesn't happen.' I would suggest by further concentrating power and giving himself or any future minister even more powers than previous ministers had is not going to help and is not going to mitigate against that circumstance happening again.

We have been debating for some time now a series of events that have happened with regard to the land at Gillman. This is a classic example of where planning can have a huge influence on the

value of a piece of land. Here is a piece of land that has no intrinsic value but it seems to me that it has a significant value because it is very close to the metropolitan area. It has a significant value because it can be used as a dumping ground. It being used as a dumping ground for unwanted fill taken from other sites which are being developed reduces the cost of getting rid of that material. All of a sudden, by dumping fill on the land, a developer converts what was a low-value, and to date a useless piece of land as far as development goes and can realise a huge potential value for that piece of land.

The point I want to make with regard to this is the secrecy that surrounds that particular deal. There are a huge number of questions about the relationship between the government and the so-called prospective purchasers of that piece of land and the deal that has been signed up. The way our planning system operates today has allowed that to happen and I suspect, unfortunately, that the proposals before the parliament currently will exacerbate that problem because there will be even less scrutiny by local communities with regard to decisions as to how parcels of land may be treated and may be zoned in the future.

Any person could stand up and say that we need orderly planning, and they will not get a lot of pushback—that is something everybody would agree with: we need orderly planning. However, when you use that as an excuse to consolidate power so that we have one person sitting at the top of the pyramid who has the ultimate power—because that will give us the ultimate amount of order throughout the system—I think the question we should all be asking is: will that deliver that outcome or will it deliver the opposite? I would suggest it may well deliver the opposite.

There are a number of specific things I want to raise here tonight with regard to this. I have just heard a number of my colleagues talking about this, and they reminded us of the fact that we are just talking here about the act and that there will be plethora of regulations that will sit underneath this act, none of which has been put on the table.

Over many years, under the existing planning act, regulations have been created, amended, changed and developed, so I do not think that anybody can really stand up in front us and say, 'We're not quite sure what the regulations are going to look like as yet, so we can't table them.' The reality is that the minister and his advisers and his staff and the people who have developed this act would have a very clear understanding of what those regulations are going to look like.

I have made this comment many times before in this place: I think that as a parliament we sell ourselves very much short by not insisting that the regulations that sit under the act are not brought to the parliament at the same time as the act is being debated, because we are being asked to give head powers not knowing how those head powers are going to be used into the future. I have been here long enough to experience what I can only describe as abuse of not dissimilar head powers through the regulation-making process.

A classic example comes to mind which is quite recent: the changes to our road rules to allow a completely new set of regulations with regard to bicycle riders. I would have thought that it would have been eminently sensible for the parliament to have debated those changes so that every member of this place, who wears responsibility back to his and her electorate, could have brought their perspective to the discussion on how we should change those laws.

But the reality is that the Minister for Transport and his cabinet colleagues, by the stroke of a pen, have changed the law in South Australia and made it quite difficult for the community to have any real input into that. On the one hand, we have the parliament here as the principal law-making body of the state, and then we have this regulation-making power which is given to ministers, and which I would say, in my experience, has been abused by ministers on a regular basis under this government. There used to be a time when the regulation never came into effect until after the expiry of the 14 sitting day period, where a disallowance motion may be moved, unless the minister sought dispensation by claiming that the regulation needed to be brought in immediately.

When I came into this place, it was very rare for a regulation to have a request that it be brought into being or be promulgated forthwith. My understanding is that that happens all the time, not just regularly but all the time: virtually every regulation is promulgated forthwith. That, to my mind, is an abuse of the power by ministers of this government and it is an affront to this parliament. As I have said, I have argued this ever since I have been in this place: regulations, to my mind, should

be brought to the parliament at the time that the bill is being debated so that we know what we are debating. That is one of the problems I have with this bill and obviously many others.

The urban growth boundary is a little bit of a hobbyhorse of mine. Why would we even contemplate an urban growth boundary? The reason we need to—and this government has decided that it needs to—have an urban boundary is a failure of government policy. It is an absolute and abject failure of government policy. If we had decent policy to govern for the whole of South Australia and disseminate the largesse of state across the state, we would not need an urban growth boundary.

Unfortunately, in South Australia the Labor Party controls most of the electorates in metropolitan Adelaide and nothing outside, apart from the city of Whyalla and the surrounding area. It has no interest in the rest of the state. Notwithstanding what the Treasurer said in question time today, this government has no interest outside metropolitan Adelaide. That is the only reason we would even consider an urban growth boundary. If we had policies which disseminated the largesse of government across the state and developed our regional towns and cities, we would not need a requirement for an urban growth boundary.

If you look at any of the other states in Australia, you have some very large and significant cities—even Western Australia, outside metropolitan Perth Mandurah is to the south, Geraldton to the north and Kalgoorlie to the east. These are major cities. Look around South Australia and what do you have? Mount Gambier, the second biggest population centre in the state, has 23,000 or 23,500 people. It is a joke that we have to put an urban growth boundary around the City of Adelaide to control development when we have all these viable centres out in the rural areas which, by and large, have declining populations, or certainly populations that are growing very slowly because of a lack of support from the government. I think the government has got that absolutely wrong.

Infrastructure delivery schemes—give me a break. We have a system that works well now, but the minister would have us believe that he can deliver cheaper land to new home owners. It is a nonsense. All he will do is deliver greater profits to developers. I have talked about the power of the zoning decision to create instant millionaires. This particular part of the policy will do nothing other than create more wealth for developers.

I suggest to members on the other side who do not understand the fundamental principles of economics that they look at the elasticity of demand and supply. The relative elasticity of demand and supply is very important every time we make one of these decisions. This government has totally ignored it. For the minister to contemplate that he can deliver cheaper land to first home buyers is a nonsense because the controlling influence is held by the developers and they will screw the first home buyers just as they have in the past. It is not always their fault.

A lot of the fault rests at the feet of the government of the day that keeps putting more burdensome regulations on the development of land and the opening up of new parcels of land for housing development. The minister might look at his own record and the record of his forebears to overcome that problem. I just noticed the clock and it was a bit frightening. I am amazed at the way time expires in this place.

The DEPUTY SPEAKER: You are?

Mr WILLIAMS: I am, indeed. One of the issues I want to bring to the attention of the house is the biggest issue in my electorate with regard to planning—that is, fire regulations. I had a phone call from a constituent a fortnight ago who wanted to build some sheds on his farm. Let's understand where this farm is. It is in the Keith area, in the north of my electorate, where there is a lot of irrigated lucerne and irrigation pumps all over the place with great water supplies.

If he wants to build a major shed, a significant shed, to store produce from his farm, he has to put in water storage tanks for firefighting purposes. This constituent told me that he had ordered three sheds at around about $90,000 each to buy and about $25,000 to $30,000 each to construct. So we have a $120,000 or $130,000 piece of infrastructure times three. Then he was told by the local council that by the time he put in the appropriate water supply—tanks, guttering, pipes, fire hydrants—it was another $40,000 a shed. He cancelled two of the sheds and told me that he would have cancelled the third one but it had already been delivered to his farm.

The Hon. T.R. Kenyon interjecting:

Mr WILLIAMS: That has nothing to do with the local community having a say, I say to the member for Newland. All that does is demonstrate how remote the member for Newland is from the real world.

The DEPUTY SPEAKER: Do not respond to him. Ignore him.

Mr WILLIAMS: Thank you, Deputy Speaker. This is an issue that has been going on and on and on in my electorate, and I can cite many similar cases with significant developments that have been stopped, or of people running small businesses, and in some cases sporting clubs, being almost driven to the wall, financially speaking, because of the fire regulations, which are nonsense. If I had a shed full of hay out in the middle of my farm and it caught fire, it would not matter how much water I had sitting in a tank next to the shed, the shed and the hay would be gone before the local fire truck got anywhere near it. It is a nonsense, yet we have these sorts of regulations. In my electorate—and from talking to my colleagues it is common throughout rural South Australia—this is a big issue.

Ms BEDFORD: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Matter of Privilege

DEPUTY PREMIER

The SPEAKER (22:58): I respond to the matter of privilege raised by the deputy leader immediately the house began sitting this morning. The deputy leader alleges that the Deputy Premier misled the house on 13 October when he told the house this, in response to a question about the Gillman option deed:

> Now, what ACP ultimately choose to do with that land, at the time of the settlement, is a matter between them and the people who they are negotiating commercially with.

Later, the Deputy Premier tells the house:

> Whilst there was an expectation by ACP that there would be an opportunity for the creation of an oil and gas hub, it has been said many times here by me and the former minister that, obviously that is a commercial matter over which the government does not have any control.

The deputy leader then contrasts this statement with one attributed in a story by Sarah Martin of *The Australian* on 25 February 2014 to the Treasurer when he was the Minister for Housing and Urban Development:

> The agreement with ACP includes a series of performance targets focused on employment and economic development, with a target specifically requiring part of the land to be developed into a resources hub to support the State's fast expanding oil and gas industry.

The deputy leader says the two statements are inconsistent and calls for accelerated debate on a motion to appoint a privileges committee to investigate the truth of the Deputy Premier's statement. I think we owe the current popularity with members of raising a matter of privilege to the point raised against the then deputy premier, Graham Ingerson, which led to the Speaker's giving precedence to a motion for a privileges committee and to a finding that brought about the deputy premier's resignation from the ministry. Before that, the principal modern case of it was John Profumo's 1963 statement to the House of Commons.

The Hon. J.R. Rau: They would say that.

The SPEAKER: 'They would say that,' as the Deputy Premier says. In my last ruling on a matter of privilege, raised by the member for Morphett, I relied on David McGee's *Parliamentary Practice in New Zealand*, which deals with these points more plainly and at greater length than Australia's handbook, *House of Representatives Practice*. On that occasion I quoted McGee but I shall now do so more extensively so that the house gets the gist of what might lead a Speaker to give precedence to a motion for breach of privilege. On page 653 McGee writes:

> Whether this type of contempt embodies a convention or not, regarding lying to the House as a serious transgression of parliamentary etiquette (quite apart from any moral considerations) has been said to be the only way Parliament can keep a check on the Executive.

I now mention, for the benefit of the member for Mackillop, McGee's next sentence:

> The contempt can be committed by anyone taking part in parliamentary proceedings. It consists of the conveying of information to the House or a committee that is inaccurate in a material particular and which the person conveying the information knew at the time was inaccurate or at least ought to have known was inaccurate.

So, the contempt can be committed by an opposition member, or a backbencher, or a non-member before a committee. The scenes at some of our own upper house's select committees, resembling Hogarth's paintings of eighteenth century London, spring to mind. I do not agree with the member for Mackillop that raising matters of privilege on the grounds that a member has misled the house should be confined to alleged transgressions by ministers, although I accept his point that it will mostly be about ministers. I continue quoting McGee, starting on page 653 and continuing onto page 654:

> There are three elements to be established when it is alleged that a member is in contempt by reason of a statement that the member has made: the statement must, in fact, have been misleading; it must be established that the member making the statement knew at the time that the statement was made that it was incorrect; and, in making it, the member must have intended to mislead the House. The standard of proof demanded is the civil standard of proof on the balance of probabilities but, given the serious nature of the allegations, proof of a very high order. Recklessness in the use of words in debate, though reprehensible in itself, falls short of the standard required to hold a member responsible for deliberately misleading the House.

Later on the same page, McGee writes, and this was applied in the Profumo and Ingerson cases:

> But where the member can be assumed to have personal knowledge of the stated facts and made the statement in a situation of some formality (for example, by way of personal explanation), a presumption of intention to mislead the House will more readily arise.

On page 664 of the third edition, McGee writes:

> A factor that the Speaker is enjoined to consider in ruling on matters of privilege is the degree of seriousness of the matter that has been raised. The Standing orders require that the Speaker should take account of the importance of the matter and not find that a question of privilege is involved if it is technical or trivial and does not warrant further attention. Only if the conduct complained of can genuinely be regarded as tending to impede or obstruct the House in the discharge of its duties or is otherwise of some moment should the House bother to deal with it as a question of privilege.

Inconsistency between what one minister said outside the house 18 months ago and what a second minister said inside the house this month does not raise the prima facie inference that the second minister is in contempt of the house for misleading it. Much more must be established by the person raising the matter of privilege than that. Scenarios consistent with innocence include that the first minister is wrong, not the second, or that the two statements can be reconciled. In the same media report the deputy leader supplied me, a spokesman for ACP is quoted as saying:

> It is absolutely the intention to focus on the resource industry as a major user of the site, but there is no legally binding requirement.

So, it seems to me, if there were an inconsistency, it was apparent in a publication outside parliament 18 months ago and so I doubt very much that the house has been misled by what the Deputy Premier told it on 13 October 2015, much less that this alleged inconsistency has obstructed the house in its deliberations such as to be a contempt.

Accordingly, I do not give the matter precedence. Any inconsistency, if inconsistency there be, should be pursued by the deputy leader by conventional means. If the deputy leader wishes to pursue the matter as a matter of privilege, she can now give notice of motion for a privileges committee and set it down for private member's time on Thursday.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Second Reading

Debate resumed.

Mr PISONI (Unley) (23:08): I too rise to speak on the Planning, Development and Infrastructure Bill and, in doing so, I want to refer to an example that happened in my own electorate earlier this year where the local council was locked out of a major decision at the pointy end of the decision-making process. It refers to the Deputy Premier's repeated statements about community

involvement in regard to this process. He says that community involvement should be weighted to the front end of the planning involvement in the development planning creation.

Of course, there are no real details on how to achieve this, but if we look at the history of what happened in Unley with regard to planning development we know that the government has had an agenda for quite some time to increase density within the inner ring in Adelaide. We know that for quite some time, certainly within the City of Unley, there has been a lot of concern about destruction of heritage and the replacement of those beautiful stone buildings with what many people describe, sell and market as Tuscan villas. Those who have been to Tuscany would know that in Tuscany you will not see a single building that looks like those Tuscan villas.

It is extraordinary, when I go back to 2005, when I was a mere candidate for the seat of Unley, the biggest issue, regardless of somebody's intention, what their historical voting intentions were or what their new voting intentions were, was that they were very concerned about the destruction of heritage in the City of Unley. They were not concerned about development, but they were concerned about the character, streetscape and the heritage of the city.

It is fair to say that the city took a very responsible attitude in its development plan. It worked with the government at that front end, as described by the Deputy Premier, of the process and established areas that could have urban consolidation within the City of Unley. Those areas were areas that were not seen as having significant heritage value, areas that had already perhaps been changed significantly through the ugly 1960s and 1970s period, where there were a lot of flats, for example, put up across the city. There were the cream brick flats, the two and three storey flats, some with beautiful faux columns as well—there is a set like that just off King William Road.

So the council used the fact that there was also some commercial land that was no longer being used for that purpose and would make a perfect opportunity for higher density housing, and that was just off Charles Street. There were some factories in through there. When I had my business on Unley Road I think that at one stage we looked at moving our factory into that area—a massive area of buildings that historically had been factories for about 100 years. They are all gone now of course, and in there we have two, three and in some cases four-storey apartment living. Other areas have been designated where there can be development.

Part of the trade-off for that was that the government or the council agreed to allow up to five storeys in some areas on main streets, Unley Road in particular. In so doing they were able to secure some heritage and character areas in other parts of the city. If you look at a map of the City of Unley, it is quite detailed as to where block sizes can be reduced, where they cannot be, and what minimum block sizes are (some are larger in some areas and smaller in other areas). It was a well thought-out plan, and it goes back to the point the Deputy Premier made in his motivation for removing community consultation and reducing the availability of the community to even know that something was happening at the end point of a development, where the development was going to the DAC, for example. All the work was done up-front in Unley. The council consulted very well with the community. It brought many of the community members with them—of course we all know in politics that you cannot bring everybody with you—and the five-storey limit was agreed to, and became part of the Unley Development Plan.

I want to come forward to about January/February this year when a proposal was put to the DAC for a 7½-storey building, which of course was 50 per cent higher than the community-consulted five-storey development. I have to say that nobody who raised concerns about this with me was concerned about the fact that there was going to be a large development at 244 Unley Road, but they were very concerned about the fact that, at the very first opportunity the government had to use the new planning rules it had brought in within the City of Unley, the development plan that was negotiated and signed off by the planning minister was breached by 50 per cent. The report that was published by the DAC states:

> It is considered that whilst there are a number of departures from the provisions of the development plan, particularly in respect to building height, setback and car parking…

In other words, every major consideration and every major contentious issue that was dealt with through the broad development plan within the City of Unley—every single one of those—was breached. That did not matter really because the proposal goes on to say that:

The proposal recognises the ambitions of the desired future character—

not existing character, future character—

and broad strategic objectives of the urban corridor zone.

So all of those people who were involved in the Unley Development Plan, all the residents who came to those meetings, everybody who thought that the government was acting in good faith by putting the work in at the beginning, as the Deputy Premier would say, 'waiting to front-end the consultation process', of course were shocked to see that the very first proposal that was going to be decided by the DAC was, in fact, 50 per cent higher.

But, the consolation for those residents was in fact that the original proposal was nine storeys and so the developer had made a compromise down to just 7½ storeys. It is an old trade union ploy, isn't it? It is called an ambit claim, I think. That was seen as being a good attitude of the developer, and of course people are concerned that this would set a precedent for the next block—which fortunately I suppose at the moment has about six different owners. But if that was sold to a single developer, that may very well become a situation where that developer points to the building that was approved at 50 per cent higher than the Unley Development Plan and says, 'Well, look, this is 7½ storeys and we only want nine or 8½ storeys, we are only going a little bit bigger.'

The issue is that there is already a significant problem with local traffic management in Unley. Unley is a major thoroughfare. It was identified back in 2000 that Unley Road needed a major upgrade and extensive consultation and design work was done to upgrade Unley Road. I was on the Unley Road traders committee at that time, and it was one of those rare occasions where everybody—all the stakeholders, the businesses, the residents, the bike users group, the council, the department—agreed with the proposal. It just happened to be one of the cheapest solutions to ease peak hour traffic but still retain shopping time parking and still retain a village atmosphere that people enjoy so much on Unley Road, King William Road, Goodwood Road and other major arterial roads within my electorate.

The point there was that the work was not done on Unley Road—the government changed—despite the fact that a costing document had been prepared and was making its way to cabinet before the change of government. That was then thrown out by the then transport minister, Trish White, who refused to take that to cabinet. The funding was used for some other purpose and that work was never done.

A lot of people tend to avoid Unley Road, because it can become a bit of a car park at peak hour, and they use the side streets to go through. They might start at Cross Road, go down Goodwood Road, head down Park Street, or one of the other streets running parallel to Park Street, turn down Weller Street over into Arthur Street or Mary Street and out onto Unley Road, and they have avoided probably two kilometres of car park on Unley Road. This happens every morning.

The problem that we have with the situation with this development is that because the council was locked out of this process altogether there was no opportunity to look at a local management plan for the extra traffic, the extra parking, the visitor parking, that this development would generate, either during the process of building or, alternatively, afterwards when the development was finished. This was 140 apartments.

The plan was approved with more than 100 carparks short of the council's requirement. We do need to remember that parking is a very big issue in all of the inner suburbs and in Unley in particular, because we do have traditional strip shopping, and not a lot of that strip shopping has customer car parking, so street parking is required for those businesses to survive. We also have, in many instances, smaller blocks that might only have room for the one car. Some of them do not have driveways at all, and some of them have shared driveways between two homes, and, of course, modern homes, particularly if you have young adults still with you at home, could have two or three cars. Those cars end up in the streets.

We also have the situation where people will park in the streets in Unley; they might come in from the outer suburbs and then they will either walk in to the city—get some exercise, enjoy the scenery—or decide to jump onto public transport. Those cars are parked there all day. Those carparks are competing with those living in the streets who might have visitors or services coming to

their homes. Those carparks are competing with those who are working in the businesses in Unley and those who are shopping in businesses in Unley. You can see that it is a compounding problem.

For the situation with the development of 244 Unley Road, there was no opportunity for that to even be partially addressed in the immediate area through maybe looking at what changes could be made to the width of Park Street, for example, immediately north of the development, which is a very narrow street.

As a matter of fact, there is commentary in the submission that points out the difficulty in doing right-hand turns and the fact that the road is not wide enough for a right-hand turn and a left-hand turn to be conducted at the same time by two different vehicles and that the right-hand turn would in fact hold up a lot of people who want to turn left, because Unley Road is a very busy road and getting a clear spot between cars coming in two different directions can take quite some time. The suggestion was that that problem will fix itself because people will simply use the side streets and go somewhere else to enter Unley Road if they are heading south.

That is a very simplistic view of how to deal with that rather than looking at, perhaps, compelling the developer and saying, 'This is a big development. We are giving you 50 per cent more building than you expected when you bought the property or speculated on this property. We want to pinch a couple of metres and widen that road.' That would have been a good outcome and eased some of the distress for people living in Hart Avenue, but that was not the case: it did not happen.

There also happens to be a small, one-third length slip lane in front of that site. I would have thought it would have made a lot of sense for that slip lane to have been lengthened so it went from Opey Avenue all the way to Hart Avenue, and that would have given the bus which stops in that slip lane at the moment the opportunity to pull in, away from peak hour traffic, or traffic at any time. One of the reasons this was given the go-ahead was that it is in a transport hub and that meant there was a bus stop out the front. For that bus stop to have been more efficient and have less impact on traffic flow when it pulled over to pick up customers and pull out again, it would have made a lot of sense for that slip lane to have been lengthened. But that was not the case.

I think I have given some idea of the difficulties we have when decisions like this are made under this formula of the Deputy Premier's, where 'Everything is going to be fine. Don't worry about the regulations. We will deal with those afterwards.' I like the chicken and egg scenario here, that is, that the draft of the charter for community participation is not available. It is not available because the minister says that the creation of this particular charter is an action of the commission that needs to be established by this bill. It is an extraordinary situation. We cannot have this information because the body that is to develop this information needs this bill in order to establish itself to develop this information. It certainly does sound like the member for Enfield in its logic.

The other thing that is very concerning for my constituents is the fact that 46 regulations are to be created yet we have not seen them and do not know what they are. We know the difficulties that non-government members have in making changes to regulations. It is either all in or all out. It is a very difficult situation. We would rather see those regulations prior to the passing of this bill. It would certainly give us more confidence to talk to people in our electorates about what the government is proposing.

In this age of so-called bipartisanship that we keep hearing about from the Premier, he says he wants to work together to build South Australia and grow jobs. It is not exactly working, I have to say, with South Australia having the highest unemployment in the nation, by a long shot. I would have thought giving every member of parliament access to these regulations would be a constructive and positive way of dealing with this bill; but, for some reason, the minister has decided not to do that, and I think it makes this process far more complicated.

Mr WHETSTONE (Chaffey) (23:29): I rise to make a very brief contribution to the Planning, Development and Infrastructure Bill and note that the shadow minister has outlined planned amendments to the bill as it stands. We support certain elements of the bill, but there are a number of areas of concern.

Obviously, planning is an area that has many grey elements. There is always an area of interpretation. There are always areas of, I guess, presumption when it comes to planning,

particularly in the electorate of Chaffey, where I have six council areas. There are always people, particularly in the Riverland, who have buildings or businesses in one council area and different businesses and properties in other council areas, and they always seem to run into different areas.

I must congratulate my councils in the Riverland because they are now working more closely together, particularly with planning, which I think has been quite a burden to any business person or anyone who is developing country. Obviously, we have large sparse areas where there is the opportunity to build homes and develop properties, but one of the biggest issues has been the flood plain.

Over many years, there has obviously been an interpretation of where people can and cannot build, but the 1956 flood level has particularly been a benchmark in the Riverland of where you can and cannot build and what you can and cannot do with regard to adding, extending or putting new additions onto your business. It has really been a mixed bag of whether you can or cannot, particularly within those town areas.

I note the minister has described this bill as a 'once in a generation overhaul of the South Australian planning system'. I believe that only time will tell. I see that there are 12 pages of more than 74 amendments by the minister (the Deputy Premier), and I think he is being quite lighthearted about how he is going to bring them in. He is being quite jovial about the members on this side of the house making their contributions, but we are making our contributions because we have had significant feedback from constituents, from councils and from people who are developing and who have encountered significant grey areas with planning within their areas.

Planning is such a diverse, complicated issue that really generates debate and always generates concern because any planning issues that come and go, backwards and forwards, with people complying cost a lot of money, particularly when we talk about our young wanting to build a home. There are elements and different phases of owning or being able to build your own home or develop a business, and it does not just have to be a house—it can be sheds, it can be buildings or it can be developing country into horticulture. There always seems to be that burden of planning that adds a large cost to progressing what you are trying to achieve.

South Australia's Expert Panel on Planning Reform handed down a report last year in which it stated:

> Our planning system should provide communities with a clear understanding of the policies that will guide development, while ensuring that unnecessary costs and delays for applicants and assessing authorities are minimised. It is critical to the competitiveness of the state…

I think that really underlines one of the issues here in South Australia: we continually have this red tape barrier. We have these issues of compliance and regulation that make us uncompetitive. I think the planning department and the planning issues are no exception. I know myself that developing country—building homes, building sheds and building processing plants—has always been fraught with danger. In many cases, people have said that it is too hard and walked away. I am hoping that this bill will ease the burden on anyone developing, building, or planning any change over the next 20 years and that this will help them better understand it and make it much easier and much more cost-effective to embark upon.

Too often the system focuses on energy and the efforts of micro-level issues. We have had the same debates over and over again on detailed issues of individual developments. As I have said, they devote precious little energy to fundamental policies and strategies that are the cornerstone of the system. We cannot continue with a system that is increasingly unaffordable, unsustainable and unconnected to our future needs.

The last significant review in South Australia's planning system was conducted, as I said, some 20 years ago. I agree that our planning processes need to be addressed: 20 years seems like an eternity when you are dealing with planning issues. Without serious reform we will continue to go down that path which is just a slippery slope into a dark hole not knowing where you are going to come out.

There are areas of the bill that need to be carefully approached and addressed, ensuring that by putting in a growth boundary concerns that it would increase house prices and impact negatively on the economy do not come to fruition. I support a simpler planning system that

encourages economic growth and we need to provide more support for our young people to enter the housing market. As it stands, even in regional South Australia, many of them simply cannot afford the up-front costs.

I think I have already stated that the up-front costs, the deterrent with planning, particularly for people entering the housing market and dealing with planning departments, really does prove to be a disincentive. I know that many young ones have just walked away and said, 'This is all too hard,' and have shelved something that would contribute to the local economy, and they will just go out and purchase an established house. That is something that could be avoided with much simpler planning regulations.

I have received a number of submissions and correspondence about this bill and I would like to put on the record some of the responses to the bill from a joint submission by three Riverland councils. I would like to congratulate them because they are now working as a team. For many years I worked in all councils on different projects—buildings, development—and at one time I was always dealing with different interpretations and different planning people. It was something that would always threaten to tear my hair out. I do not have all my hair and I think that is partly due to dealing with planning issues, particularly with the different interpretations across my three councils. The letter states:

> The Riverland Councils acknowledge and applaud the Governments efforts in endeavouring to create a simplified and modern planning system through the introduction of the Bill.
>
> In particular, the Riverland Councils are pleased to note a number of new regional reforms that appear to be intended to assist regional councils to better coordinate planning policy, planning assessment and infrastructure delivery functions, and which have the potential to allow the Riverland Councils to continue their regionalisation efforts in line with the outcomes of the Riverland Futures Project.
>
> The Riverland Councils are supportive of any planning reform initiative that has the potential to remove the 'red tape' and ease the administrative burden (both on the public and on the relevant authorities), associated with development assessment, and are strong advocates for positive customer experiences within the development assessment process, and encourage any changes which will improve that experience.

The submission from the three Riverland councils is quite extensive, and I will touch on a few of their concerns and issues in relation to this bill. They addressed the joint planning boards. Obviously, the councils have had for a number of years a regional approach to planning. The councils share a regional development assessment panel, which I think is great progress, with the three councils working together, and they have ensured that their development plans are closely aligned and harmonised across the Riverland region.

The current regional development assessment framework requires ongoing cooperation and consultation between the three Riverland councils, and they are pleased that elements of this successful regional system are reflected in the proposed reforms. The councils are now keen to work with the minister and the Department of Planning, Transport and Infrastructure to ensure that the bill will allow regionalisation efforts to continue. The councils are concerned that parties to a planning agreement may be held liable for the debts and legal liabilities of the joint planning boards in circumstances where the boards are actively negligent or in breach of the law.

Touching on the community engagement charter, the councils wish to be consulted on the development of the charter to ensure that it is relevant to their communities. With respect to e-planning, the Riverland councils welcomed the proposed framework for the SA planning portal, set out in clauses 46 to 54 of the bill. If the portal is developed consistent with the bill's framework, it will provide a sophisticated lodgement and information system, and it will increase openness and transparency, and I think that is what it is all about. It is all about transparency in the planning system that this bill will bring.

With respect to the planning policy documents and the planning design code, I know that there were a lot of concerns from the councils. They are supportive of the intent to create an integrated network of planning policy documents, together with a streamlined planning and design code. However, on the basis that there are over 23,000 pages of planning objectives and principles currently contained in the development plans, the Riverland councils are concerned about the time frame for the development of the code, and it is important that councils be consulted throughout the process. They go on to say that they have quite a few concerns. I am sure that, with the member for

Goyder's amendments—and I am sure that there will be amendments to amendments—there are many changes that will come to this bill as time goes on.

With respect to restricted and impact assessed pathways, obviously the councils understand the effect of the clauses. The councils will no longer be involved in the receipt, assessment or processing of applications for restricted development. The bill provides for receipt and assessment of these applications by the State Planning Commission, so it will be very interesting to see how that rolls out.

With respect to infrastructure funding, the councils are generally supportive of the offsetting scheme proposed in the clauses of the bill, although they do note that such a scheme may have limited operation outside greater metropolitan Adelaide. However, the councils are reluctant to accept the infrastructure delivery schemes proposed in that part of the bill. There are many concerns that the councils have put forward, and if I had another 20 minutes I would perhaps proceed with them. I have a couple to refer to finally. In relation to the Car Parking Fund, the councils:

> …note that provisions for a Car Parking Fund, which currently exist under the Development Act 1993, have been removed from the Bill. The Riverland Councils find the Car Parking Fund to be a useful tool in development assessment, which allowed them the flexibility to require payment into the fund in lieu of providing carparks within a proposed development.

In relation to entry onto land, the councils:

> …are very concerned with what is proposed by way of clauses…of the Bill. It is our experience that most development applications in the region require retaining walls, fences or other structures, which cannot be constructed without entry onto neighbouring land.

The concerns go on. Development on Council Land—there are concerns with enforcement and compliance. The Riverland Councils note that there are new enforcement and compliance tools for the adverse publicity orders. The clauses go on:

> However, the councils are concerned these enforcement and compliance mechanisms are only effectively made available to the SPC and not councils.

Adverse publicity orders can only be enforced, and obviously civil penalties can only be negotiated or obtained in the ERD Court. So there are a number of concerns. I applaud the councils for working together to bring all of these concerns to this bill, but I must say, in closing, that the councils note:

> …that there is no formal consultation process for submissions and comments on the Bill. Given that the Bill is extensive in detail, and that consultation to date has been premised upon broader concepts, the Riverland Councils would also appreciate clarification on the Government's intentions concerning the progress of the Bill, and the proposed consultation.

I am sure that a lot of their concerns will be addressed as we go into committee. There have been many submissions put to me privately and through councils. Today my contribution has been about dealing with the majority of the three Riverland councils concerns but, as we go into committee, I am sure there will be many questions to be answered.

Mr KNOLL (Schubert) (23:47): I note that we have tried to move towards more family friendly hours—but Ruby goes to bed at about 8.30pm so anything after that is free time.

The DEPUTY SPEAKER: Not family friendly? Could you speak to your colleagues?

Mr KNOLL: No, not family friendly. Could I say that the venerable Sam Newman put out an album entitled *I Do My Best Work After Midnight.* Unfortunately, Sam and I do not have that in common, so I am lucky that I will be able to speak before midnight in order to do my best work.

Can I say to the assembled members here—not that we reflect on their status in the house—that this is democracy. I have had a number of people, including members of the media and the government, put to me tonight that we do not necessarily need to talk this bill out, and that is not genuinely what we are seeking to do here, but each one of us—the former treasurer can laugh—

The DEPUTY SPEAKER: No, you must ignore him.

Mr KNOLL: Each one of us has been lobbied heavily on this bill.

The Hon. J.J. Snelling: Well, tell us your position.

The DEPUTY SPEAKER: Order!

Mr KNOLL: It is also quite interesting that for a bill—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr KNOLL: —that was supposed to be tabled in parliament before the mid-winter break, allowing us a good five or six weeks of consultation before parliament resumed, that is not something we were able to see. For a piece of legislation that asks us to vote on an urban growth boundary that we are not allowed to see, but we are not allowed to stand up in here and raise questions or have a slightly equivocal position, I think is absolutely disgusting.

For us to vote on getting rid of community consultation at the back end of planning regulation and asking us to talk about a charter of community participation when it has not even been written and there is no draft or informal understanding of what this thing is going to be is disgusting.

For us to try to vote on a bill when there are 46 separate areas of regulation that will be promulgated some time between three to five years into the future, and for the government to stand here and ask us to vote in blind faith and not allow us the opportunity to put our concerns on the record, or at least have a position that allows us the room to be able to properly represent the various stakeholders in this area, is absolutely disgusting.

It shows a hubristic, arrogant government that does not respect the views of the community and does not respect the views of this parliament. That is why we stand here until this late hour on a night like this, because we on this side of the house will do what we can—whether it be on this issue or whether it be an issue like cycling—to properly represent the views of people. If it does mean that we take a bit more time, then so be it. It is not as if we have been sitting late all these 47 sitting days this year, it is not as if we have been jam-packed full with an agenda from a government that is pushing forward and jumping ahead with a legislative agenda that requires us to burst at the seams. It is nothing of the sort. I think this is the second or third time this year that we have sat late, so I find it a little bit rich, coming from members of the government, that we are not allowed or that we are pressured into not having this opportunity to have our say put forward.

The Attorney-General is a man who puts a lot of bills before this place. It seems that he is the only one in the government who actually appears to do anything, from time to time, but I have been told off before about praising him too much so I will not do that either. You learn to understand the style of various ministers from the bills they bring before parliament, and this bill is very typical of the Attorney-General. It is heavy-handed, it is centralist, it is dismissive of consultation and local input and, for the reasons I have just outlined, this bill very much has the fingerprints of the Deputy Premier all over it. Again, we are being asked to consider something on which we have very little detail.

I understand that the legislation is designed to be done at a high level but surely, when you are asking the entire development community, the entire state, to take a leap of faith, every little piece of information that you can put on the table will help to bring more people along with you. Again, I come back to the fact that we have a government here that does not generally believe in consultation but instead seeks to ram something through that may or may not be good for people at some indeterminate time in the future, that we are all supposed to just get along and get on board with. Unfortunately that is not the way the opposition works, and we will be here to represent the views of our communities.

Tonight, simultaneously with our meeting, our sitting of parliament, the Town of Gawler council has been sitting, and I would like to note some of the recommendations that their planning team has put to the council about some of their concerns with this bill. These are draft recommendations and they are part of the agenda so, obviously, in coming days we will find out the outcome of the meeting. However, the officers' recommendations are that the following key concerns of the Town of Gawler pertaining to the bill are the basis of a submission given to the state government.

They point out that the removal of elected members from development assessment panels is not justified and not supported, that the community engagement charter be produced now and

presented for council feedback prior to determination of the bill by parliament, that the state government clarify its position as to the likely scope of local variations to planning policy that will be derived from the state's planning policy library, as it is understood that only very limited variations will be allowed, and the need for further details that will quantify what will constitute accepted development and be deemed to satisfy development before acceptance of this approach can be further considered.

I am not responding to interjections, Deputy Speaker, but we had the member for Playford talking about the fact that it would be wonderful to understand the opposition's position. I can tell the house that of the 68 councils around South Australia, each one of them has certainly put a position but is unable to be firm in their position because they do not have the information required.

I find it disgusting that we are supposed to make a decision based on thin air and vapour, the vibe, the Dennis Denuto of planning bills, which has such a fundamental change to the way that we develop and build South Australia that it should take as much time as is necessary. If we take a day or two here to discuss this bill in greater detail, we are talking about things that will affect planning and infrastructure development across this state for decades to come. Surely, given the fact that it is not like the minister gave us enough time, even according to the deadlines he was going to give us in terms of consultation, for us to take that extra day or two is not out of order.

When it comes to local government involvement, when it comes to having local government on development assessment panels, there has certainly been debate. I can understand the desire to have a development assessment panel that is filled with professionals, those who have had experience in the area, those who can assess a planning application on its merits and make a decision, but I come from a regional community that has some fairly specific desires, some fairly specific features, which means that the planning decisions we make in our local community may be different from other areas. So, I am also very cognisant of the fact that we need to retain a level of local understanding and local knowledge on our development assessment panels, or regional boards, or regional development assessment panels, as they form under this bill.

I have sympathy with what I think the government is trying to achieve, not that we have been given any detail on the matter, except to say they want to lock out local councillors, but I understand that we need to have some level of local knowledge. I have a number of contentious development decisions coming up, whether that be the Palmer wind farm or whether it be renewed applications around the Freeling West rezoning.

There is, I suppose, a tussle between the elected members and their desire to represent their local community and what they believe their local community wants and the development planning professionals, who take a very dry look at what is presented before them. I can understand both sides of that argument but I think the government has swung too far the one way. There is also huge concern around cost shifting and the infrastructure levy shifting costs of governments, whether they be local or state, in terms of infrastructure provision onto developers. Again, I could have some sympathy but we have no understanding of how this thing is going to work, and the devil is definitely in the detail.

When it comes to food production areas, this is an area that the Barossa knows about. The Barossa preservation zone is one that seems to be already in place, it is a food production zone that is already in place and one that we are quite proud of. In the end, the act that we came to was a lot more simple than some of the earlier versions, in terms of what it excluded or included. We have a food production zone in the Barossa that protects farming land and allows farming land to continue doing what it does whilst at the same time gives good clarity to where townships will be built and where those townships' boundaries are. With that, I seek leave to continue my remarks.

Leave granted; debate adjourned.

LOCAL GOVERNMENT (ACCOUNTABILITY AND GOVERNANCE) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (TERRORISM) BILL

Final Stages

The Legislative Council agreed to the bill with the amendment indicated by the following schedule, to which amendment the Legislative Council desires the concurrence of the House of Assembly:

No 1. Clause, page 2, after line 8—Before clause 3 insert:

2A—Amendment of section 30—Review of Act

(1) Section 30(1)—after paragraph (b) insert:

(c) the twelfth anniversary of the commencement of this Act; and

(d) the fourteenth anniversary of the commencement of this Act; and

(e) the sixteenth anniversary of the commencement of this Act; and

(f) the eighteenth anniversary of the commencement of this Act.

(2) Section 30—after subsection (1) insert:

(1a) The Minister must, within the 4-month period preceding the expiry of this Act, cause the operation of this Act to be finally reviewed.

At 23:59 the house adjourned until Wednesday 28 October 2015 at 11:00.

Answers to Questions

VETERANS' AFFAIRS

119 Dr McFETRIDGE (Morphett) (12 August 2014). (First Session) In reference to 2014-15 Budget Paper 4, Volume 1, page 107, Program 4: Veterans' Affairs—

Which boards and committees will be abolished under the Veterans' Affairs portfolio and what will be the future of the following councils –

(a) ANZAC Day Commemoration Council;

(b) Veterans' Advisory Council;

(c) Veterans' Health Advisory Council; and the

(d) Veterans' Health Advisory Council?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs): I have been advised:

None of the boards and committees within the Veterans' Affairs portfolio will be abolished.

The Final Report: Boards and Committees recently released by the government detailed that:

- The Veterans' Advisory Council (VAC) will be retained.
- The ANZAC Day Commemoration Council will merge with the VAC and its functions will transition to the VAC after ANZAC Day 2018.
- The Veterans' Health Advisory Council (VHAC), while playing a very important advisory role in matters concerning veterans' health issues, is not within the Veterans' Affairs portfolio and falls within the responsibilities of the Minister for Health. The Boards and Committees Final Report states that the VHAC is subject to further investigation.

VETERANS' AFFAIRS

121 Dr McFETRIDGE (Morphett) (12 August 2014). (First Session) In reference to 2014-15 Budget Paper 4, Volume 1, page 107, Program 4: Veterans' Affairs—

What is the current status of war service sick leave being made available for state public servants and how does it impact on existing leave entitlements?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs): I have been advised:

War service disability leave is available in addition to the normal sick leave entitlement provided by the *Public Sector Act 2009* (the PS Act), the Public Sector Regulations 2010 and Commissioner's Determination 3.1: Employment Conditions – Leave.

The following information is extracted from Commissioner's Determination 3.1: Employment Conditions – Leave:

Eligibility

Special leave with pay for war service disability leave may be granted to employees who served with the Australian Defence Forces and who are absent because of a disability accepted by the Department of Veterans Affairs:

- as a war-caused injury or war-caused disease as defined under the *Veterans' Entitlement Act 1986 (Cth)*; or
- as a service injury or service disease arising from warlike service or non-warlike service as defined under the *Military Rehabilitation and Compensation Act 2004 (Cth) (*the MRCA Act*)*.

For the purposes of this determination, peacetime operations as defined under the MRCA Act are not recognised as warlike or non-warlike service for the purposes of war service disability leave.

VETERANS' AFFAIRS

122 Dr McFETRIDGE (Morphett) (12 August 2014). (First Session) In reference to 2014-15 Budget Paper 4, Volume 1, page 107, Program 4: Veterans' Affairs—

Have any negotiations been undertaken with the commonwealth government regarding the recognition of veterans of the British Commonwealth Occupation Forces coming under the Veterans' Entitlements Act 1986 and if so, what is the current status of those negotiations?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs): I have been advised:

On 30 January 2012, the former Minister for Veterans' Affairs, the Hon Jack Snelling MP, wrote to the then Commonwealth Minister for Veterans' Affairs, Warren Snowdon MP on behalf of British Commonwealth Occupation Force (BCOF) veterans at the request of the Veterans' Advisory Council. Unfortunately, the response received from Mr Snowdon advised that reclassification for the service rendered by BCOF veterans would not occur.

I am advised that the BCOF Association is currently pursuing the matter in the High Court of Australia.

VETERANS' AFFAIRS

125 Dr McFETRIDGE (Morphett) (12 August 2014). (First Session) In reference to 2014-15 Budget Paper 4, Volume 1, page 107, Program 4: Veterans' Affairs—

What advocacy has been undertaken to the Federal Government on behalf of those who served in the civilian surgical and medical teams in South Vietnam to seek recognition under the Veteran's Entitlement Act 1986?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs): I have been advised:

There has been significant advocacy on behalf of those who served in the civilian surgical and medical teams in South Vietnam to seek recognition under the Veterans' Entitlement Act 1986. My response is limited to written advocacy by my predecessors to commonwealth government ministers.

On 9 September 2009, my predecessor, the Hon Michael Atkinson MP, wrote to the then commonwealth Minister for Veterans' Affairs, Alan Griffin MP, on behalf of South East Asia Treaty Organisation (SEATO) Australian Civilian Surgical and Medical Teams (Vietnam) at the request of the Veterans' Advisory Council.

On 15 October 2009 the commonwealth Minister for Veterans' Affairs, Alan Griffin MP, responded and stated that: 'Should any change be made to the applicable law regarding benefits for SEATO team members, I will ensure that it is widely publicised.'

On 27 March 2013 my predecessor, the Hon Jack Snelling MP, wrote to the then commonwealth Minister for Defence, Stephen Smith MP, on behalf of SEATO Australian Civilian Surgical and Medical Teams (Vietnam) at the request of the Veterans' Advisory Council.

On 15 April 2013, the Hon Warren Snowdon MP replied to Minister Snelling's correspondence of 27 March, 2013 stating that: '… the Government has no plans to alter the current eligibility requirements for civilians.'

On 12 February 2014 Minister Snelling again wrote to Senator the Hon Michael Ronaldson to provide further advocacy.

On 19 March 2014, Senator Ronaldson replied stating that: '… the Government has no plans to alter the current eligibility requirements in relation to civilian coverage under repatriation legislation.'

BUSINESS AND SKILLED MIGRATION

In reply to **Mr WHETSTONE (Chaffey)** (1 July 2015).

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs):

In relation to this matter I am advised that the assertion in the question that the process costs about $30,000 is wrong. Migration fees and charges are dependent on the specific scenario and the context of the situation.

For example, the current fees for an employer to sponsor, nominate and bring in a temporary worker are $420 for the initial sponsorship, $330 for the nomination and $1,060 for the visa application.

If the worker has dependent family to accompany them, then there will be additional application fees per dependent. For example, for a worker with a spouse and two dependent children over 18, an additional application fee of $3,180 is charged.

If a worker comes through a Regional Sponsored Migration Scheme, there is no cost for nomination. However, a visa application fee of $3,600 is payable.

Again if the worker has dependent family to accompany them there are additional application fees per dependent. For example, a worker with a spouse and two dependent children over 18, an additional application fee of $5,400 is charged.

In addition to application fees, there may be other costs associated with visa applications such as medical and police checks.

If a Migration Agent is engaged to assist with the process further costs in the order of $1,800 to $5,500 per application could be incurred.