HOUSE OF ASSEMBLY

Wednesday, 28 October 2015

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:01 and read prayers.

Parliamentary Committees

PUBLIC WORKS COMMITTEE: PORT AUGUSTA PRISON EXPANSION

Ms DIGANCE (Elder) (11:02): I move:

That the 531st report of the committee, entitled Proposal to Expand the Port Augusta Prison, be noted.

The Port Augusta Prison is situated approximately 10 kilometres south of Port Augusta in a general farming region. It can currently accommodate up to 500 low, medium and high-security prisoners. The current prison complex consists of three high-security cell blocks, two medium-security cell blocks, plus a number of low-security residential units. There are a number of associated facilities providing services to the prisoners such as admissions; a medical clinic; teaching and programs areas; kitchen, laundry and visit areas; as well as associated administrative areas.

The project will build new independent living unit accommodation to accommodate up to 128 prisoners in four two-storey units. It will also incorporate the construction of support and industries buildings, and a reception building. The cost of the project is $57.2 million exclusive of GST. Construction is due to commence at the beginning of 2016 and will take around 12 months to complete. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr VAN HOLST PELLEKAAN (Stuart) (11:03): I rise as the member for Stuart and the local member for Port Augusta to support the government's decision to proceed with this project. It is actually a very important project for many reasons, not the least of which is that our prisons are overflowing at the moment. I remember a couple of years ago in estimates, as the shadow minister for correctional services questioning the then minister and saying, 'The estimates that you are providing to parliament for the growth in prisoner population are way too low.' I was told at the time that I was wrong, and I asked for an additional briefing on that topic and they explained the logic, and I said to them at the time, 'I still think you're wrong.' Based on just purely the statistics, it appears to me that prisoner population growth will probably double what you are talking about at the moment, and that has turned out to be true.

So, point number one is, yes, of course we need this expansion and of course we need more prison beds to keep up with the number of people being put in prison. It is also, from a very local perspective, an important project. Port Augusta has had a prison for a very long time. Totally separate from the purpose of the prison and the work that it does with regard to housing prisoners and hopefully, very importantly, helping prisoners rehabilitate themselves, it is a very important contributor to our local community.

Port Augusta, by and large, is very pleased to have a prison because of the jobs it creates, and Port Augusta will benefit not only from the $57 million of construction, a large amount of which will, I hope, include local businesses, but if it does not include local businesses in the construction phase it will certainly include the fact that people who have come from elsewhere to work on it will support local businesses in other ways.

Given the very difficult situation that we have in Port Augusta at the moment with the power station being about to close, and it is important to always note that Leigh Creek is in a very difficult situation as well and really all of the north of the state between those two communities is in a difficult situation, the prison at Port Augusta has typically been the second-largest employer. For the last decade or so, the power station employed the most people, the prison the second most people and the railway yards the third most people. The railway yards have contracted significantly; the power station is about to close, and 185 direct employees plus many more indirect employees will lose their

jobs, leaving the prison as by far the single highest employer in the region. So, at that level, I am very pleased that there are going to be a significant number of new, long-term jobs created.

I am sure we will find that a lot of current power station workers, if they are entitled to and if they choose to accept the government's return to Public Service option, will end up working at the prison, because that is a very logical place that the government will have to offer new jobs. This is an exceptionally important project, not only from the ongoing growth that is necessary within the Correctional Services area, but to Port Augusta specifically this is very important. The extra jobs will be incredibly welcome and the money spent on construction will be incredibly welcome.

Let me just finish by saying that I also hold the people who work at the prison in Port Augusta in incredibly high regard and I hope that this improved, larger facility, particularly with a focus on industries, will allow them to do their work even better than they have in the past, because prisons are not just about locking people up. Prisons are not about the 'rack 'em, pack 'em, stack 'em' approach, which we have heard a former Labor government treasurer make such a popular statement about. Prisons are about protecting the community and, while doing that by keeping people locked up, rehabilitating those prisoners so that they have every opportunity to return to society and, number one, never be criminals again and, number two, actually be positive, active contributors to society. I have no doubt that the expanded Port Augusta prison will allow the people who work at the Port Augusta prison to do that even more capably.

Mr WHETSTONE (Chaffey) (11:09): I, too, rise to support the 531st report on the expansion of the Port Augusta prison and commend the hard work of the Public Works Committee once again with a project which, as we have heard, will cost a bit over $57 million, exclusive of GST. The project was part of the 2014-15 Mid-Year Budget Review, obviously, with a capital budget of $52.7 million. It was an approved project that included 128 beds in 16 residential units, configured as eight beds per unit.

Just touching on the member for Stuart's saying that these beds seem to be being outgrown by the number of prisoners, yes, it is widely known that the government is only prepared to put in the minimal number of beds with an expanding prison population, so I think we will see the Port Augusta Prison revisited with another large amount of money to expand it.

Some of the questions that were asked of the officials during the inquiry mostly concerned the security of the prison. I was told that the whole facility was high security. One part of the facility that is outside the secure perimeter is the Mulga Unit, a true low-security environment, and that is a 40-bed facility.

We then have two zones within the secure perimeter—the secure zone, which accommodates 260 prisoners, and the residential zone, where these units are going to be constructed, which currently accommodates 160 prisoners. There are also 37 beds in the specialist zone, with special programs including the specialist Aboriginal program. The system has been operating since about 2008-09.

We were told that just under 800 additional beds have been brought online since 2009. As I said previously, the growing number of prisoners is a concern, but this facility, with its upgrade, will give that prison the capacity to better rehabilitate those offenders and give them the opportunity to go back into mainstream society. The ultimate outcome is for them not to reoffend again. The ultimate outcome is that we plateau the number of convicted offenders who have to enter the prisons.

We have to acknowledge that this build will benefit the local economy at Port Augusta. It will support jobs and it will benefit what is, to a certain degree, an industry in terms of the build and construct and then the maintaining and housing of those prisoners. As I said, the prison system is just about at full capacity, so I welcome any projects to improve the situation and I commend the report to the house.

Mr PENGILLY (Finniss) (11:12): I rise to support this project, as have the members for Stuart and Chaffey, who have given adequate reasons. I would point out that ever since the extension of Mobilong was announced and then dumped by the former Rann government, we have been in crisis management as far as prison accommodation goes in South Australia.

We find regularly that we are doing upgrades and increasing numbers by way of container accommodation, which is quite good, I might add. I actually had a letter from a prisoner the other day who is a constituent of mine who is currently 'away' but who is in the new accommodation in Mount Gambier and he is pretty happy down there, so it is good. I do not know what the current government's long-term plan is, but we are doing add-ons in prisons all around the state by way of containers.

I have an interest in correctional services. I have visited not all of the prisons but most of them. We will have another one shortly, I would suggest, but of course the ice epidemic, the drug epidemic and the outcome of the Mulligan inquiry have really led to a huge growth in prison numbers in South Australia, and it just has to be dealt with.

I pay my respects to the Correctional Services staff from the top, from the administrative side down through the officers who work in the prisons. They do a good job under a lot of duress. Having said that, and in an effort to wind up this particular debate, I support the project.

Ms DIGANCE (Elder) (11:14): Thank you to the members for Stuart, Chaffey and Finniss for speaking to this particular report. I would like thank the members of the Public Works Committee, for their hard work in everything they do, and all the people who submitted, and I recommend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: DARLINGTON UPGRADE

Ms DIGANCE (Elder) (11:15): I move:

That the 532nd report of the committee, entitled North-South Corridor Darlington Upgrade Project, be noted.

The Darlington Upgrade Project is part of the north-south corridor upgrade. This corridor is one of Adelaide's most important transport corridors, being the major route between Gawler and Old Noarlunga for north and southbound traffic, including freight vehicles. It is a distance of some 78 kilometres and it is being upgraded over a 10-year period via a number of key projects.

This particular project involves the upgrade of several intersections around Darlington, specifically the 2.3-kilometre section of Main South Road between the Southern Expressway and Ayliffes Road. It will provide nonstop access between the Southern Expressway and the Ayliffes Road/Shepherds Hill Road intersection. The details of the works are:

- a lowered nonstop motorway passing underneath Flinders Drive and Sturt Road;
- Main South Road service roads, at grade, along both sides of the lowered motorway to provide connections to Flinders Drive, Sturt Road and most local roads;
- full free-flow interchange at the Southern Expressway/Main South Road, with dedicated ramps providing direct access to the new motorway and Main South Road; and
- improved safety for pedestrians and cyclists with Main South Road, at grade, being positioned on the outside of the motorway resulting in smaller, staged intersections and crossing points.

This project also includes improvements to the intersection of Marion Road and Sturt Road at Sturt—and, as the local member, I welcome that—to manage the expected redistribution of traffic during construction, and network capacity improvements at the Main South Road and Daws Road intersection, and on Main South Road through Edwardstown. I welcome these particular upgrades because, as the local member, I was pleased to be able to make representation on behalf of my constituents and businesses in the local area, and these are some of the things that they were concerned about.

Preliminary project works have already commenced, with a number of properties needing to be acquired for the project to proceed; some of these have already been acquired. The major construction works are due to start in late 2015, with the anticipated completion by the end of 2018. This is a jointly funded project between the state and federal governments. The total cost of the

project, exclusive of GST, is $620 million and it is being funded in a 4:1 ratio, federal to state government.

Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr WHETSTONE (Chaffey) (11:18): I too rise to support the 532nd report on the north-south corridor Darlington upgrade project. Obviously, the major focus of this project was to upgrade the 2.3-kilometre section of Main South Road between the Southern Expressway and Ayliffes Road. We know that the north-south corridor is a very important transport route and that it has essentially become a series of bottlenecks, bringing traffic to a standstill. Not living down there, but having experienced that on a few occasions, I know there is plenty of room for improvement, which I think this project will provide.

The report states that one-third of the property acquisition has currently occurred, and that is an aspect of the project I will be closely monitoring. Compulsory acquisition is always a nasty process for anyone to go through, and usually it is the heavy hand of government that comes in and gives people, in many instances, a lot of angst.

Some of the key issues with the project were raised by the member for Davenport. When he presented at the Public Works Committee hearing, there were a number of comments and questions in his presentation, and I commend him for that contribution.

I know that concerns were raised about pedestrian safety, a pedestrian crossing, as well as businesses concerned about the status of the project in terms of whether they should upgrade, remove, renovate or sell. That does create some level of uncertainty and it does give a lot of those businesses a level of anxiety when making a decision, particularly if it is a longstanding business or people have invested significant amounts of money. It is never a nice process to have people knocking on your door and raising those concerns. You are not focused on the business at hand: you are focused on those outside issues.

I would like to commend the federal government for this project. I know that the former assistant minister for infrastructure, the Hon. Jamie Briggs MP, the member for Mayo, was a significant player in negotiations and bringing federal money to the table. Yes, it was a state/commonwealth partnership but, in essence, this project would not have gone ahead if it was not for the good work of the member for Mayo in his capacity as the then assistant minister.

I have spoken to him about a number of infrastructure projects in South Australia. Most of the infrastructure projects are happening in Adelaide, and the productive side of the infrastructure, sadly, still seems, in short, to be a big part of the missing link when we look at transport and logistics here in South Australia to underpin our logistics routes so that we can have easy access to the airports and to port.

That is something that we need to keep on the radar; and, while we have this current government focused on projects in Adelaide—projects, I guess, revolving around predominantly their seats and marginal seats—and while this government continues to be in power we will continue to see that. During the hearing, I asked about the length of time taken for this project, and I was told, 'Yes, it's a complex project. It will take time. It is complex and there have been quite a lot of studies done.'

Obviously, the first lot of studies were done back in 2003, and it was always regarded as the missing link in our road network. During the hearing we were told that, between Ayliffes and Sturt roads, the latest June counts were 72,700 vehicles, and that is significant. I think that this project will alleviate a lot of that pressure on our road network.

We were told about the busiest section of the road on the network from Sturt Road to the Southern Expressway, and the latest count found that there were 70,600 vehicles, which is slightly fewer than between Ayliffes and Sturt roads. Two minutes is the predicted driver time save, and I think it is a significant investment for a two minute drive-time save, but I guess it is a piece in the puzzle, and I commend this project to the house.

Mr PENGILLY (Finniss) (11:23): I also rise to support the project, but I would particularly like to place on the record the fact that this would not have happened if it were not for the federal

Coalition government, quite frankly. It would not have happened. It was 4:1 funding on a $620 million project, and the former assistant infrastructure minister, the Hon. Jamie Briggs, was very much at the forefront.

The state can puff and blow—I just want to see the project happen, but it is actually entirely dependent on the federal government, and if it were not for the federal government it would not happen. With those few words, I am very supportive of the project, I look forward to it commencing and I look forward to it finishing sometime in late 2018. I support the report.

Mr SPEIRS (Bright) (11:23): I too rise today to speak on the Public Works Committee report into the Darlington upgrade. This is an important piece of infrastructure for many people living in my electorate who use South Road on a regular basis, particularly those living in the southern end of my electorate around Hallett Cove who come along Majors Road and then down South Road towards the Darlington interchange.

For a long time—as far as I can remember, as long as I have been around—that has been a significant bottleneck, particularly during peak hour in the morning, when vehicles not only come down South Road from areas such as Hallett Cove and down Flagstaff Road from Flagstaff Hill and Aberfoyle Park and into that bottleneck but also from the duplicated Southern Expressway, which obviously empties out into the same zone around Flinders University and the Flinders Hospital precinct and causes traffic chaos there.

This is a project which I am more than happy to speak in support of; I think it is a good infrastructure project for South Australia. I echo the words of the member for Finniss in thanking the federal government for their contribution to this project of $441 million. I would also like to congratulate the federal member, Dr Andrew Southcott, member for Boothby, who has spent the last nine years fighting for this project, being the major infrastructure project of need within his electorate of Boothby. I think it is a fitting tribute to Dr Southcott's career to see this project underway in time for his retirement from federal government in 2016.

I want to make another couple of points about this project; one is about the acquisition process, which is obviously a necessary process. An acquisition can often be a painful and difficult situation, but it is a necessary part of the process of major infrastructure projects. The acquisition process around the Darlington upgrade has had some difficulties. I have been contacted by a resident, Mr Alec Morris of Brighton, who is in a prolonged dispute with the state government regarding the acquisition of his property, an investment property he has in Bedford Park, and he has significant concerns about the level of compensation he is getting for the loss of that property, which he sees as a business asset as opposed to a residential asset.

Mr Morris is in a prolonged dispute and has had quite significant difficulties with dealing with the Department of Transport and Infrastructure regarding this matter. I know he is working with my colleague the member for Mitchell and also the Hon. John Darley, in another place, regarding this. There is work underway to investigate the process of acquisition, and I believe that is being led by Mr Darley, so it will be interesting to see how that unfolds in the coming weeks and months. However, I think that this is something that the government could handle with a bit more sensitivity when it comes to taking homes and assets from people. It is a necessary part of the process, albeit a difficult part of the process.

I also want to momentarily reflect on the fantastic work of the Friends of Warriparinga, a group of people from the southern suburbs who look after this unique little piece of the environment once known as Laffer's Triangle, now more commonly known as Warriparinga, which has been protected for over 20 years by local residents. It is a little triangle of land in the midst of suburbia and trapped between major pieces of road infrastructure within the electorate of the member for Davenport. Both he and I have met with the Friends of Warriparinga on site to experience that unique little part of our South Australian environment.

The duplication of the Southern Expressway a couple of years ago had a significant impingement on this local environment. Unfortunately, some of the fantastic revegetation work that has taken place over the last couple of decades was lost as a result of the duplication of the Southern Expressway. The Friends of Warriparinga now fear that the additional works required as part of the

Darlington upgrade will also take more of this piece of the environment that they have been carefully tending for many years.

I ask the Minister for Infrastructure and his department, and the government, to really take the concerns of these people on board when planning this project and to try to understand the importance of their work and the investment they have put—physically, spiritually and emotionally—into that land over a couple of decades. They are good people who have been tilling the soil for many years—people like Beryl White and Rosalyn and Bruce who guided me through my walk around Warriparinga. It was certainly a little island of tranquillity in the midst of quite a lot of significant infrastructure. So, I hope this project will not cost too much more of that great piece of the environment at Warriparinga.

I pay tribute to Dr Nele Findlay, a resident of the City of Marion, who I knew during my time on the City of Marion council. Dr Findlay, who passed away in 2013, was a significant advocate who spent many years working at the Warriparinga site, and I think it would be a lasting tribute to her if this area were protected as part of the Darlington project.

Mr PICTON (Kaurna) (11:30): It is my pleasure to support this motion on the great work of the Public Works Committee. I think it is probably the third or fourth hardest working committee in parliament after all the committees that I serve on. Credit to them for looking into this issue and their hard work on the Darlington project which, as members would understand, is a very important project for the southern suburbs of Adelaide.

It is something that constituents in my electorate have a lot of interest in, even though it is obviously quite a far way away from my electorate, but many of us pass through Darlington often several times a day. Sometimes I even have the pleasure of being there perhaps half a dozen times a day through the Darlington precinct, and I can certainly attest that this project is very much needed. It certainly builds on the work that this government has done in duplicating the Southern Expressway, which was a long overdue improvement to the road infrastructure network in South Australia.

This will now mean a nonstop journey, not just from that point in Darlington at the traffic lights on South Road to get on to the Southern Expressway, but you will be able to travel from the Southern Expressway all the way down South Road and around the corner without having to stop, and that will be fantastic news for commuters, local businesses and tourism on the Fleurieu Peninsula as well, because we want to see as many people as possible to get down to see beautiful McLaren Vale in the member for Mawson's electorate as well as Kangaroo Island in the member for Finniss's electorate. There is a whole heap of attractions on offer down there.

This is currently a gridlocked area. A number of entry points into the Darlington precinct make it basically the definition of a bottleneck, and I understand it is the busiest road in South Australia through there at the moment. It is not uncommon to spend quite a significant amount of time in peak hour stuck in traffic there which is not only annoying for commuters who want to get home to their families but it is also difficult for businesses that need to ship products and get them to market.

The original plan was released some time ago and this updated plan that has gone to the Public Works Committee has got a number of changes made to it. In my view, I think they are very sensible changes. They essentially do two things. One is they address an issue that was raised by people who live in the member for Fisher's electorate, and also to some extent the member for Davenport's and the member for Bright's electorates, where they want to get the benefits of the non-stop expressway up Main South Road as well, not just onto the expressway.

So, this new project, this change to the project, will now give nonstop travel either way in either direction if you want to head down south; that is a good improvement. The other improvement is that under the original plan the Ayliffes Road-South Road intersection was going to become quite a complex intersection with a nonstop road, a stopping road, and South Road and Ayliffes Road joining together in a massive intersection. This now changes that so that intersection will stay much as it is at the moment but with the ability to change it in future years as we build the rest of the nonstop expressway.

I commend the officers in DPTI for their amendments to the plan. I think they are very sensible. I would encourage DPTI—and I know the minister is on the case on this already—to make sure that we meet the success that we had on the Southern Expressway project in terms of local

employment on this new Darlington project. It is fitting that the member for Mawson is here because I know he had a large amount to do with the work of ensuring that the majority of the people who worked on the Southern Expressway project actually came from the southern suburbs of Adelaide.

The project exceeded all of its targets for vulnerable people, Aboriginal people and workers. It was a tremendous success for local participation in that project. While there are some interjections from the other side, the statistics bear out that that project works successfully and amazingly well. I would like to see similar success in this Darlington project.

One thing that is also going to be important in the delivery of this project is to make sure that we have good traffic management systems in place because it is, obviously, the busiest road in South Australia. We need to make sure that, while it is under construction, people are able to get to work, business and school as uninterrupted as possible. I know the department is working very hard to make sure that can happen.

One element of that is to expand the Marion-Sturt roads intersection, which work is about to start on soon. That will be another thoroughfare that people can use. I think the department is also looking at whether additional train services can be used to help transfer people either along the Seaford line or the Tonsley spur line. I will be keeping a close eye on that, as one of the local members, because that is going to be very important for people in my electorate.

I think the last thing to say is that this is yet another stage of the upgrade of the complete north-south corridor. We have obviously had some sections of that done already with the Northern Expressway completed, the Southern Expressway completed, soon we will start on the Torrens to Torrens project, we have the South Road superway completed, the Darlington project will start soon and the Northern Connector project will start soon, all of which are aiding local businesses, tourism and commuters. We want to make sure that we keep up that momentum and look at the next parts of the project as well.

Obviously, around Castle Plaza on South Road is where there is a significant amount of congestion in peak hours at the moment, so I certainly encourage us to look at that as a key priority when we are upgrading the rest of the road. By undertaking all of these projects, we will help to address traffic and freight issues across the whole north-south corridor of Adelaide. I commend the government as well as thank the federal government for their support, and I thank the Public Works Committee for their report..

Ms DIGANCE (Elder) (11:37): Thank you to the members for Chaffey, Finniss, Bright and Kaurna. I think the fact that we have had so many members speak on this particular project displays how significant it is as part of the broader plan over the next 10 years.

I take on board everything everyone has said here today, particularly about the section that goes through my electorate, the piece of South Road past Castle Plaza. That is something, as the local member, I advocate for consistently because it is actually quite a bottleneck with many pedestrians, aged pedestrians and young families crossing that very busy road, plus many sets of traffic lights that intersect that road that cause quite a congestion between all types of motor vehicles and freight vehicles as well as pedestrians and cyclists. I look forward to some solutions coming forward in the future.

I thank the Public Works Committee for its very hard work and I thank all those who brought the project to us, those who made submissions and, also, the witnesses. I recommend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: O-BAHN CITY ACCESS PROJECT

Ms DIGANCE (Elder) (11:38): I move:

That the 533rd report of the committee, entitled O-Bahn City Access Project, be noted.

The project proposed by the Department of Planning, Transport and Infrastructure (DPTI) will provide a dedicated bus lane in each direction along Hackney Road from the O-Bahn guided busway to just before the North Terrace intersection. From here, the bus lane will descend into a tunnel that passes

under the Parklands and re-emerges near the Grenfell Street/East Terrace intersection. Buses will then be able to join the existing bus lane on Grenfell Street.

The key aim of this project is to reduce the travel time for passengers commuting on the O-Bahn, the most highly patronised metropolitan public transport corridor in Adelaide. The travel time along Hackney Road and into the CBD during peak hour can substantially add to the journey, taking almost twice as long to travel the 1.5 kilometres from Gilberton to Grenfell Street as it does to travel the 12 kilometres along the guided busway from Tea Tree Plaza. In addition to improved travel times, these works will also address a number of other issues, including improving traffic flow and movement along Hackney Road (a key part of the city ring route), reducing travel times for other commuters and freight, and improving safety on this section of the road.

Crash statistics over the last decade show there is a significant problem with the right-hand turn manoeuvres onto or from Hackney Road, with these accounting for over 60 per cent of crashes on this section. This safety issue needs to be addressed irrespective of the O-Bahn project. U-turns will be established along Hackney Road, as they provide a safer option for traversing the traffic than right-hand turns and have been successfully implemented already along Greenhill Road. They also reinforce the primary function of Hackney Road of moving traffic around the city as a key part of the inner ring route.

As well as the bus lanes on Hackney Road and the tunnel under the Parklands, there will be some other works associated with the project. A separate cycle and pedestrian path will run along Botanic Park, with a separate bridge over the River Torrens. There will also be modifications to the layout of the East Terrace/Grenfell Street intersection and to Rundle Road to allow for 50 additional on-street car parks.

The cost of this project, exclusive of GST, is $160 million. It will be fully funded by the South Australian government. The main construction is due to commence later this year with completion by the end of 2017. The committee had a number of concerns regarding the project, including the ability of pedestrians to cross Hackney Road. The department has reassured the committee that the three existing median refuge pedestrian/cycling crossings on Hackney Road are to be retained in close proximity to their current positions.

Substantial consultation and community engagement has occurred with input being sought from the general community, both at Hackney and College Park and users of the O-Bahn, businesses affected by the project, local councils, members of parliament and many others. Their input has led to amendments occurring to the original design released in February 2015, and this current refined concept design, considered by the committee, released in June 2015.

Negotiations continue with key stakeholders such as local councils, and working groups have been established that include the relevant councils to identify, discuss and resolve issues as they arise. DPTI has committed to continue to liaise with key stakeholders and the community over the life of the project and consult on specific issues as necessary. They will keep the community and stakeholders informed about the project's progress as the specific detailed planning and design continues and throughout the construction phase.

Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr WHETSTONE (Chaffey) (11:42): I too rise to support the 533rd report relating to the O-Bahn City Access Project. It has been, I think, a relatively controversial project. To spend that sort of money in the election cycle has been questionable, but it will benefit those people who have been using the O-Bahn and will continue the O-Bahn—a project that was built by a good Liberal government in the mid-1980s.

It is patronised by about 30,000 people a day. The 12-kilometre O-Bahn is probably one of the most highly-patronised metropolitan public transport corridors in Adelaide, and I think that is testament that it is something that, potentially, in Adelaide, should have been utilised much more than it is currently.

The project, obviously between Hackney Road and Grenfell Street, is going to have an impact, and it is going to have an impact on the people who live in the vicinity of Hackney Road.

There will be fewer car parks. In some instances, residents in Hackney are going to be landlocked, if you like. They are going to have to make significant effort to get themselves onto the main or arterial roads so that they can go about their daily work, their daily business. That was probably one of the biggest concerns that the committee had during the hearing.

The Dequetteville Terrace/Rundle Road intersection on the inner ring route is currently at or approaching capacity with about 79,000 vehicle movements on an average weekday, and during the hearing we were told that greater than 60 per cent of crashes recorded along Hackney Road involved vehicles attempting to turn right.

That was probably another one of the major concerns, that when people are travelling west on North Terrace they are now going to have to turn left down Hackney Road and take a U-turn. I have experienced using that road in the morning and in the evening, and to navigate turning left onto Hackney Road and doing a U-turn is going to be one mighty feat because that traffic has significant build-up and I think it is really going to disadvantage the people who use the right turn at Hackney Road. It is going to disadvantage some 400 local residents who will be impacted on.

I guess there will be fewer car parks on Hackney Road, so the function centre at the National Wine Centre will be impacted on. It is a national centre and to have significantly fewer car parks will impact. With those 400 homes, we had to look at it on balance, and really what we are looking at on balance is that the 400 local residents are going to be disadvantaged and the people using the O-Bahn will be advantaged. So it really is quite a sad state that the government would be prepared to benefit some people and disadvantage others. I guess this has been long touted, and whether it is a marginal seat's campaign tool remains to be seen, but I think it will be of great benefit to the people who use the corridor from the north of Adelaide.

To August 2015, almost $7 million of the $160 million budget had been spent on planning, investigations, approvals and reports. It is quite interesting to note that they have already spent $11,000 on flyers and letters advertising the project. It is a pity that they did not spend a little bit more money on providing a solution to those 400 local homes that are going to be impacted on.

I think it was a recommendation of the Public Works Committee that we will have the department back in. The concern was that there was no alternative route even proposed, and there were no alternative costings proposed with any alternatives with this project. I think, again, we need to alleviate some of the concerns that those local residents in the Hackney Road vicinity will face. I note the project has been passed by the Public Works Committee. We will have the department back to answer more questions, and I commend the report to the house.

Ms SANDERSON (Adelaide) (11:48): I rise to speak today regarding the Public Works Committee's report into the O-Bahn. As the local member for the seat of Adelaide this is extremely important, as is the disruption to the people in the City of Adelaide. They are very concerned about the misuse of the Parklands and the effect this will have throughout Adelaide.

Just giving you some background on this project, there were over 160 written submissions against the O-Bahn Access Project presented to the Legislative Council select committee prior to 31 July, including those from major groups such as the Adelaide Parklands Preservation Association, the City of Norwood, Payneham and St Peters, Hackney Residents' Association and the Walkerville Residents' Association, South-East City Residents' Association, and many, many others.

Also, from the final report of the Public Works Committee, they received 324 community submissions. So you can see this is a very important issue that a lot of our community is very concerned about, and not only about the project and the effects on the surrounding areas but also about the money that is being spent and whether there are better outcomes and better ways to achieve the same or better outcomes.

I note that the member for Dunstan also made a submission to both the Public Works Committee and the select committee on this same topic, as his constituents are also very concerned about the outcomes of this project. In addition, there are many people outside of the Adelaide electorate who are very angry about what is planned for the Adelaide Parklands, and even many using the O-Bahn have a preference for better parking and other ways to actually improve the

timeliness and reliability of the O-Bahn. The public of South Australia should be very clear that the O-Bahn access project is a politically motivated project of the state government.

The cancellation of the Gawler electrification project meant the loss of $76 million of commonwealth government funding, an approximate cost penalty of $70 million if the government should restart the project, and a write-down of over $40 million by the Auditor-General as underutilised infrastructure. This is a total loss of over $186 million, yet the reason for abandoning the project was supposedly a lack of funds. In the lead up to the 2014 election a figure of $160 million was found for the O-Bahn project and was announced by transport minister Stephen Mullighan in February 2015, only weeks or days prior to the election, just to save a few minutes for the users of the O-Bahn. Those few minutes will be at the expense of more state debt, the destruction of Rymill Park, and the loss of over 200 trees. There are no extra buses proposed and no extra passengers, so it really beggars belief that this will be going ahead.

Whilst I absolutely support ways to improve the speed and reliability of all public transport I believe there are better ways that are more cost effective and can achieve better outcomes. It was actually at the Public Works Committee that I heard Rod Hook, the previous chief executive officer of DPTI, put forward some very good options that would not require tunnels in the Parklands. These included gated stations on Grenfell Street to reduce long queues and speed up validation of tickets to allow entry by both doors, and apparently a lot of work has already been done on that project so there should be costings and workings already available.

Rod Hook also mentioned modifying the buses to travel at 100 km/h on the O-Bahn track. Between 1980 and 2012 the buses all travelled at 100 km/h on that track; this has now been limited to 85 kilometres per hour, the reason given being to try to stop them from catching up with the next bus. Surely fitting GPS systems or early warning systems, or scheduling the buses better, or even the drivers looking out for a bus ahead, like they would be on a normal road, would fix that problem? I find it strange that the government could propose driverless cars yet we cannot even have driven vehicles not hitting each other at high speed.

Other recommendations include the Bundeys Road intersection, where the bus-priority light sequencing could stay on longer so that buses could get through more quickly. We also know, from other testimonials to both the select committee and the Public Works Committee, that peak hour is really only one hour in the morning from eight until nine and 1½ hours in the afternoon. That is a maximum of 12½ hours a week when there is actually an issue that we are spending $160 million to fix. Why would you not have people employed to monitor the intersections, sequencing the controls and the lights so that buses can get through?

The main issue is the Hackney Road/North Terrace intersection, so the right-hand turn bus lane could just have the right-hand arrow kept on until all buses were cleared through. In the evenings a left-hand arrow could be kept on to clear buses through. This, along with the other ideas I have already mentioned, could actually save more time for the people of the north-eastern suburbs who use the O-Bahn.

You could also have a multilevel car park at the Paradise Interchange, it was previously promised. I hear that people actually spend up to 20 minutes looking for car parks in the area, which is quite unsafe when going back to your car at night. I am sure that by expanding the car park you are saving 20 minutes, and that is more than the seven minutes that will be saved for $160 million. You could increase the frequency of services during peak hour by sequencing the lights and intersections better.

There are also considerations on the impacts on road users and on residents of Grenfell Street between East Terrace and Frome Street. There are expected to be 30 extra buses per hour, and there are 10 residential driveways accessing hundreds of homes in the area. The impacts to them have not been considered.

It will also severely compromise car and pedestrian use of Hackney Road. As we heard earlier, many residents believe that there are much more pressing priorities for the government, for example the Gawler electrification and, from a recent visit to Port Augusta, Yorkeys Crossing. We have also seen that 18 country councils have united to call on the state government to abandon the project and spend money on rural roads which are in desperate need of improvement.

From the report on O-Bahn access from the Public Works Committee, the crash statistics state that 60 per cent of accidents along Hackney Road were from vehicles attempting right-hand turn manoeuvres. Firstly, I would ask, how would adding two extra bus lanes improve that? As we know, they are adding in the U-turns instead, which, I hope, will improve that. The question would be, why have they not done that already?

I also question the economic analysis and the actual value that has been attributed to the travel time of 2½ minutes in the morning and 3½ in the afternoon to get the 1:6 cost-benefit ratio, and I ask whether the two minutes 30 seconds in the morning and the two minutes 20 seconds in the afternoon increased time that is expected by the U-turns for people in Hackney have been costed in when they have calculated the overall cost, and whether the two years of maintenance and works on Hackney Road and the loss of travel time and amenity to the 79,000 cars, I believe, that use that road every day, were actually costed in when you calculated the 1:6 cost-benefit ratio.

The project mentions 450 full-time equivalent jobs. I would like the government to make sure that these are South Australian jobs. The breakdown: I would like the government to actually break down the $160 million as well as the time costing, to see what percentage cost is for the tunnel and what percentage of the time savings is due to the tunnel, because many people believe that with the addition of the pedestrian and cycle bridge at Hackney Road and through sequencing and the extension of the bus lanes you could actually improve the time dramatically at far less cost.

Again, while there are many issues, there is a loss of a lot of car parks along Hackney Road, which I am concerned will affect all the businesses along Hackney Road, including the Botanic Gardens and the Zoo. While I support the project, because we have no real choice, I think there are better ways to achieve better outcomes for less money.

Ms BEDFORD (Florey) (11:57): We only have two minutes left, so I will not be able to conclude any remarks this morning. A couple of things I would like to say relate to the fact that my electorate, of course, is at the Tea Tree Plaza end of the O-Bahn track and our area has long recognised the benefits of public transport through this very special system, which has just recently celebrated its 30th anniversary.

We are really narrowing down on one aspect of the project all the time by saying it is only about saving three minutes, or seven minutes, or whatever figure people want to use. It is about a whole of transport system project. I think the O-Bahn improvements have been spoken about through several elections, and in an effort to keep an election promise I think this is a really good way of delivering not only a benefit for the people of the north-east—as you know, it is the busiest public transport corridor—but also working at growing the number of people who use public transport.

I do not profess to be a public transport expert, but I truly believe that we have had public transport experts looking at this problem, and I cannot believe that the whole plan that we have here is such a bad plan that it is just not worth doing at all. I think the actual benefits will be seen when the plan is in action, and we will have to wait until it is finished for that to be the case. I will seek leave to continue my remarks—next week, of course.

Leave granted; debate adjourned.

Bills

STATUTES AMENDMENT (TERRORISM) BILL

Final Stages

Consideration in committee of the Legislative Council's amendment.

The Hon. J.R. RAU: I move:

That the Legislative Council's amendment be agreed to.

Whilst the amendment that has been made in the council is, in my view, unnecessary, in order to have the matter proceed it is accepted.

Ms CHAPMAN: I do wish to make a comment in relation to the amendment and indicate that we welcome it from the other place. It was moved and accepted by all, except the government, for the two-yearly review of the legislation, which we are extending under the principal act for a period

of 10 years. I wish to make this point: firstly, I thank the Legislative Council for giving consideration to this and insisting upon a review process. Various models were offered. This was the position that was ultimately agreed to and presented by parties other than the government.

The government had every opportunity, in asking the parliament to extend this legislation, which on the face of it was for good reasons, to disclose to the parliament that the extensions in other jurisdictions had in fact included a review period. We had had it under the principal act. It was the subject of an extension in another jurisdiction. It was granted with a review process and passed in that jurisdiction, and yet all through that there had been no disclosure by the government of having a review process.

We have that for good reason. It has been important in the development of this legislation and, in particular, a continuation of very strict rules in relation to an extension of power to police officers and the like to be able to deal with this scourge, namely, acts of terrorism. Luckily, South Australia has not faced the incidents that have been experienced in other states, but in light of the extended areas of threat, the real and present danger that is supported by other events that have occurred, we have acquiesced to a continuation of this legislation and supported the government in its passage.

Let it be absolutely clear: the opposition will not lie down and accept urgent legislation and extensions of powers unless there is full and complete disclosure by the government about what has actually happened in other jurisdictions. Let the government be absolutely on notice that we will not advance legislation at the whim of either its incompetence in advancing legislation that is about to expire or its delay in dealing with these matters without full disclosure. That is what we expect. That is what this parliament should expect, no less.

If we have to continue to rely on the Legislative Council in times that we have worked in good faith with the government then we will do so, but each time that happens the government can hang its head in shame and, furthermore, accept the blistering embarrassment of having to have amendments to bills which should not have occurred and been necessary in the first place. I support the amendment and thank the Legislative Council for its consideration.

The Hon. J.R. RAU: I do not know that there is much I can say by way of response to the honourable member, except that it is a typical start to another Wednesday, I guess, but yes, I put it.

Motion carried.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 October 2015.)

Mr KNOLL (Schubert) (12:04): We continue our discussion at a more respectable hour.

The DEPUTY SPEAKER: Perhaps we will still be here at midnight tonight.

Mr KNOLL: We can only hope—if only for the pleasure of your company, Deputy Speaker. Last night, I was talking about the chutzpah of this government in putting forward what we are calling the Dennis Denuto of planning bills, where we are being asked to simply vote on the vibe.

Ms Redmond interjecting:

Mr KNOLL: *The Castle* was on TV last night! We are just being asked to vote on the vibe: 'Don't worry about any of the detail, don't worry about any of the nitty gritty that planning legislation and developers and planners rely upon to actually make determinations—don't worry about any of that. Just look at what you've got in front you, say yes, say no, but let's get on and just do it.' Unfortunately, I do not think that that is the way it works, and I do not think that is the way it should work.

I know that we will been getting a lot more feedback in coming days and weeks from various stakeholder groups because surely the idea of this parliament, and the parliamentary review process that we as an opposition do (and this parliament does on behalf of the executive), means that it is

important for us to tease out those issues brought to us by stakeholders. That is why we have had fulsome debate from this side of the house on this issue, and we look forward to an extensive committee process, where hopefully we can give some greater clarity to stakeholders, to ourselves, to our councils and to our communities, so that we can actually get to a decent piece of legislation that does not have with it untoward, unintended consequences.

We were up to the point where we were talking about food production areas and the fact that in the Barossa this is something we have currently. We have a preservation zone that outlines quite clearly where townships start and stop, and within which housing development can occur. It sets out quite clearly what land will be rezoned at a point in the future when that becomes necessary, and it gives certainty to my community as to what they can expect, and that is a very good thing. I also like the fact that it does protect, to a degree, our farmers. It does say that this land is prime agricultural land and that we will ensure that it is there for that use for generations to come.

The original draft preservation zone bills were a lot more extensive in the exclusions they put in the preservation zone, and I am glad that in the end they were taken out because the concept of a food production area, or the preservation zone, is quite simple—that is, to protect farming land as opposed to becoming a lot more prescriptive about what can and cannot happen on that land, outside of obviously stopping housing development.

We also need to be mindful that we have locked up this land, we have ensured for farmers that they will not be able to have their land rezoned as residential at any time in the foreseeable future. There is a trade-off there. There are those, potentially, who were looking to speculate, potentially looking to get some sort of retirement income bonus, but they will not be able to do that. We need to be cognisant of that fact, and to balance that fact we need to ensure that those farmers are allowed, to the greatest extent that they can, to farm their land in quiet peace and enjoyment.

That is something we need to be very mindful of because there are issues when it comes to separation distances between farms, to competing uses between farms, and to encroaching housing development at that peri-urban interface between residential development and farmland. We need to be mindful of the fact that, whilst we have taken away from certain people the opportunity to have their land rezoned, we need to ensure that they are able to farm free from any interference. That is something that needs to be addressed in this bill, and certainly one of the things I will been seeking greater detail on, to ensure that my farmers and grape growers in the Barossa are not disadvantaged with the legislation we have.

Another thing I would like to point out is that in planning, once a decision is made, it tends to be quite difficult to unmake. If were able to unmake decisions, huge rezonings, as happened in Mount Barker, might not have gone ahead, but we cannot. Once planning approval is given, we need to give certainty to the person who has been granted that approval, and it needs to then move forward, and I support that.

This piece of legislation, as good as we can try to make it, will not be able to cover for the sins of the past. Where there have been suboptimal planning decisions made in the past, we will not, through this piece of legislation, be able to fix them. All we will be able to do is to ensure that, as far as practicable, they do not happen again.

The last of couple of points I would like to make are in relation to the process of seeking development approval. I deal with a lot of complaints around development applications from all sides of the fence, whether they be neighbours who are against proposed development or whether they be businesses that have been delayed from being able to grow their business, that have been delayed and stymied from getting development approval on expansion plans, and I have a number of cases where this applies.

I have a case, for instance, where a cellar door waited 2½ years to get planning approval to convert a hairdressing salon to a cellar door. I have an instance where a food production facility wanted to make a very minor expansion into the plot next door and it took 18 months to get planning approval. If we want to help grow this economy, these are the decisions we need to speed up, and I look forward to seeing how this can be improved as part of this bill.

Another thing I want to say is that there is this group of people who interact with the planning system who I think often get lost and are not considered in it because they are not part of the big lobby groups: they are not part of the Property Council, the UDIA, the HIA or any of those. They are the people who will only ever make one or two planning applications in their lifetime, and I am talking here primarily about small business. When small business comes along, they are not experts in the planning system.

We need to have those people in mind, more so than those who apply for plenty of development approvals, when we put this legislation through because those who interact with the planning system on a regular basis will come to understand it quite deeply and be able to use the planning system to its full. So often, I see those who are simply seeking to invest their hard-earned capital back into growing their small business being stymied or unable to understand the process or being blocked from a speedy passage through the process because they do not understand, through no fault of their own, what needs to happen.

I think that it is incumbent on the state government and councils to do everything they can to facilitate that speedy passage, and that is one thing I do not see addressed in this bill. It may be that some of the simplification procedures may make it easier for those businesses. The people who will only ever deal with the planning system once or twice in their lifetime are the people I think we need to be looking out for because they are the ones who will help improve our economy. The recovery of the South Australian economy is going to come from small to medium businesses reinvesting their capital, putting their money on the line to grow these small businesses into slightly less small businesses and help to then employ the people who subsequently come from their putting in that growth.

To sum up, we certainly have kept our options open when it comes to this bill, and that is something we do not resile from. Shouting from members opposite from time to time, late at night—it may have been an hour at which there was a little bit more frustration in the room—is uncalled for and unwarranted. There are plenty of things that the government could have done to allow this happen more smoothly, and that is to provide us with more information, especially around the 46 areas of regulation, the charter of community participation and the urban growth boundary, a whole host of areas for which we have no detail.

I understand that negotiations are still going on with regard to the infrastructure levy and how that is going to operate. Indeed, there are concerns about the broad scope of the current workings of that infrastructure levy such that infrastructure outside of a zone from which a developer is trying to develop could potentially form part of the infrastructure levy.

If the government were to come clean and give us that further detail, we would be able to provide a more fulsome answer, but they have not, so we cannot. So, we need to use the parliamentary process and the committee stage of the bill to tease out those issues because there is a lot of angst in the community, especially in councils and major stakeholder groups, around the fact that they do not know what it is going on. Essentially, they are being asked to put on blindfold and hold the Attorney's hand—or for the Attorney to hold their hand—as we pray and are guided only by his mind as to what the planning system will look like for the next three, five, 10 and 20 years.

Mr SPEIRS (Bright) (12:14): I rise to put forward my contribution to the Planning, Development and Infrastructure Bill which is before the parliament today. I do so as one of a long list of speakers from the opposition, and I think that in itself is telling, because there is obviously significant interest among opposition members who are here representing their communities. I think that reflects considerable concern amongst communities and amongst stakeholders about the legislation which is before the parliament today. It also reflects the importance of planning reform in South Australia.

I have spent quite a lot of time, in my relatively short period of time in this parliament, speaking about a couple of areas which I believe are ripe for reform in this state and which could trigger significant economic gains for relatively low amounts of effort and/or expenditure by the state government. One of those is local government reform, which I think is intrinsically tied to planning reform, and would like to have seen occur alongside planning reform as a parallel process.

The other item that I have talked about at length during my time in parliament is the need for planning reform in South Australia. There is no doubt that planning reform is a trigger for economic activity. If done properly, it can be a trigger for economic stimulus, and it can be used to create jobs. There is no doubt that is something that we are desperately in need of in South Australia. However, what we have before us, in my view, is something of a disappointment.

I think that the Planning, Development and Infrastructure Bill is undercooked. I think it has not lived up to the hopes that I had for it. I did hold out hopes that this was an opportunity for some significant reform which could really shift South Australia's planning regime into the 21st century. However, what is before us is a body of legislation which has some good parts to it; it has, in my view, some very bad parts to it; and it has some mediocre elements as well.

As such, we have been left with a real camel when it comes to legislation: it looks a bit odd, it does not really seem to fit together in a logical way necessarily, and I am not sure it has the outcomes that the opposition and I hoped for. I am not sure it necessarily has the outcomes that the state government and the Public Service would have hoped for as well. I think it is legislation which leaves a lot to be desired and has a lot of gaps in it. Not only does it have a lot of gaps but there is also significant level of uncertainty.

I remember when I was at law school and studied a subject called Statutory Interpretation. We talked at length about the importance of creating legislation which had certainty around it. There is no doubt that certainty is missing from this legislation. The gaps in the legislation are really open either to interpretation in the short term, by those who need to implement it, or will require government to come back and make changes to it or create a further legislative framework around regulation to bring this legislation into working reality.

I think it is telling that the government has already had to table 74 amendments before the parliament. Before we even have the bill debated on its is present form, we have 74 amendments, so I think the government's confidence in its own legislation is quite shaky with regard to this bill. I see this bill as unfortunately a thing of significant lost opportunity.

I think there was a really positive opportunity for the government here to get things moving with regard to planning reform, but from my point of view and certainly from the point of view of the people in my community who have contacted me about this legislation, that has not been the case.

We have heard from a number of my colleagues about specific examples that have been read into *Hansard*, letters which they have received from constituents and stakeholders. I have to be honest, I have not had a lot of representations from residents who I represent in the area. I have had a few conversations with councillors and people who have a particular interest, but I do not think I have had the same number as perhaps my colleagues have had, and that is despite the seat of Bright having had some fairly difficult planning situations, certainly during my 18 months holding this position. Planning is something I have learnt quite a bit about since coming to this role and was also a significant part of my previous role as a local councillor and deputy mayor in the City of Marion.

I want to just go through several issues that I will call threshold issues with regard to this bill and just provide a bit of commentary on my views, concerns and interests on those particular items. The first is the bill's desire to move the urban growth boundary into legislation. Some people have spoken against this and have raised their concerns. From my point of view—my opinion on this might differ from some of my colleagues—I actually am broadly supportive of an urban growth boundary and broadly supportive of it being moved into legislation. I know there are arguments that it will drive up the cost of housing and reduce housing affordability, but I would have to say that that has not been proven to me yet and I would like to see some evidence that that would be the case.

I think there is a risk with a city such as Adelaide that we become an incredibly long, low-density city which stretches from the Barossa Valley to Goolwa and Victor Harbor and really spills a tsunami of Tuscan villas across some of our prime agricultural land, particularly on the Fleurieu Peninsula. So, on that basis, I really am supportive of an urban growth boundary and would certainly give consideration to the government transferring that into legislation. I think areas such as the Fleurieu Peninsula and the food bowl to the north of the city, stretching through the Northern Plains towards the Barossa Valley and above, are really one of the things that makes South Australia incredibly special.

We should be doing everything that we can as parliamentarians to protect that prime agricultural land and also the prime environmental lands that make up this state. Perhaps the preservation of an urban growth boundary in legislation is something that will assist with that, so from my point of view that is something I am open to. I know that is not something that everyone, including my colleagues on this side of the house, will necessarily agree with, but I am definitely open to seeing that happen.

I believe strongly that there is a case for growing up instead of out. I think our distant outer suburbs can be at risk of becoming geographical underclasses, and that presents a range of social problems as well which we could do without in this state at the moment. I do see some inconsistency with this in the government's approach to planning—difficulties that they have presented around Mount Barker and obviously Buckland Park as well, and even some of the outer suburbs to the south of the city which have been put in place not necessarily with the appropriate infrastructure coming alongside them. However, as I have said and will repeat again, the urban growth boundary is something which interests me and something which I would certainly personally be open to providing some support to.

I also want to discuss another threshold issue, and that is the community engagement charter, which is canvassed in this legislation and which, like too many aspects of this legislation, does not actually have any more detail surrounding it than pretty much the title of community engagement charter. I think this was put in the bill because of the frustration that was heard by the expert panel on planning reform which helped shape this legislation or, at least, fed into this legislation in the early process around 2012 to 2014.

When the panel went out into communities and heard from people, time and time again they heard from communities that there was significant frustration with people feeling that they could not feed into the planning process. They felt shut out of the planning process; they felt that the state government was traipsing all over them and making decisions without regard to the communities' desires.

The expert panel's point of view was that we needed something in this legislation to actually point to that says that government should be engaging and that community engagement should be a central part of changes to planning in communities. However, I do not know if the government's commitment to move engagement to the front end of planning, as opposed to more towards the end process, will actually have the impact the government wants.

I think it is incredibly hard for individuals, stakeholders or communities to front up at an engagement process when there is nothing tangible for them to engage with. Often during rezoning opportunities and when areas are first being developed, without seeing plans and without seeing drawings, it is very hard for people to be able to interact with what is going to happen down the track because of particular planning changes.

While it might sound like a good idea to empower people at the front end of the planning process by engaging them in what their communities will look like in the future—and I am not going to talk against that per se—you cannot then remove engagement from the end of the process either, because that is the point where the rubber hits the road. That is when people start to envisage what a particular building might look like, what form a shopping centre might take, what particular infrastructure might be part of their community.

It is not until those plans, those drawings and the scale and density of these things start to become familiar to people that they grasp what is headed for their neighbourhoods, and it is at that point that we do need to retain effective engagement and retain the community voice actually helping to shape the end product. There is some merit in bringing some of it to the beginning, but we definitely need to see it retained at the end of the planning process as well.

The opposition supports the spirit of the community engagement charter, but our concern is: how can you pass something into legislation if you do not actually know what it will look like? There is no actual charter attached to this legislation. We have no idea what it will look like in reality.

Another threshold issue I want to briefly mention is the essential infrastructure levy. I have significant concerns about this. I know people I have spoken to in my community do, and, certainly, the councils I have consulted with had concerns about this as well. It is again something that might

look good on paper. We are going to create the opportunity for these levies to be gathered by councils in order to pay for essential infrastructure, but we do not know from this legislation where you draw the line with essential infrastructure. Is it roads, is it sewerage or is it stormwater infrastructure?

We might think that it is acceptable to pass that cost on to people who are purchasers of blocks and houses through a future levy, but what about the local ambulance station or a school or a new police station or something like that? Where do you draw the line? At what point do you stop shifting those costs into a levy? If a community is up in arms about a particular issue—it might be closure of a police station or something like that—does the government come back and say, 'Well, you can have your police station, but you're all going to be paying for it for the next 10 years via your council rates through this essential infrastructure levy.'

To me, that is shifting another cost onto households, and South Australian households, to be sure, have enough costs confronting them at the moment. For the government to even suggest another cost of living pressure be hurled onto South Australian households is something that I just could not possibly support, especially when there do not appear to be any accountability measures around the essential infrastructure levy and how it is actually levied.

There seems to be a view that this would reduce the cost of housing up-front and make housing more affordable, particularly for younger people and families who are entering into home ownership for the first time. I do not buy that at all and I think that developers would simply charge the same amount but be able to offset their other costs against this essential infrastructure levy. So it just has a whole range of concerns for me and is something that I am strongly against.

Another item that I want to discuss is the role of the Coordinator-General and the $3 million threshold which kicks in and allows developers to transfer the decision-making and approval processes around an application for a development deemed to be $3 million or more in value that can be flicked from local council to the state government and, in particular, the Office of the State Coordinator-General for him to essentially clear the barriers out of the way and ensure a streamlined approval process.

That does sound good on paper and there definitely is, in my view, a place for this in legislation and in the development industry. However, the $3 million threshold is something that I have a significant problem with because it is too low. There are properties in my electorate, along The Esplanade—houses, residential homes—that would be captured by this threshold. No doubt there would be those sort of properties all across the state. If you have a residential property which could potentially be captured by the $3 million threshold and be fast-tracked through the Office of the State Coordinator-General, that is something that just does not sit well with me at all. I think a better threshold for that would be $7 million, $10 million or perhaps $12 million—I am open to suggestions—but much higher than $3 million

I recently had an issue in my electorate in the City of Holdfast Bay in South Brighton where a Hungry Jack's development was proposed to the council: the council knocked it back. It had a value of around about $1.9 million at the time and the council knocked it back. The developer appealed to the ERD Court that said, 'No, this development is not going to work in this area. There are major traffic issues; we are going to reject it.'

It was rejected by the council and rejected by the ERD Court and so the developer looked around—as the developer is entirely entitled to do and should do from a good business point of view—and said, 'We can go to the Office of the State Coordinator-General'—but they could not because their value was $1.8 million $1.9 million to start with.

I do not know what happened but through the process of getting rejected by the ERD Court and then making an application to the Office of the State Coordinator-General, the value of this project rose to $3.1 million. I am not sure if they added the Whoppers and chicken wraps and things in for the first year or two to boost that value, but the value did rise from a 1 million figure to a 3 million plus figure. The Coordinator-General welcomed them through his front door and gave them the stamp of approval, having been rejected by the council and the ERD Court.

You can imagine how my community felt about that. There was a significant level of angst about a fast food establishment coming to that part of Brighton and there were a whole range of

arguments around what the market will allow should something like that be allowed in that area. I am going to leave the arguments of the marketplace to one side and just look at the fact that this project rose significantly in value after having been rejected by two planning authorities, and construction will start in a few weeks' time. That is a significant concern for me.

Finally, I want to briefly canvas in my remaining seconds the removal of local government members on development assessment panels. I think that local councils, obviously, have significant concern about this, and we have seen a public campaign from the Local Government Association. Having been on local council but having not served on a development assessment panel I am open to local government members being removed from development assessment panels. I think that it removes the concern of conflict of interest, and also I have always got capacity concerns about local councillors on these matters. Again, I am open to seeing that happen.

I will conclude my remarks, and I look forward to this bill progressing so it can be given freedom of analysis.

Time expired.

Ms REDMOND (Heysen) (12:35): I too rise and express some concerns about this particular bill, the Planning, Development and Infrastructure Bill, which is before the house, and I am glad that I did not have to wait until the end of last night to make the contribution.

In beginning my remarks I want to talk about a couple of issues, because up in the Hills where I live and the area that I represent planning has always been a very significant issue. Indeed, when I was on council—which is now over 30 years ago—it was impossible for the council to form a planning subcommittee to make decisions about planning that came before it because every member of council wanted to be on the committee; so, it was always a committee of the whole council. It has always been an issue of great concern in the area that I represent, but you do get situations which are just nonsensical.

I just want to run through a couple of them in giving some context to the comments that I want to make. The first of these relates to a chicken farm that existed in Mount George, which is just near Bridgewater across the freeway. In fact, Alexander Downer used to live in the Mount George area. The main road that goes through happened to dissect the two halves of this chicken farm, although it was only on a single title.

Now, the chicken farm had thousands of truck movements every year to bring in the little, tiny chickens and then to take them out again when they were grown, to bring in food and to remove waste—all sorts of truck movements—which were of concern to the people who lived there. As I say, this was in a watershed, and the people who owned the chicken farm—there were, I think, three sheds on one side of the main road and three sheds on the other side of the road, and on one side of the road had the house in which they resided—proposed a subdivision of their property so that it would be on two separate titles and thus they could sell off the other title.

The plan was that they would close down their chicken farm and then relieve the community of not only the smells, which often led to complaints in the area, but also these thousands of truck movements every year of feed and chickens, and so on, in and out. They were prepared to enter into all sorts of undertakings to ensure that not only was the 11 acres on the other side of the road developed in an environmentally-sustainable way but that there could be any number of limitations, and so on, on that property.

However, that proposal to create a separate title was rejected, and it was rejected because it was creating a separate title, a new title, in the watershed zone. So, even though it was clear as could be that it would be an improvement to the environment it was actually the Environment Protection Authority that managed to stop that particular proposal. So, instead of getting the chicken farm moved out of the area, the watershed zone, we had to leave it there because these people could only afford to close it down if they could sell off the property across the road.

That was just one example of the stupidity of the way our planning regulations were working. Another example relates to Mi Mi Road at Aldgate. I had some people who purchased 20 acres of land, and they engaged an environmental architect/designer to design them a sustainable house, and, having proposed to put their house on that block of land, they were unable to do so because

between the council, the native veg people, the EPA, the CFS and every other organisation that got a say there was nowhere apparently on their 20 acres of land that a sustainable house could be put.

My third example is a lady who purchased a block of land in Stirling. When she was looking at the block of land she was told that it was going to be subject to CFS requirements because, obviously, Stirling is in the heart of the bushfire zone of the Mount Lofty Ranges. So, with that in mind she proceeded with the purchase of the land, and she engaged very strongly with the CFS in terms of coming up with an appropriate design for her house.

Eventually, after long and very amicable consultation with them, she was more than happy. She wanted to make sure she built a house that was going to be bushfire resistant, and so on. So, she came up with plans which were sent to the CFS who said, 'Yes, that's fine.' They sent her back a letter saying, 'Yes, they're fine,' and she took the plans and the CFS letter to the council who said, 'Oh no, we can't rely on the letter that you've got from the CFS. We have to make our own application to the CFS for a letter.' A different person in the CFS dealt with it, and the person's response was, 'We will only ever allow an underground house on that site.'

They are just three quick examples of the sorts of outcomes that I have had to deal with since I have been in this place in terms of the difficulties with the planning system that we have. Therefore, I have to say I was quite keen when I saw that we were going to be dealing with the Planning Act and coming up with some alternative methods for managing things. That said, I also come from very much a laissez-faire attitude. In fact, I think I am known as the libertarian of my side of the parliament, because I actually believe in the freedom of the individual, and I believe that if you buy a block of land you should reasonably be able to do reasonable things on it.

If you have a block of land in Stirling that is zoned commercial, to me it is not unreasonable that it should be allowed to put a commercial structure on it. But as I say, in Stirling things are a little different at times. In fact, when Subway was taking over two existing shops in the heart of Stirling at the corner of the street that my office is in, there were protesters outside because they did not want a Subway store, notwithstanding it was a perfectly lawful, perfectly healthy business that was being proposed, and they were going to employ local people. They are very much engaged in the community, and it is a very successful shop. But people protested about that, and equally there were protests when Foodland proposed to build on commercially zoned land behind the Stirling pub and they have created there what I think is probably the best supermarket in the state. I am a big fan of Foodland, but I am also a big fan of the idea that people can do generally what is reasonable to do as long as they are not interfering with anyone else's right to live on their adjoining or nearby land.

I think there is a balance to be achieved, but I do have concerns about whether this bill will actually achieve that balance. I want to refer to just a couple of little things, and I will not go through the bill in detail, you will be pleased to know, but when you go, for instance, to what I think is the fundamental clause of the whole thing, clause 94, it says:

> Subject to this Act, no development may be undertaken unless the development is an approved development.

When you follow over to clause 99, basically, to get approval there are various categories of development. The first is 'accepted development', and a subsequent clause says that 'accepted development does not require planning consent'. Then, very curiously, after 'accepted development' there is 'code-assessed development'. Under the categorisation for 'code-assessed development', we then find there is this particular category called 'Deemed-to-satisfy assessment'. Clause 99 under 'Deemed-to-satisfy assessment' states:

> (1) If a proposed development is classified as deemed-to-satisfy development, the development must be granted planning consent.

There is no problem with that. However, (2) then states:

> (2) If a relevant authority—

and I have some comments to make about the relevant authority—

> is satisfied that development is deemed-to-satisfy development except for 1 or more minor variations [then they] must assess it as being deemed-to-satisfy.

So, if it is 'deemed-to-satisfy', or even if it does not quite get there, it is a bit like AFL where you get a point for not quite getting a goal. You have 'deemed-to-satisfy' but then you do not quite satisfy that requirement so we are going to deem that it is going to satisfy anyway. Then it says that if you have that situation:

> (3) A planning consent under this section must be granted without undertaking a process for public notification or submissions in relation to the proposed development.

So, I do have some concerns about just what the impact of that sort of section will be, particularly when one looks at the definition of 'development' in the definitions clause. The usual things are in there—change of use of land, building work and so on—but it also includes construction or alteration of a road, street or thoroughfare on land. On my 10 acres, if I want to put an all weather surface along it, which when I studied local government and planning law would have been an allowable thing to do without actually seeking planning consent, that now classifies as I understand it under this definition as a development.

It then also has a couple of provisions in relation to both state heritage places and local heritage places, and I express a concern about the rigour with which these state and local heritage rules are applied because it seems to me that we have reached a sort of bottleneck in terms of redeveloping properties which classify either at local or state level as having a heritage value. We have failed to adequately address the need for adaptive re-use and the consequence of that is that people who have a property which is classified as having heritage value can often find that they are so stymied in their attempts to adaptively re-use the property that they simply let it fall into disrepair.

It seems to me that we actually need to be a little more flexible than we have been in the past. For instance, there was a building in the city where there was a proposal for redevelopment for a relatively small building in the square mile of Adelaide city. It was a heritage listed building but because of the conflict between the obligations to provide disability access and the obligations not to disturb the heritage value of the property, and the fact that they were not allowed to discriminate against people with a disability by having them enter via another access around the back of the building, the fact was the building could not be redeveloped. The consequence of that is that we end up with a large number of buildings across the state which, because of their heritage status, cannot be redeveloped in any reasonable way, and I think we need to be far more adaptable in the way we deal with those things.

As I said, I came to this bill with a view that there is something to be said very much in favour of trying to address the planning issues in this state but my fundamental concern with the bill overall, I guess, can be expressed in terms of what the member for Bright was alluding to towards the end of his comments, and that is this idea of the Office of the Coordinator-General being able to take over the decisions for anything over $3 million in value. I absolutely endorse the comments made by the member for Bright in terms of the threshold of $3 million being far too low.

There are now many examples around Adelaide and its suburbs of properties which are simply private houses which would exceed that threshold. The consequence of that is that developments can too easily be introduced and, as was the case with the example given by the member for Bright, a proposal which does not meet the local guidelines and is rejected by the local council or the local development assessment panel, even rejected by an environment and resources court, can nevertheless simply then go through another door and gain a legitimate approval which, to my mind, is really an inappropriate approval.

Like the member for Bright, I have examples of those sorts of things happening, most recently in Strathalbyn which is in the electorate of Heysen, and a very beautiful part of the world it is. If you go out there it is a lovely town, but it has already two main streets. There is High Street which has the antiques and coffee shops and all that sort of stuff. While there are coffee shops down further and other antique shops in the town, down on Commercial Street there is the more regular retail area with the supermarket, hardware store, real estate agents and so on. There is a bit of a mix with them but there is plenty of retail space available in Strathalbyn.

Recently, there was a proposal to create yet another (a third) retail area by creating, on land which is currently zoned rural, yet another development. The people of Strathalbyn, overwhelmingly, did not want this to happen and the Alexandrina Council—which I have to say is by far the best of

the four councils I have in my electorate—did not want it to happen and, indeed, just before we had the winter break, we prepared a petition and that petition went out in the community in Strathalbyn, and in two weeks we had 6,000, or thereabouts, signatures on the petition that was put into this parliament. Hopefully, they had the effect of swaying the minister to not agree that that proposal should be allowed to go ahead, given that the land was zoned rural and that what was going to be put on it was a massive development.

Up in the Hills, we do have the issue (and, again, it is something the member for Bright alluded to) that we need to protect our food bowl. Adelaide is in the heart of an area which is relatively rich and relatively clean and green in terms of our agriculture, and I think it is important for us for the future not just to maintain this city with its own food bowl but to tap into that resource (and it is a huge resource) for our future in terms of potential export markets, and so on, overseas.

Because we are surrounded very much by relatively less than productive land in a lot of the areas of the state, we only have this area, really, close in that can be our food bowl. It is not as though we can keep pushing it ever outwards. I guess I might have some difference with the member for Bright in terms of whether we move to apartment living and putting boundaries on where we can build, but we do need to have some rational basis for making sure that that food bowl around Adelaide is protected.

I am not in favour of social engineering. I do not think that most people in Australia, and particularly in Adelaide, anticipate that they are going to be living in apartments. I, for one, have spoken to numerous developers and said, 'Could you please build some more outdoor area,' which should be the cheapest part of the apartment to build, 'because I don't want to live in a box'. I know I would feel a bit claustrophobic living in a box without a sufficient area where I could go outside.

Even if we doubled the population of Adelaide city from what it was—in 1915, there was about 46,000 people living in the City of Adelaide and there are now about 23,000, I think—and got it back to its 1915 level, from a century ago, that would be a massive increase but the vast majority of the 1.1 million people who live in Adelaide would still be out in the suburbs.

I think there is something rather glorious about many our suburbs. I recently attended a wonderful talk by Professor Chris Daniels, who had a lot to say about urban ecology—many members would have heard him on the radio talking about that topic—and our old backyards were environmentally friendly. He pointed out that, in fact, although we are known as a city with a park around it, we have relatively a small amount of parkland compared with many other major cities in the world.

What makes us different is that we do have these backyards, and I think that is something to be treasured. We need to spend a fair bit of time and focus concentrating on the fact that we have some assets in this state, we have a wonderful climate and we have the ability to have these backyards which give us that greenery and ecology and level of sustainability that we do not have by virtue of our parklands.

I reiterate that my big concern about this, and no doubt it will be teased out in the committee stage, is the fact that the government seems to be, as it does in so many other ways, centralising unto itself the capacity to make decisions about the future of our suburbs and our planning regulation.

People get elected to local government for a reason, and I have some concerns about that. I do believe that it is appropriate for us to analyse in detail what this government is doing because, in my view, it does centralise too much and, particularly because of that very low threshold on what can be referred to the office of the Coordinator-General, it takes away from local management what should be, I think, the right of a local community to have more say in determining what its future will look like.

Mr GOLDSWORTHY (Kavel) (12:55): I was here until close to midnight last night, waiting my turn. I understand I am the last, but by no means the least, speaker on this bill on behalf of the opposition during the second reading stage of the legislation. I do not intend to canvass, repeat or go over what many members on this side of the house have raised in relation to concerns and issues with this bill, but there is one important element that has been raised that I do want to repeat, and we see this as a fairly common trend with this government—that is, the centralising of control.

The member for Heysen has just spoken about it, other members on this side of the house have raised it as an issue, and I know the member for MacKillop raised this yesterday, too—this trend or focus, or whatever you want to describe it as, of centralising control to give power to a few senior people within the government and to the minister.

I do not want to exaggerate things to the extreme, but this is the path to socialism, where the state controls everything. The supposed intellectual capacity is locked up and delivered in the senior levels of government. That is not the way South Australia or Australia as a whole should operate. We know it is a failed model because, when it is taken to an extreme, as we have seen occur overseas, in Europe and in other places, eventually that model fails—and it has.

I am not going to compare what is happening in South Australia with the USSR, but we saw that the model failed because basically the population was being plunged into poverty and onto the brink of starvation, and some of the population were starving. I am not going to exaggerate the situation to that extent; however, it is a concern that we are continuing to move down this path of centralisation of control.

In saying that, I know that the Attorney-General has had a bee in his bonnet about local government over quite a period of time in this place, when he sat on the backbench a number of years ago. I think it was in our first term because we all came in together—the members for Heysen, Morphett, Bragg and myself, and the Attorney-General, the Premier and others—when we were all first elected in 2002. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:59 to 14:00.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to the parliament today year 6 and 7 students from Lake Wangary Primary School, who are guests of the member for Flinders. I believe we have had Mitcham Primary School students with us, who are guests of the member for Waite; and I know we have Adelaide Secondary School of English students with us today, who are guests of mine. Welcome.

PAPERS

The following papers were laid on the table:

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

Gawler Ranges National Park Advisory Committee—Annual Report 2014-15
Nullarbor Parks Advisory Committee—Annual Report 2014-15

Question Time

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:02): My question is to the Premier. Given that it has been almost two years since the government and Adelaide Capital Partners signed the Gillman land deal, why hasn't ACP paid the government for any of the land?

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) (14:03): We did canvass some of this stuff yesterday but the situation with the arrangements with ACP is that there was, in effect, an options deed granted to ACP and, under that, there was an obligation on the government as part of that—once the initial option had been exercised, which it has been by ACP—for the government to go forward and to undertake certain works in respect of the development, which included amongst other things a zoning exercise.

Those works have been completed and there are now obligations under the agreement upon the proponents of the agreement, ACP, to move forward expeditiously and in good faith with the bits and pieces that they have to attend to. It is my expectation that they will get on with it and, as soon

as those additional steps have been undertaken by them, it would be my expectation that there would be a settlement as contemplated in the agreement. As I explained yesterday, in my view that should be possible in the not too distant future, but I made it clear to the parliament yesterday that it is not appropriate for me to put a particular date on it, because I would be misleading the parliament because I would be saying something about a particular point in time wherein we expected that to happen. I am not able to be that specific about that point in time, other than to say that, as far I am concerned, the government part of the obligations have now been discharged and it is a matter for them to get on with discharging theirs.

Parliamentary Procedure

VISITORS

The SPEAKER: Before the leader asks a supplementary, I acknowledge today in the gallery the long-serving and distinguished former member for Torrens, Robyn Geraghty.

Question Time

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:05): Supplementary to the Deputy Premier: can the Deputy Premier outline to the parliament what those things that ACP should be getting on with actually are?

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) (14:05): I will get the detail of that for you, because I do not want to give you an answer which is then misleading because it has not covered each and every element. But, essentially, they have to be getting on with the preparation of the land so that it can actually be capable of being subdivided and therefore made available for sale. I will check to make sure that I have not missed any step, but I am talking about it in general terms—that is what they have to get on and do.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:06): Supplementary, sir: is that a physical transformation or preparation of the land, or just in terms of the overall planning?

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) (14:06): Again, I will check, but my understanding is that it is a process rather than a physical piece of work on the land—a legal and procedural process.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:06): Supplementary, sir: has ACP paid any landholding costs, such as land tax, during the period that this land has been locked up but not paid for?

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) (14:06): Again, I will check, but as I understand it, the normal rules are that the person on the title of any particular piece of land is the person who is responsible for any taxes attached to that piece of land. So, I would assume, as that continues to be in government hands for the time being, that the answer to that question is no, but I will check it.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:07): Thank you. What remedies does the contract provide if ACP does not get on with it, as the Deputy Premier has suggested in the parliament today?

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) (14:07): Again, as I tried to explain yesterday, with commercial contracts of this nature, which are quite large and quite complex, there is a number of different ways that they can be drafted. This is up to the parties and the lawyers concerned, but in broad terms, one approach is to say—and this is the approach that we have here—that there are certain milestones that are meant to be achieved as expeditiously as possible, with the parties acting in good faith.

In the event of there being a dispute between the parties—and a dispute might be, for instance, that one party believes another has been slow or not fully engaged in part of its responsibilities—the agreements have within them terms in relation to dispute resolution. So, the agreement itself contains its own dispute resolution provisions, and in the event of there being, as was put forward by the leader, a lack of performance by either party, the first recourse they would have would be to the dispute resolution procedures provided for within the agreement.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:08): Can the Deputy Premier outline to the parliament what those dispute resolution procedures are?

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) (14:08): Essentially, they involve an arbitration of the disputed or contended propositions. Without having the agreement in front of me, I cannot tell you the precise steps, but in general terms it involves the parties in effect having an arbitrator come in to sort out their differences.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:09): Given the fact that this deal is almost two years down the track and there has not been settlement, at what point will the government issue proceedings for arbitration over the matter of the Gillman land?

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) (14:09): We would be in a position to consider those matters when or if we came to the conclusion that there had been a lack of performance. But I have to say that that is, as in many matters of this type, a matter of fact and degree, and I don't think it would be appropriate or beneficial from anyone's point of view for me to speculate in any detail about what a triggering event might be, but I would of course be guided by my legal advice.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:09): Just for confirmation, all the conditions precedent that were in the contract for the government to perform prior to settlement have been completed? All of those obligations have been discharged?

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) (14:10): Again, that is my understanding of the matter. I can ask those who advise me again, but my understanding is that, upon the completion of the zoning exercise, which was completed some months back now, the remaining elements of the transaction that were required to be performed by the state have been complied with. We are now in the next phase, and in that phase there are things that have to be done by ACP.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:10): Finally, does the delay in settlement of the first section of the Gillman land deal affect the publicly disclosed end date for the totality of the Gillman 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) (14:10): I am not exactly sure what the leader means by that. The Gillman—

Mr Marshall: The 10-year period to provide the balance.

The Hon. J.R. RAU: I see, but, just to make it clear, there are actually three stages to this. I would need to have a look at the provisions in particular with respect to the second and third stages because, whilst it may be that there are maximum periods that those opportunities remain open (again, without checking I can't say for sure), it is my understanding there are no minimum periods.

Mr Marshall interjecting:

The Hon. J.R. RAU: I would have to get advice on that.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:11): My question is also to the Minister for Planning. Has the minister now checked whether any member of Adelaide Capital Partners tried to access part or all of the land subject to the Gillman land deal in the years leading up to the deal being signed?

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) (14:12): After we had some questions yesterday, I indicated to Renewal staff that it would be helpful if they were to look carefully at the deputy leader's series of questions and to do their best to get me some answers to those questions. I have yet to receive that response.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:12): Supplementary: minister, have they given any indication as to how long they expect it to be before they will give you some answers so that you can inform the parliament on both that issue and the other matters, including the offering to sell to the state government the right to fill?

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) (14:12): No, they have not. I simply, as I said yesterday, said, 'The deputy leader has asked me a number of questions in the parliament about this transaction. You will find those questions in *Hansard,* and I would like you to go away and see if you can find the answers to those.' That's what I have done.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:13): Final supplementary: given the nature and extent of this Gillman land deal and the controversy which surrounded it, did you think that it was reasonable to put any expectation on Renewal SA to undertake that search and response expeditiously?

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) (14:13): I believe that they will be exercising due diligence in going away and doing that. They have many things to do aside from things that I might ask them to do on an afternoon after question time, but I am confident that they, having been requested by me to do so and having been directed by me to the *Hansard*, will do that in as reasonable a time as they possibly can.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14): My question is to the Treasurer. Will the Treasurer table the minute that was received from Mr Michael Buchan on

21 November 2013 advising the minister that the board of Renewal SA had rejected 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) (14:14): All of the material relevant to this transaction has been provided either through the proceedings in the Supreme Court, which commenced with Mr Justice Blue and then went to the Full Court, or through the Auditor-General's inquiries, or more recently through the work of Commissioner Lander acting under the provisions of the Ombudsman Act.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): Indeed, it was referenced in both the ICAC report and in the Supreme Court judgement. Nevertheless, when the opposition put in a request under FOI for this minute, that wasn't forthcoming. Can it now be tabled?

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) (14:15): If it wasn't forthcoming under FOI, that would suggest to me there is a reason within the FOI legislation that that—

Members interjecting:

The Hon. J.R. RAU: That would suggest to me there is some reason why that document is not a document to which that legislation has application, but if the leader believes that they got that wrong then obviously there are avenues, including going to the Ombudsman and saying, 'We don't believe they got that right.'

The SPEAKER: I call to order the members for Morialta and Kavel. Leader.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): In fact, the response that came from the department was that it simply wasn't identified. Yet, of course, now we have both the Supreme Court judgements—

The SPEAKER: Could we have a question?

Mr MARSHALL: Yes—can the minister confirm that this document does exist and it will now be tabled by the government?

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) (14:16): I'm not going to give any undertaking in respect of an unnamed—

Mr Marshall: We were simply told that it doesn't exist.

The SPEAKER: I call the leader to order.

The Hon. J.R. RAU: I'm not going to be giving an undertaking in respect of an unnamed document of an alleged particular date. What I would say, though, is that, armed with the additional information that the leader has, by reason of the two references to which he has just referred, I could recommend that he either make a renewed application under the FOI Act or, alternatively, if there's been—

Mr Marshall: How long is that going to take?

The Hon. J.R. RAU: It's a matter for the statutory office holders to deal with the matter in the time provided. In the alternative, if he believes that there has been a failure—

Members interjecting:

The Hon. J.R. RAU: As I said, I'm just trying to be helpful. If—

Mr Marshall interjecting:

The Hon. J.R. RAU: If the leader believes there has been an error in the way in which the legislation has been applied, then of course he has an opportunity to pursue that through the channels provided under the act.

The SPEAKER: I warn the leader. Deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:17): Supplementary, sir: as the first law officer of the state, surely the Attorney-General would consider inquiring into the department as to why this minute hasn't been produced under FOI or the records of notice given as to why it is not going to be produced on the basis of protection under the act.

The SPEAKER: That's really an expression of opinion rather than a question.

Ms CHAPMAN: No, I asked him why he wouldn't do it.

Mr Gardner: She asked it in a questioning tone, sir.

Mr Knoll: There was an upward inflection.

The SPEAKER: Yes, there was that. Deputy Premier.

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) (14:18): Surely—

An honourable member: Don't call me Shirley.

The Hon. J.R. RAU: No, don't call me Shirley. In addition to that, the situation is that I don't, off the top of my head, have any particular idea what minute these questions are actually concerning. I don't know what department, although I assume it might have something to do with State Development or Treasury or maybe not—maybe it's in Renewal. I don't know. All I'm saying is that—

Members interjecting:

The Hon. J.R. RAU: I will continue to advise members of the opposition, if they're interested in this matter, by all means to put in an application. I have no reason—

Mr Marshall interjecting:

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

The Hon. J.R. RAU: I'm simply saying that if the leader now has two points of reference which might be of assistance to the FOI officer in ascertaining exactly what it is the leader is looking for, I would invite the leader to make the application.

Mr Knoll interjecting:

The SPEAKER: The member for Schubert is called to order, warned a first time and warned a second time, and the members for Mount Gambier, the deputy leader and the member for Wright are called to order. Leader.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19): My question is to the Treasurer. Why didn't the Treasurer pass on the Renewal SA minute recommending the rejection of the ACP Gillman bid to the Premier on 4 July 2013?

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) (14:20): All of these issues have been canvassed at length in the various proceedings to which I have already referred, and there is nothing really more to add to what is contained in those reports.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20): Supplementary: is the reason that the Treasurer did not pass on that minute to the Premier because he did not agree with the advice that had been provided by 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) (14:20): For the sake of brevity, can I just repeat my last answer.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:20): My question is to the Treasurer. Does the Treasurer accept that, as the minister responsible, it was his ultimate responsibility to ensure probity with the ACP Gillman deal?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:20): I have already accepted—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Well, I was minister for state development. In fact, I was treasurer at the time and minister for state development, and I have already accepted responsibility for this agreement and I stand by it. If those opposite have not heard the explanation before I am happy to give it again. We take responsibility for the decisions that we took to enter into this arrangement to take a piece of land that was lying there for 30 years and actually accept an unsolicited bid from a group of entrepreneurs that wanted to create jobs for the benefit of South Australians.

That was the simple and entire motivation of the exercise, and it was the simple and entire explanation that has been accepted by every process that's been conducted into this matter—every process that has been undertaken in relation to this matter. Our purpose has been vindicated in every single process despite the innuendo—

Members interjecting:

The Hon. J.W. WEATHERILL: —and the snide references. But, having said that, there were elements of the process where—

Mr Marshall interjecting:

The SPEAKER: If the leader utters another word outside standing orders he will be departing the chamber.

The Hon. J.W. WEATHERILL: There were elements of the process which were not up to standard. They have been documented in the Ombudsman's report exercised by Commissioner Lander, and they are important—

Mr Pisoni interjecting:

The Hon. J.W. WEATHERILL: Well, the ICAC commissioner behaving—

The SPEAKER: The member for Unley is called to order and the member for Mount Gambier is warned.

The Hon. J.W. WEATHERILL: You see, we were the ones who set up the Independent Commissioner Against Corruption, and we did that—

Members interjecting:

The Hon. J.W. WEATHERILL: —because we wanted to send a very clear message to the people of South Australia that the decisions we take are decisions that are taken with the highest of integrity, and the purpose that we undertook this exercise for was confirmed as a proper purpose. It would be good if those opposite gave this arrangement an opportunity to succeed, because I think everybody accepts that we need high quality infrastructure that creates opportunity for employment growth here in South Australia.

But it is true, that there were some significant failings that were identified in the Ombudsman's report. You will also see that he outlines all of the steps the government has taken to respond to those matters and remedy them and he cites them with approval. So, in other words, the deficiencies have been responded to and remedied, and Commissioner Lander acknowledges that they were proper steps to be taken.

He mentions one further matter, which is the governance arrangements in relation to Renewal SA, and that matter was the subject of a question yesterday, or, in fact, in the Auditor-General's Report, and I think maybe even the Deputy Premier would have received some questions about that, and that is receiving our attention. We are attending to that matter as well. But I take responsibility for this transaction; I promoted it, I supported it. Sure, there were some deficiencies in the way in which the agency conducted itself. But at all times we've never sought—

Members interjecting:

The Hon. J.W. WEATHERILL: —we've never sought to hide—

Members interjecting:

The Hon. J.W. WEATHERILL: —we never sought to hide behind the board or any of the advice of the agency. We always owned this as a decision of the government in the interests of the people of South Australia.

The SPEAKER: Before the deputy leader asks her question, I call to order the members for Finniss, Chaffey and Morphett. I warn for the first time the members for Morialta, Kavel, Morphett and, indeed, the deputy leader herself; and I warn for the second and final time the member for Kavel. Deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:25): My question is to the Premier. Given that the Premier has accepted ultimate responsibility to ensure the probity arrangements in relation to the deal, why didn't he then ensure that a probity adviser was appointed prior to the negotiations commencing with ACP?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:25): This has all been canvassed at length in the report. What in fact happened is that once the transaction, the actual negotiations for the transaction were undertaken in earnest, that's when the probity auditor was appointed.

Ms Chapman: Rubbish!

The Hon. J.W. WEATHERILL: Well, that happens to be—

Ms Chapman: Absolute rubbish!

The Hon. J.W. WEATHERILL: That actually happens to be—

The SPEAKER: The deputy leader is warned for the second and final time.

The Hon. J.W. WEATHERILL: That happens to be the truth. Unfortunately, the probity auditor should have been appointed at an earlier time. That's the criticism; not that there was not a probity auditor appointed, or even that the probity auditor was not appointed before the negotiations, in earnest, began. It's just that it should have been at an earlier time. That was proper process. It was not something I was aware of.

I think we are entitled to assume that our agency was taking all relevant steps. It didn't, and that's unfortunate, and I have to accept, and the minister has to accept, responsibility for that, and we do. But it needs to be seen in this context. There was a probity auditor appointed; it just was the timing of the probity auditor's appointment. Of course, this criticism—

Members interjecting:

The Hon. J.W. WEATHERILL: This criticism emerged in the Auditor-General's Report.

The SPEAKER: The deputy leader is living dangerously.

The Hon. J.W. WEATHERILL: This is old news. This was a criticism made by the Auditor-General which we accepted at that time. It's simply been one repeated by Commissioner Lander in his later report.

The SPEAKER: The member for Morialta is warned for the second and final time. Deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:27): A question for the Treasurer: does the Treasurer agree with the Independent Commissioner Against Corruption's finding that the eventual appointment of the probity advisers amounted to an attempt to ensure that it would be perceived that the URA had conducted itself appropriately in the process, but no more?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:27): We've already indicated we accept all of the findings, good and bad, that have been made by Commissioner Lander. So, of course we accept all the findings. We've made that known publicly; that's the position of the government in relation to the findings. We have taken them seriously, and we are seeking to respond to the criticisms. But those opposite should also acknowledge those elements of the report which are beneficial to the government and which do not amount to criticisms of either the minister or myself.

The member asked the question seeking to cast some blame or criticism on the Treasurer or, indeed, myself, but that goes further than the findings that were made by the commissioner. I understand why the opposition would want to conduct its own inquiry and make its own findings, but, fortunately, we are relying upon an independent commissioner who is well respected, and if he hasn't chosen to make those criticisms of the Treasurer, I don't think it's really within the province of the deputy leader to add her own gloss, if you like, on the report.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28): My question is to the Premier. How can the Premier substantiate his suggestion that there was no other prospect for the development of the Gillman site which would have created jobs when the commissioner references the Land Management Corporation's announcement that the land would be put to tender and that other parties had already put forward a proposal for a joint venture to develop part of the site?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:29): Well, we're not interested in somebody using this site as a dump. We want it to be developed for employment land. That's our ambition for the site, and I'm sure that there are people who want to use the site for their private economic benefit. What we're interested in is the public interest, and the public benefit. So, that's the reason we took the stance that we did.

Sure, it is unusual to entertain an unsolicited bid in this fashion, and you only do it in exceptional cases where the benefit is a high benefit. Also, the other factor here is, of course, we were worried about losing the opportunity.

This is an extraordinary proposition. Somebody is going to spend a couple of hundred million dollars of their money making our land more valuable. That is something you want to look at. That is something you want to give a chance to actually work. We are not as interested in somebody using our land as a dump. I think we are entitled to take a view about that, which we did—

Members interjecting:

The Hon. J.W. WEATHERILL: —and that is at the heart of the matter.

The SPEAKER: The member for Mount Gambier is warned for the second and final time, and the member for Chaffey is warned. Leader.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30): Supplementary, sir: will the Premier guarantee ACP will not use this site to deposit landfill?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:30): No, I won't be giving any guarantees of the sort. In fact, the evidence that's been given to the inquiry is replete with the fact

that that's in part what they will be doing as part of their business case. It also indicates that they will be needing to use land to fill the site up to the extraordinary level it needs to be filled at to make it usable. There will need to be sources of land taken from a range of different—

Mr Pederick interjecting:

The Hon. J.W. WEATHERILL: —sources, many different sources, to actually build it up so that it's able to be used for its ultimate purpose as employment land. I am certainly not giving any guarantees of any sort about the nature of the way in which they are going to do that.

The SPEAKER: I call to order the member for Hammond. Leader.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:31): Far from it being that you wouldn't rule it out, is it not actually included in the contract that this land can be used as a site for fill to be deposited?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:31): All of these matters have been canvassed at length in Commissioner Lander's report. Maybe we just have to accept that we've got a different vision for this site: you want to use it as a dump, we want to turn it into employment lands. Maybe they are the two visions we put in front of the people of South Australia or, more importantly, maybe the future is that it should just lie there doing nothing for 30 years, much like the Liberal Party of South Australia—empty, barren, nothing happening here, no ideas.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:32): Can the Premier outline to the house what evidence he relied upon to determine that the other proposals, the proposals that the Land Management Corporation referred to, would not create the same number of jobs that the ACP proposal purported to create for South Australia?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:32): This has all been laid out at length. Every element of the decision-making process that we took as a cabinet has been laid bare in three separate processes, and there has been nothing to suggest that our motivations weren't exactly as we said, that is, the creation of employment lands. I do hope that they are successful in achieving this. We have doubts now, given the controversy around this process. We do hope that they are successful—

Mr Pisoni interjecting:

The Hon. J.W. WEATHERILL: —but their ambitions—

The SPEAKER: The member for Unley is warned.

The Hon. J.W. WEATHERILL: Their ambitions for this site are extensive and are about creating the estimated 6,000 jobs. It would be a wonderful thing if that could be created in a logistics hub—

Mr Pederick: How is your 100,000 going?

The Hon. J.W. WEATHERILL: —so close to the city.

The SPEAKER: The member for Hammond is warned.

The Hon. J.W. WEATHERILL: They are certainly the things that we hope become a reality.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33): If the Premier is telling the parliament today that it was envisaged by the government that this site would need to be filled, then why wasn't the increased valuation for that site, from being able to receive that fill material, included in the evaluation undertaken by his department?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:33): These are all matters that were—

Mr Marshall: They have been canvassed before, we know. It's the same—

The SPEAKER: The leader—

The Hon. J.W. WEATHERILL: They have indeed and—

The SPEAKER: The leader is on the edge.

The Hon. J.W. WEATHERILL: When there is a valuation undertaken on a piece of land, it takes into account all the relevant circumstances. I think we are entitled as a government to rely upon our expert land disposal body to provide us with expert advice about what the value of a piece of land is. You would have thought that, as a government, we are entitled to go to our land disposal body for land that it actually holds and say—

Mr Pederick: Put it out to open tender—that's how you find the value.

The Hon. J.W. WEATHERILL: And jeopardise the possibility of getting an investment of hundreds of millions of dollars and the creation of many jobs. They were simply the choices in front of this government. We are not going to apologise for—

Members interjecting:

The Hon. J.W. WEATHERILL: We are not going to apologise for taking—

The SPEAKER: The Treasurer is called to order and the member for Colton is called to order for unsolicited advice to the Speaker.

The Hon. J.W. WEATHERILL: We're not going to apologise for taking a course which puts the creation of jobs ahead of other considerations. I think we were within our rights to rely upon the advice from Renewal SA, and there has been no criticism of the fact that we did that. What there has been criticism of is the way in which Renewal SA went about securing up-to-date valuations. Although, it's also worth saying there has never been a suggestion in any of the reports, despite doubts being cast on the valuations, that there is a valuation of the land which is any higher than that which we've got.

Ms Chapman: Yes, because you didn't do one.

The Hon. J.W. WEATHERILL: To take that further—

The SPEAKER: Once more and the deputy leader will be out, again.

The Hon. J.W. WEATHERILL: —the valuation that does exist on the public record is so low compared to the price we actually received, and there is nothing to suggest in the intervening period that land prices skyrocketed, there is really nothing to suggest that we got anything other than a good value. There certainly is no alternative valuation. Even to this day, nobody has been able to produce a valuation to suggest that there was going to be a higher value, but that was not the motivation of the government, seeking to extract the maximum value for this land: that was a pleasant side benefit. We wanted, essentially, to create jobs in this important part of South Australia.

The SPEAKER: The member for Davenport is called to order, the member for Finniss is warned and the member for Morphett is warned a second and final time. Leader.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:36): Thank you very much, sir. Did the government receive any advice that the unique fill opportunities on the Gillman land would present to the state a unique valuation opportunity?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:36): I can hear the thwack of leather on the rear end of a horse here. This is flogging a rather dead horse. We have been asked the same questions and given the same answers since before the last state election. I've been saying exactly the same thing for a couple of years now and there is no inquiry that's found other than what I've been saying is a proper answer. So, I repeat what I said earlier about the fact the government is entitled to rely upon its expert agencies to provide it with its valuations and also probably the more important fact that it was jobs that was at the centre of our considerations, not seeking to get the highest value for the land in question.

The SPEAKER: I call the member for Goyder to order. Leader.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:37): Nevertheless, did the government receive any advice that the fill opportunities at Gillman created increased value for that land over and above its unencumbered non-fill opportunities?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:37): I'm not going to canvas all of the observations that were made by Commissioner Lander in his report. He sets out chapter and verse what government was told and not told and the criticisms he made of Renewal SA about their steps to gain further information to assist in that valuation exercise. You can go round and round in circles and ask this question about what the valuation was and whether it was up to date and whether it could have taken into account different considerations, but Renewal SA was holding a valuation, it sought to update that valuation and it provided advice to government concerning the valuation advice that we took into account. I don't think there is anything more I can add.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:38): My question is to the Minister for Housing and Urban Development. Has Incitec Pivot been offered a site within the land subject to the ACP deal to relocate their enterprise, and, if so, has it been accepted?

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) (14:38): I will need to check on the details of that, but it is the case that Incitec Pivot has been occupying a site very close to an area of the Port Adelaide inner harbour that we have long had the ambition to enliven with activity and to be part of a renewal of the whole Port Adelaide precinct. Of course, the presence of that particular activity adjacent to that doesn't really go well together because, as members would possibly be aware, the chemicals they have require some degree of a buffer precinct around which there should be, certainly, no housing development.

Yes, there have been talks about Incitec Pivot at some point leaving their present premises, thereby enabling opportunities to occur at the inner harbour and moving to nearby premises but not immediately adjacent. As to exactly where that discussion is up to, I am not going to guess, but in general terms there has been conversation about their moving, and my recollection is that the idea was that there was some opportunity for some land to be made available in that North Arm area. To get the precise answer to the particular question, I will need to take the rest of that on notice.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:40): A supplementary: when making that inquiry, minister, could you inquire as to when it is likely to be relocated, given that the member for Port Adelaide promised this would occur by June 2013?

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 would be delighted to make that inquiry. I do not know exactly whether we are talking about the current member for Port Adelaide or the previous member for Port Adelaide or—

Ms Chapman: That one.

The Hon. J.R. RAU: The current one. Right, I see. Okay.

The Hon. J.W. Weatherill interjecting:

The Hon. J.R. RAU: Yes. I will find out about that, and I will ask the minister in due course what in fact she did say, if anything, that point in time so that I could actually given an answer to the question about what the minister actually said.

Mr Pisoni interjecting:

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

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:41): A final supplementary: minister, was the relocation of Incitec Pivot to the Gillman area part of the government's agreement to purchase Incitec's existing site at Port Adelaide?

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): Again, I would have to check whether or not there is any formal arrangement there, but my recollection of the whole proposition is as I have already indicated to the parliament. The storage of certain materials in that precinct is anathema to a commercial and residential development in that precinct adjacent to a warehouse for particular chemicals, which it was, so of course there were discussions with Incitec Pivot about how we might achieve the benefit of having a large area of the port that would otherwise have been, in effect, sterilised for any sort of reasonable development to become available at some point in time for appropriate development.

Obviously there were conversations with them and, as I have already said, my recollection is that there was some opportunity made available for them to have a relocation option in the general vicinity. But if you are wanting the fine grain on that, obviously I would need to look at whatever documents are involved and seek advice on that.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:43): I have a further supplementary, sir. Have there been any discussions between the government and ACP about Incitec Pivot being a tenant 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) (14:43): Not that I am aware of, but again I will ask. I think the deputy leader is assuming that these two events are somehow coupled. They are events with their own beginnings and their own trajectories—

Ms Chapman interjecting:

The Hon. J.R. RAU: —and the two are not interdependent as far as I am concerned in any way.

The SPEAKER: The deputy leader has defied my ruling by continuing to interject.

An honourable member interjecting:

The SPEAKER: No, I haven't thrown her out yet.

Ms Chapman: I'm happy to go.

The SPEAKER: Thank you for volunteering. I will bear that in mind.

HOSPITAL TRANSFERS

Dr McFETRIDGE (Morphett) (14:43): My question is to the Minister for Health. Will the minister rule out SA Health or the SA Ambulance Service contracting out interhospital transfer of patients?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:44): I will need to get some advice from the department. I think it is probably unlikely. I think my recollection is that interhospital transfers that are done by the SA Ambulance Service are done not by full paramedics but by people with a lower level of qualification. I will need to check but to my knowledge I do not think there are any plans to do that.

AMBULANCE SERVICES

Dr McFETRIDGE (Morphett) (14:44): Supplementary: can the minister then tell us where the 170,000 outpatients who visit the Repat will be transferred to?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:44): Most of them will be seen either at the Flinders Medical Centre or we are looking at the option of availing ourselves of the Marion GP Plus as the two locations for those outpatient appointments that currently happen at the Repat to occur.

DOMESTIC AND FAMILY VIOLENCE

Mr GARDNER (Morialta) (14:45): My question is for the Minister for Police. Will the government engage with the non-government sector with a view to enabling non-government organisations in the family and domestic violence space to formally engage with the new MAPS framework?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:45): I thank the honourable member for his question. As the honourable member would be aware, the MAPS project is subject to review at the moment. That review, I understand, has been prepared in draft form. I have not seen the report yet, but it is going to the steering committee which oversights the project. I am not aware whether there is a recommendation or not; it may be a recommendation, but I am certainly happy to have those discussions in conjunction with what the report recommends.

DOMESTIC AND FAMILY VIOLENCE

Mr GARDNER (Morialta) (14:45): Given that I understand that review is due to be provided in its final form on 10 November, will the minister commit to tabling that review in the parliament for the people of South Australia and the parliament to consider in the subsequent sitting week?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:46): When I receive the report and should I table it, the very first question I will probably get from the member for Morialta is: what is my response to the recommendations? So, I will pre-empt that and say that I will have a look at the report and prepare some responses and table both the report and our government's responses.

POLICE STATIONS

Mr GARDNER (Morialta) (14:46): My question is to the Minister for Police. Which police stations is the government considering for cutbacks and reduced opening hours, as suggested by the police commissioner yesterday?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:46): I thank the honourable member for his question. As the member would be aware, the operational review is being published by the commissioner. He is actually now in the consultation process. I am sure he will deal with it as an operational matter and he will publish a final version in due course.

POLICE STATIONS

Mr GARDNER (Morialta) (14:47): Supplementary: why didn't the government indicate during the estimates process, when asked about whether there would be any further police station closures in addition to the eight police stations the government has closed this year, that further cutbacks were being considered as well?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:47): I thank the honourable member for his question. As I've said on a number of occasions, those matters are operational matters. The ones which were dealt with at estimates were the ones which came to my advice. Those matters are still being discussed at an operational level within police, so there is no advice to me on that about which station.

POLICE STATIONS

Mr GARDNER (Morialta) (14:47): Supplementary: if the minister is to continue to insist, as he has just done, that all of these matters to do with police station closures are operational matters,

will the minister commit the Labor Party to no longer using the former government's closure of police stations, or indeed this government's opening of those police stations, in those publicity materials for elections, such as those police stations that this government claims credit for opening which have subsequently been shut?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:48): I thank the honourable member for his question. No.

SMALL BUSINESS START-UPS

Ms COOK (Fisher) (14:48): My question is for the Minister for Small Business. Can the minister inform the house what the South Australian government is doing for start-ups and entrepreneurs?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:48): I thank the honourable member for her question. Entrepreneurship underpins our state's efforts to become more innovative and globally competitive and helps create sustainable jobs and high-value globally competitive markets. This government is strongly committed to creating a business environment where start-ups can succeed and where established businesses can grow.

To that end, we are working to reduce costs for all South Australian businesses and to build the capability of business owners and managers to grow globally competitive profitable businesses and create jobs. We are implementing the most significant reforms in WorkCover in a generation, and the new return-to-work scheme is expected to save businesses an estimated $180 million per annum in premiums. On top of this, this government is embarking on the most comprehensive state tax reform in South Australia's history, and at the centrepiece of that reform package are jobs.

Every single business and enterprise in South Australia, whether big or small, can benefit from these changes. The government's tax reforms stand our state and our party alone in the nation for tax reform. We are committed to red tape reduction and better engagement with industry through the work of the Simpler Regulation Unit, and the state government, through our jobs plan, is investing in various programs aimed at realising the economic potential of the state's entrepreneurs.

The government is providing $1.7 million over three years to the SA Micro Finance Fund, which provides grants of up to $50,000 for South Australian entrepreneurs to turn their new ideas into high-value businesses. The government is providing $1.05 million over three years to Innovyz Start to deliver a mentorship-based start-up accelerator program, and I am advised that graduates of its accelerator program have so far raised more than $2.95 million in leveraged investment.

The government is also providing $450,000 over three years to support Venture Catalyst. An initiative of the state government and the University of South Australia, the program encourages entrepreneurship and the creation of local start-ups by providing funding for early-stage ventures founded by the University of South Australia students and recent graduates. To date, four local start-ups have received $50,000 each in seed funding.

The government is providing $400,000 over four years to Majoran, a city-based co-working space that provides mentorship and industry connections for budding entrepreneurs. This program also delivers the government's entrepreneurship masterclass, MEGA, along with the open data event Unleashed, and the SouthStart conferences, which bring together around 600 entrepreneurs from Australia and beyond. Over the past two years, the government has committed $40,000 per year to support the SA Young Entrepreneurs Scheme, a program delivered through Business SA that assists young professionals to develop and start a businesses.

Together, these measures support the establishment, growth and success of the next generation of innovative South Australian businesses working in a jurisdiction that will become the lowest-taxed jurisdiction in the federation of all the states—something we can all be very proud of.

SMALL BUSINESS START-UPS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:52): Supplementary, sir: can the Treasurer outline to the house why, after 14 years of Labor administration and all the programs

that he has outlined today in the house, South Australia has the lowest rate of business start-ups on mainland 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) (14:52): I dispute those figures, and I would be interested to see the ABS stats to that because that is not my understanding. But I know that yesterday the deputy leader moved a privileges motion; the Speaker made some statements about it applying both to the opposition and the government. The Leader of the Opposition just stated in the house that he claims South Australia had the lowest rate of start-ups in the federation.

Mr Marshall: No, that's not what I said.

The Hon. A. KOUTSANTONIS: Oh, it's not what he said now; it's changed. It just changed—like he supports cycling laws but doesn't support cycling laws, and supports cyclists but doesn't support cyclists—

Members interjecting:

The SPEAKER: The member for Unley is on his last warning.

The Hon. A. KOUTSANTONIS: Well, we shall see, Mr Speaker. We will go away and check the Leader of the Opposition's assertions and we will find out. I notice—

Members interjecting:

The Hon. A. KOUTSANTONIS: —he is the one who has gone white now. He is the one who has gone white. We are working through the budget process, reforming our state, reforming our taxes, lowering taxation. But, Mr Speaker, don't believe me, believe the new federal Treasurer, Scott Morrison. The first statement he made as our commonwealth Treasurer in this state was to congratulate the state government on our tax reform package. That goes to show the level of commitment to bipartisanship that the new Turnbull government has with the Weatherill government, while members opposite are stuck behind in the Abbott doctrine of divisiveness, opposing and just being negative about South Australia.

Mr VAN HOLST PELLEKAAN: Point of order.

The SPEAKER: Those who take points of order against ministers who are debating should come to the point of order with clean hands.

Mr VAN HOLST PELLEKAAN: Mr Speaker, I was not debating; the Treasurer was.

The SPEAKER: There was a torrent of interjections from the opposition, interjecting and interrupting the Treasurer and, like an AFL umpire, I decided to let it play.

Mr VAN HOLST PELLEKAAN: Mr Speaker, we were only trying to get the Treasurer back to the substance of the question.

The SPEAKER: Yes, thank you very much for your help. Treasurer.

The Hon. A. KOUTSANTONIS: I see you're not wearing a fluorescent top anymore, sir. That's very impressive. Gone back to the whites—very good.

The SPEAKER: The Treasurer is warned.

The Hon. A. KOUTSANTONIS: I reject the assertion of the Leader of the Opposition. This state is doing all it can to lower business costs, whether it is through WorkCover or our tax system. We are trying to reduce red tape and we are working collaboratively with councils to do all we can, and of course we are also working with the commonwealth government. I would much rather constructive ideas from the opposition than the Abbott doctrine of just opposing everything. Perhaps they should embrace Prime Minister Turnbull's newfound optimism for this country and this state rather than Mr Abbott's negativism.

AUSTRALIAN CRANIOFACIAL UNIT

The Hon. J.M. RANKINE (Wright) (14:55): My question is to the Minister for Health. Minister, can you inform the house about the important milestones being celebrated by the Australian Craniofacial Unit this year and how the unit has helped change the lives of countless people in South Australia as well as nationally and internationally.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:55): I would like to thank the member for Wright for her question. This year, South Australia's world-renowned Australian Craniofacial Unit is celebrating an impressive milestone, its 40th anniversary. The unit was established in 1975 when a young gifted surgeon and his fellow eminent specialists approached premier Dunstan to support an ambitious project to establish a national centre of excellence in the field of craniofacial surgery in Adelaide. The visionary premier Dunstan was so impressed with the proposal he gave it an immediate go-ahead.

In 1975, the unit was the first of its kind in Australia. In fact, today, the Australian Craniofacial Unit at the Women's and Children's Hospital is still the only unit of its kind in Australia and is one of only two dedicated stand-alone multidisciplinary craniofacial units in the world. The unit provides services from both the Women's and Children's Hospital and the Royal Adelaide Hospital sites and is still headed up by the same young surgeon who approached premier Dunstan 40 years ago, the renowned craniofacial surgeon Professor David David.

Despite advances in medicine, around one in every 500 children is born with a craniofacial abnormality, and many other children and adults acquire craniofacial injuries as a result of accidents. This can have severe health impacts for those who are affected. It can also be a source of hurt and humiliation. Over the past 40 years, Professor David and his team of dedicated health professionals in the Australian Craniofacial Unit have brought hope and dignity to over 17,000 people of all ages in South Australia and also nationally and internationally. The life-changing treatment has allowed these people to live normal lives by improving their health outcomes and quality of life and helping to remove the stigma and suffering that can come with craniofacial abnormalities.

The unit has achieved national recognition as a centre of excellence in its field and is one of the few in the world that provides a comprehensive approach to patient care. It performs surgery that is highly specialised and complex, and ongoing patient treatment often spans many years. This relies upon the expertise of multidisciplinary teams made up of many different health professions. The unique service delivery model has earnt the Australian Craniofacial Unit international recognition and has attracted interest from craniofacial surgeons, researchers and clinicians from across the world.

As well as treating countless Australians here in Adelaide, each year teams of specialists from the unit treat over 400 patients in Malaysia, Indonesia, Singapore, Hong Kong and the Middle East, changing the lives of these patients as well as teaching and exchanging knowledge with surgeons and medical staff. The unit also plays an important role in medical education, with many Australian and international craniofacial surgeons training in Adelaide. The unit is involved in all levels of medical training, from undergraduate to post-doctoral. It offers fellowships and has also implemented the world's first craniofacial Master's degree.

The unit is a South Australian success story which has ensured that many thousands of people have had the chance to live in our society with hope and dignity. As the unit celebrates its 40th anniversary this year, I commend Professor David, his team and all those who have supported the unit over the past 40 years for the success of the unit and the many lives that have been and will continue to be changed.

AUSTRALIAN CRANIOFACIAL UNIT

Ms REDMOND (Heysen) (14:59): Supplementary question, Mr Speaker: can I ask the Minister for Health whether, in light of his statement then or his answer to the question, he will guarantee the ongoing funding for the Craniofacial Unit being sequestered and dedicated to that purpose?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:59): There is certainly no reason to believe otherwise.

LINCOLN MARINE SCIENCE CENTRE

Ms HILDYARD (Reynell) (14:59): My question is to the Minister for Agriculture, Food and Fisheries. How is the state government furthering marine science research?

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) (14:59): I thank the member for Reynell for the question. Of course, it is widely known that SARDI Aquatic Sciences is a world leader in research and scientific innovation, helping to deliver sustainable growth in our aquaculture industries and protection for fisheries and their environments. Staff are located across the state at West Beach, Port Lincoln, Mount Gambier and the University of Adelaide's Roseworthy campus.

I was at Roseworthy last week and saw one of the projects they are working on, conducting nation-leading research into the toxins that get into the livers of lobster to make sure there is no potential danger for human consumption. Here in Australia, there is not a lot of consumption of the liver—which is the mustard bit up near the head, when you rip it all out—but in some other cultures where we export our lobster, there is a high consumption of the liver, which is used as a dipping sauce. We just want to make sure that it is all safe.

The good news over in Port Lincoln is that the state government has been presented with an excellent opportunity to take over the Lincoln Marine Science Centre from the current owner, Flinders University. The centre was established in 1995 by Flinders as a regional multipurpose facility for teaching, community education and research. It was built on crown land with Flinders University as custodian, with the land dedicated for scientific research and education purposes. It was developed as a focal point for teaching, temperate climate biology and aquaculture. It is also being used by SARDI and PIRSA under licence agreement, by TAFE and also by Clean Seas as a private lessee.

Due to the number of staff at Flinders University reducing in recent years and a change in research and teaching priorities, the university approached the state government proposing to transfer the facility to PIRSA for no financial consideration. Negotiations have been successful and this transfer will occur in the near future. This provides government with an opportunity to use the centre not only for research but also for government office accommodation.

PIRSA will be able to relocate staff from two other locations in Port Lincoln and local DPTI staff will also transfer to the building. Flinders University will retain staff there and Clean Seas will also continue to sublease space to further their joint research projects with the university. The centre will be a valuable asset for the state government and South Australia. It contains state-of-the-art laboratories, freezers, aquariums, meeting and lecture rooms, office accommodation, equipment space and a reception area.

The centre will continue to provide a strong base for SARDI to undertake marine research to inform fisheries management, particularly for the state's valuable rock lobster and abalone fisheries. It will also provide a venue for ongoing industry and research collaboration for SARDI's more recent activities in the large-scale Great Australian Bight research program and the department of agriculture's yellowtail kingfish aquaculture project.

Biosecurity SA will continue to operate there, while the consolidation of other PIRSA activities will see soil and plant research also now occurring at the centre. There is a strong community expectation that the Lincoln Marine Science Centre will remain open and be used for research and teaching purposes to support the commercial fishing sector.

Grievance Debate

BUSINESS SA EXPORT AWARDS

Mr WHETSTONE (Chaffey) (15:03): I rise today to speak about the Business SA 2015 Export Awards which I attended last week in my role as shadow minister for investment and trade.

Nine fantastic South Australian businesses that sell their products to the world were recognised at the award ceremony which was held at the National Wine Centre.

I am always extremely impressed by the way our exporters are able to innovate, diversify and adapt to the changing overseas climate. These businesses are able to create a product that meets market demand. They pour time, money and effort into establishing long-term trade relationships. It is an area in which the state government has a major role to play and, given our reliance on exports, adequate support is critical.

I congratulate the nominees and the finalists, but there are always the award winners. The Agribusiness Award went to Ferguson Australia, a great South Australian business, which won this category for its third consecutive year. It is a 40-year-old company and is now one of the major rock lobster exporters into China with its high demand for seafood, and has an international reputation.

The Creative Industries Award went to the Windmill Theatre, which was formed back in 2002. It won the same category at the awards back in 2013 and in the Art and Entertainment Category in 2012. Since its inception, the national company has presented 56 productions made up of 27 new commissioned works, eight new productions of existing works and the presentation of 19 leading Australian and international companies; and it has undertaken 55 regional, national and international tours. It has toured nationally extensively. It has even toured internationally to the US, Canada, Scotland, Hong Kong, many of the South-East Asian countries and New Zealand. It really is a great highlight to see that group get up once again.

The Education and Training Award went to Flight Training Adelaide, which is a provider of world-class aviation training. It is located at Parafield Airport here in Adelaide, and it really does punch above its weight. It trains pilots for the international airlines. Every Cathay Pacific pilot is trained at Parafield, and that really is a great achievement. It trains pilots for Dragon Air, Qantas, Virgin, the Hong Kong Government Flying Survey and the Rescue and Salvage Bureau of China. Flight Training Adelaide really has stretched its wings far and wide, and it is a world-accredited company. It also won this award in 2012 and the national award in this category in 2007.

The Information and Communication Technology Award was won by Avinet, which is a great South Australian business. Avinet is an Adelaide-based business which has a broad range of rotary and fixed-wing aviation customers based in Australia, New Zealand, Africa, China, the United Kingdom and the United States, and those sectors using the systems include emergency services, aerial firefighting, aeromedical, police, aerial agriculture and charter. So, it is just a great business with its instrumentation.

The Manufacturing Award went to Levett Engineering. With a home base at Elizabeth Vale, Levett Engineering is a world-leading precision component manufacturer in the field of defence aerospace, medical electronics and commercial engineering. The Regional Exporter Award was won by Steriline Racing, which provides equipment to the world's major horseracing and dog racing events and regional clubs. The company is situated at Mount Barker and exports to 47 countries. It also supplies the equipment for the major equestrian events, such as those of the Sydney, Athens and Beijing Olympics. I must say that I used to have Steriline centre pivot irrigators on my property, so it is quite a diverse business.

The Small Business Award was won by Cape Barren Wines, which has been a well-established winery in McLaren Vale over many decades and which has gained a reputation for premium, high-quality wine. It has won many gold and silver medals throughout the country and New Zealand, as well as at international wine shows in China and spirit awards in Switzerland.

The Language and Culture Prize was awarded to Ennio International, which specialises in the manufacture and supply of high-quality, innovative netting and casing solutions for the meat and poultry industry. It is situated at Holden Hill and is another great business. The South Australian Exporter of the Year and Environmental Solutions Award winner was Sentek Technologies. It is a great business which was set up in the Riverland and which employs many people here in South Australia.

It exports to more than 80 countries around the world with its precision measurement and management of soil water and salinity dynamics. It is a great South Australian business.

Time expired.

THE SMITH FAMILY

Ms BEDFORD (Florey) (15:08): On Thursday 22 October, it was my honour to represent the Premier at The Smith Family's Great Big Thank You Luncheon held in the inspiring surrounds of the Science Exchange Building. I have long been aware of The Smith Family's work through my association with VIEW clubs, most particularly the Tea Tree Gully VIEW club, which is a wonderful group of women who come together regularly, have fun and fellowship and do great work. I salute them and all they do.

The Smith Family delivers lasting benefits to young Australians in need and their families by providing support for schooling. CEO Dr Lisa O'Brien said in her welcoming presentation that financial assistance is coupled with mentoring through a learning-for-life coordinator who helps the young people stay engaged in their learning and provides them the help to build positive aspirations; and education is the key to breaking the cycle and making a real difference and, most importantly, changing lives.

The Smith Family also undertakes research to prove that its programs are right on target. And, 20,409 caring supporters donated to the 2015 Winter Appeal, helping 9,575 children towards reaching their full potential.

There are many testimonials to show what a real difference this great work has made. Last year alone, 134,265 children, parents and caregivers, received support across a range of The Smith Family's programs, including programs like Let's Count, iTrack, the Tertiary Mentoring Program, student2student, and Tech Packs. A huge number of supporters play a giant role in making all this happen through events like the BUPA Around the Bay, The Smith Family Challenge and the Toy and Book Appeal.

The sponsors include too many universities and corporates to name here today, but they include AGL, the ANZ bank, the Wyatt Trust, BHP Billiton, Rio Tinto and Iluka, Medibank Community Fund, Santos, and SA Water, who hosted the lunch. I had the pleasure to speak with John Kouzaba, who is the Senior Manager (Learning and Development), and Phil Jones, Manager of Community Relations for SA Water, along with guest speaker, South Australia's own David Penberthy, who gave a great and entertaining address, reminding us of the impact of a great teacher.

In the week of World Teachers' Day, it reminds us of the work of all our great educators. I will visit each school in Florey, as I do every year, and deliver fresh buns from Baker's Delight at St Agnes (who get up very early to bake over 250 large buns for me) to show every teacher that they are truly valued. My family are all teachers, so I know firsthand the work that goes into providing the best opportunity for every child.

In Florey, there are several significant school anniversaries this year. Modbury High, a great local school, celebrates its 50th anniversary. Now under the leadership of principal, Martin Rumsby, and governing council chair, Julie Caust, this school has much of which to be proud. Modbury South Primary School is 50 also, and acting principal, Sharon Robertson, is leading activities to observe this very important milestone of a great local school this week. Modbury Kindergarten has just celebrated 30 years, and under director, Nicole Otto, the staff and the families of the kindy community unveiled a really big mural and buried a time capsule last weekend.

Early learning has rightly been recognised as vital, and today is 28 October—a very special day for me as it is the 107th anniversary of the Grille Protest, the day that South Australia's Muriel Matters chained herself to the Ladies Gallery in the House of Commons and made the first speech by a woman in the British parliament. While members may know of some of Muriel's suffrage exploits, perhaps many of you are not aware that she was a Montessori teacher. After studying under Maria Montessori, Muriel took the world's best practice to the poorest children in London's East End at Sylvia Pankhurst's school in the Mother's Arms Hotel.

Montessori has been in Australia 100 years and has a proud history, as does early learning in South Australia through the de Lissa school, which is now part of the University of South Australia's Magill campus, and the great public education system that fostered Muriel. Those early educators taught her that she could be anything she wanted to be and could achieve anything she wanted to

achieve. It is no mistake that she went on to be a leader in the UK suffrage movement, having grown up with and been nurtured by the free thinkers and pioneers of the early days of this great state.

Like Sylvia Pankhurst, Muriel knew that education was the key. As we reflect on their work over 100 years ago, we are mindful that that struggle still continues through the efforts of all educators supported by families, who are, after all, a child's first teachers, and organisations, such as The Smith Family, which step up to make sure that there truly is every chance for every child.

The SPEAKER: The member for Florey mentioned anniversaries, and it would be remiss of me not to mention that on the weekend was the feast of Crispin and Crispinian and therefore the 600th anniversary of the Battle of Agincourt.

Ms BEDFORD: You know I have never been good at numbers, sir, but they were impressive.

CYCLING REGULATIONS

Mr WINGARD (Mitchell) (15:13): I rise today to speak about the much-discussed bike laws and to set the record straight. This is a mess created by the state Labor government. As a party, we have always been happy to debate these laws in parliament, as the Premier said he would do. But sadly for South Australia, the state government tried to sneak these much-publicised laws through the back door.

The first time we saw the government's regulations was on 9 October 2015, and the government set the start date for the new laws just 16 days later. That is right: they did not allow it to come to parliament, they just enacted the laws and gave no chance for debate, no chance for the people of South Australia to have their say on these laws. The government has again adopted its announce and defend strategy. They promised to change, but they have not. Announce and defend is the way they operate. In fact, the government was so arrogant that they printed new road rule books before they had even moved the law changes. They printed the rule books before we or the South Australian public could see what the new rules were.

I also want to be clear that at no stage have I said or has our party said that we do not support safety elements on the roads and safety elements in these regulations. In fact, personally, I am a supporter of the one-metre rule but, sadly, the Minister for Transport has not engaged South Australians in the process.

When on radio a few days back, he was asked a question that went like this. The reporter said: 'Okay. So I can ride my bike at 50 km/h down a footpath in a suburban street…or 60 on a major road?' The Minister for Transport said, 'If you are capable of that…technically you would be able to…' His answer was 50 or 60 km/h on the footpath.

Understandably, this sent people who had not been consulted on these new laws, which is most of South Australia, into a spin. Councils, disability groups and seniors were all at their wits' end. More questions were raised, and South Australians realised the government had not taken these new laws to the parliament for debate as they had indicated they would. This government had planned to pull the wool over South Australia's eyes. There was no opportunity to discuss these laws in this place. It was more 'announce and defend' from the state government.

So, we are doing what the government should have. We are asking people their thoughts and encouraging people to contact their local member and let them know what they like and what they do not. We have set up a website, www.sacyclinglaws.com, where you can go and have your say or email your local member. We have had more than 11,000 responses in less than 24 hours with good feedback. People from all sides of politics and from no side of politics are all welcome to have their say, and they have.

On radio today, the minister has claimed that one of our questions, question 1 in the email, is misleading, which is a bit embarrassing for him because it clearly states 'leaving a 1m gap (1.5m if travelling +60kmph) when passing cyclists?' The options are 'Support/Oppose/Undecided'. The first option is actually 'Support'. People can choose whichever option they like, and they are all laid out before them. It is very simple and very straightforward.

You can always tell when a minister is under pressure. They revert to misleading and lying to cover up the inadequacies of their position on a certain issue. We heard that on radio today with

the transport minister. Obviously under pressure to defend his shambolic cycling laws, he reverted to personal attacks and deliberately misleading statements.

The Liberals have distributed a perfectly responsible and accurate social media campaign asking the people of South Australia to have their say on the new cycling laws. Obviously annoyed that the Liberals have done what the minister should have done in the first place, the minister delved into the dark depths of the Labor Party's dirty tricks book, and this from a minister who is touted to be the future of the Labor Party. On behalf of all South Australians, I ask: why did the minister not debate the laws in parliament? Why did he try to sneak the laws through the backdoor? South Australians expect and deserve better.

SOLDIER ON LADIES HIGH TEA

Ms VLAHOS (Taylor) (15:17): This afternoon, I would like to talk about an event I was very pleased to help work on the event committee for, and that was the inaugural Soldier On Ladies High Tea for women who have been involved in the Australian Defence Force: servicewomen, the partners of veterans, and the broader ex-service community. In South Australia, we take a very broad definition, and I am very proud of what the veteran community is to that special family that has served our nation and protected us so well both on Australian soil and abroad.

Being a member of the event committee, I was very happy to be working alongside Justin Brown, the Transition Manager of Soldier On in South Australia; Calli Morgan, a young woman veteran who is doing great work in the area; Tiffany Sharp from BOMSupport, which supports women and their spouses who have gone through a marriage breakdown; Mark Reidy from Soldier On; Jacqui and Jason Ross; and Kendal Brown and Maddy Brown. Together with our sponsors Defence Health, RSL SA, Department of Veterans' Affairs, NAB Health and Southgate Plaza, along with various other goody-bag supporters such as Myer, Mooch & Me Candles, Charlesworth Nuts, Nestlé, the Adelaide Zoo, Jurlique and Lippy & More, we were able to provide a beautiful afternoon tea at the Naval and Military Club for 100 women free of charge.

All the women who came along to those events that day had a lovely time. They were entertained by the Brighton Secondary School String Quartet, who are currently fundraising for their next overseas trip. Jeff Kong was kind enough to lead them that day. They do a magnificent job, and they did a fantastic presentation at two different times in the afternoon.

We had some fantastic floral contributions from a beautiful lady down at Christies Beach who gave us lovely floral arrangements and centrepieces for the table, and each woman who attended received a flower that day. We had beautiful food from the Naval, Military and Air Force Club.

We had two fantastic speeches from Tiffany Sharp about resilience and wellbeing and looking after yourself and then we heard from Professor Susan Neuhaus, who is a veteran herself who has served in Cambodia and is a medical professor and author. She talked about resilience and how wellbeing can be enhanced, as a servicewoman herself, from her perspective, and looking after a busy career and being a family person too. All of these events were well received by the ladies who attended our inaugural event and I am looking forward to having the opportunity of working with this committee as we hold another one in 2016.

The other thing I would like to say about this is that working alongside these groups, the ex-servicewomen and ex-service organisations, is the RSL, which is going to be holding a women's symposium on 20 November. There is a building movement of women involved in the veterans' community who are shining beacons for what Australians can do to help their service community, particularly younger women who have served abroad and are coming back to live their lives after our longest deployment away of the last 10 years.

So, thanks and sincere congratulations to all the people on the organising committee, particularly to Juan in my office, who is quietly working behind the scenes and probably listening to this speech right now. You are all doing a fantastic job. I cannot speak highly enough of the work of Soldier On and the committee of people who are doing work for the younger veteran community in South Australia. To the RSL and its new CEO, Julia Langrehr, more power to you. You do excellent work and I am very grateful for it.

The DEPUTY SPEAKER: Member for Schubert. Before we let you speak we should acknowledge that you have a wonderful parent with you today, and I am sure at least you will enjoy the next five minutes of the contribution.

HURN, MR B.M.

Mr KNOLL (Schubert) (15:21): That is a bit unfair, Deputy Speaker, because—

The DEPUTY SPEAKER: No; I know, I can be sure that she will. Thank you very much for joining us today.

Mr KNOLL: —I rise to talk about the fact that yesterday we buried a great Barossan and a great South Australian, Brian Morgan Hurn OAM. I want to put some of his legacy and his achievements on the record. Brian had a long association with local government and was the inaugural and, in fact, the only mayor of the Barossa Council for 18 years, but he also had many sporting achievements.

In the 1963-64 Sheffield Shield season, Brian was a member of the winning side. He was also the Barossa, Light and Gawler 1970 Mail Medal winner (and has his name on it) and is a dual winner of the South Australian Cricket Association District Cricketer of the Year Award, which is now known as the Bradman Medal. He also holds the current record for the most wickets taken at the Kensington Cricket Club.

AFL football was also one of his talents. He was the Barossa, Light and Gawler's leading goal kicker in 1957 and 1963 as a member of the fantastic Angaston Football Club, the Panthers. Off the field, Brian was secretary of the Angaston Football Club for 11 years and was the president of the Barossa, Light and Gawler Football Association for seven years. During his tenure he strongly promoted the send-off rule, the import player restrictions and the amalgamation with Gawler, all of which happened and are still in place today.

Outside of the sporting community, he was involved in local government for 37 years. He was the chairperson of the Angaston District Council for 10 years, after having served as a local councillor for about seven or eight years before that. Then, in 1996, there were the council amalgamations and he was the inaugural mayor of the Barossa Council, a position that he held until late 2014. Brian also served as president of the Southern and Hills Local Government Association, he was on the local super board and was also the chairman of the Local Government Transport Advisory Panel.

Brian Hurn was a wonderful leader and is remembered by many as someone who never failed to understand and fairly express the views and needs of those within his community. As a fifth generation Barossa grazier and local grape grower, he was always a great advocate and protector of the Barossa's agricultural and viticultural sectors. He also fought vigorously for an increase to South Australia's share of local roads funding and took every opportunity to advocate for his wonderful Barossa at the state and national levels.

He was an active service member of the CFS for 47 years. He advocated strongly for farm fire units in the early days, an initiative that is currently still in place. He was awarded a National Medal and two bars for 35 years of service to the CFS, a CFS medal and also the 10, 20, 30 and 40-year clasps in recognition of his dedication.

Mr Hurn's work and achievements earned him a John Legoe Award of Excellence for commitment and service to his community, perhaps the only or most accurate description of his character and level of service. Of all the awards and accolades Mr Hurn received, there is one more honourable and prestigious than the rest and that is his Order of Australia Medal which he was awarded in 1999, again in recognition of his contributions and service to his community.

I have known Brian for about the last four years and came to know him quite well after my preselection as the candidate for the seat of Schubert for the Liberal Party. As often is the case in the Barossa, the local member and the local mayor end up at functions together. I was somewhat of a new kid on the block and for those 12 months and the six months that Brian and I served concurrently as member and mayor. He was very keen to put me through my paces. He saw me as this young kid on the block attempting to represent his community, his patch, and he wanted to make sure that I was up to the task. He often quite cheeky in the way that he would interact, and the way

we would interact with other people. It took me a good six months to break him down and to really start to get to know him.

He was a man of immense character and immense strength. He was a strong and uncompromising leader who has shepherded the Barossa through so many great changes and has been in no small part a contributor to the wonderful place that we Barossans now call home. It was a beautiful service yesterday in the Uniting Church and a fantastic eulogy given by his granddaughter Ashton Hurn. She can be extremely proud. My condolences go to the family, especially to Ashton's parents, William and Sandi, to Ashton's brother, Shannon, aunties, uncles and cousins.

Time expired.

FOOD TRUCKS

Mr PICTON (Kaurna) (15:26): Let's talk about food trucks. These are not some new invention, they are not part of some digital disruption or the internet age. Arguably they go back to the 1870s in Rhode Island in the United States when Walter Scott sold sandwiches from a truck to hungry journalists right outside the newspaper offices. Some 145 years later, the most important local government authority in our state is tying itself in knots about these trucks. First they did not allow them, then they did allow them, then they thought that maybe they had allowed them too much, then as of yesterday afternoon they decided they had allowed them about the right amount, then last night they decided to allow them less. These conservative councillors are making a mockery of themselves.

Credit must go to the Lord Mayor Martin Haese for he has changed his position on food trucks. He said he originally saw them as a significant threat to local food businesses but after looking into the issue and meeting with food truck vendors, he later realised that there were not that many food trucks compared to the number of other food businesses, and the food trucks that are in Adelaide were not really making that much money at all.

Unfortunately last night he was rolled. Last night his councillors, led by Liberal member Houssam Abiad and the want-to-be candidate for federal Adelaide, changed his policy to only allow 10 trucks during the day. Where did the impetus for this last minute change to the policy come from? *The Advertiser* reports that:

> Commercial lawyer Greg Griffin spoke at the meeting representing prominent city landowners—including the Polites Group, the Karidis Corporation, the Makris Group and others—and raised the idea of limiting the number of food trucks allowed to operate during lunch hours.

So, this was not some groundswell of small businesses but the owners of buildings throughout Adelaide who charge those local small businesses sometimes exorbitant rents for often substandard properties—the big property owners in our city hiring expensive corporate lawyers to go into the council and argue to limit these businesses that should dare to start up in the city without hiring space from one of those companies' properties. When Barry Humphries addressed the SA Press Club earlier this year, he started his address by 'acknowledging the traditional owners of this land, the Polites family'. Clearly, he was not far off.

The Liberal Party holds itself out as a champion of small businesses but what this episode has shown is that Liberals like on the Adelaide City Council are really just champions of those existing property empires, defending intergenerational wealth and privilege, whereas we in the Labor Party actually support new businesses.

We want to break down the barriers for entry for small businesses to make them as low as possible, whether they are tech start-ups, food businesses, food trucks, retail shops—online or through pop-ups—whether they need property or whether they do not. A low barrier to entry means more people can participate and help grow our state's economy.

We have many innovative property owners and developers in this state. They are investing real money in upgrading historical building properties and building new apartments and commercial buildings. They are competing with the traditional Adelaide property owners and winning over residents, offices, retailers, hotels and restaurants, looking for five-star rather than two-star rental space to base their businesses in. These people are not worried about a couple of pesky food trucks

and I would argue that these property developments are bigger threats to those who choose not to invest in our city than any food truck.

When things go bad, it is easy to blame others. Earlier this year, the closure of The Stag had people screaming that food trucks and pop-ups were to blame, not that it was somehow a bad business. Of course, as predicted, The Stag has now reopened with new entrepreneurial investors in place.

It has been argued on radio this morning by Mr Abiad, that business people have said to him, 'We have an oversupply problem. Why are you supplying more to the market?' Well I say to that, where does the Adelaide City Council get off thinking that they have any role to play in business supply at all? What is their role in deciding how many businesses or what form they should take? Far from supporting the free market to determine the right outcome, these conservatives view their role to turn on or off the tap to business activity in the city. The truth is that these conservatives hold themselves out as capitalists but really they are protectionists—

Mr Duluk interjecting:

The DEPUTY SPEAKER: Order!

Mr PICTON: —who do not support the benefits of competition in this state. They are interested in the current vested interest of keeping their share of the pie rather than growing the pie.

Mr Duluk interjecting:

The DEPUTY SPEAKER: The member for Davenport is warned for the first time.

Mr PICTON: Like the Premier, I am concerned about what this means for entrepreneurship in Adelaide and our reputation as a vibrant city. I am committed to working with the Premier and the government to explore all possible actions that the government could take to overturn this decision. I am taking advice on whether to introduce a private member's bill into this house to overturn the decision. I hope that the Adelaide City Council, though, reverses this decision before that is necessary.

Time expired.

Bills

HEALTH CARE (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:32): Obtained leave and introduced a bill for an act to amend the Health Care Act 2008. Read a first time.

Second Reading

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:33): I move:

That this bill be now read a second time.

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

Leave granted.

The Government is introducing the *Health Care (Miscellaneous) Amendment Bill 2015* to Parliament to amend the *Health Care Act 2008* to:

- Enable the licensing of stand-alone private day procedure centres;
- Remove the prescribed limit of hospital bed numbers in metropolitan Adelaide;
- Provide for the standards of construction, facilities and equipment to be set by notice in the Gazette;
- Enable a private hospital to provide services both at their licensed premises and approved off-site locations; and
- Provide for the inclusion of two new fee types.

The legislative framework governing the licensing of private health facilities in South Australia has essentially remained unchanged since the early 1990s. During this time, there has been a substantial growth in the private healthcare sector, particularly evident in the case of day procedure centres which are not currently regulated in this state.

At present, in accordance with Part 10 of the *Health Care Act 2008*, only private hospitals are licensed in South Australia. The Act gives the responsible Minister, the Minister for Health, the power to grant licences, impose specific licence conditions, transfer, suspend or cancel licences, appoint inspectors, fix licence fees and apply penalties. There are currently 27 licensed private hospitals operating in the state.

At the national level, the Australian Government Department of Health is responsible for declaring hospitals, including 'day hospitals', under the *Private Health Insurance Act 2007* (Cth) and issuing a provider number for health insurance purposes, Medicare benefits and the Pharmaceutical Benefits Scheme. Accreditation by an appropriate accrediting body against the National Safety and Quality Health Service Standards is one of the conditions that the Australian Government Minister for Health must have regard to when deciding to declare a facility or to revoke such a declaration.

If a stand-alone private day procedure centre wishes to obtain a provider number under the *Private Health Insurance Act 2007* (Cth), SA Health has an arrangement with the Australian Government Department of Health to undertake an assessment and inspection process in order to provide them with a recommendation. Beyond this however there is no further monitoring of private day procedure centres by SA Health.

The data clearly demonstrates the growth of the private day procedure sector. Between 2001-02 and 2011-12, the number of private day surgery beds and chairs increased by 68.5% and separations increased by 115.6% nationally (Australian Bureau of Statistics, 4390-0-Private Hospitals, Australia, 2011-12). A variety of services are provided by day procedure centres to patients who are not admitted to hospital overnight, including plastic, reconstructive and cosmetic surgery, ophthalmic surgery, endoscopy, ear, nose and throat, fertility treatment and family planning, dental and oral maxillofacial surgery, renal dialysis, cardiac, oncology (chemotherapy and radiotherapy), urology, paediatric, orthopaedic surgery, general surgery and mental health treatment.

The substantial growth of the sector is due to the fact that many procedures which previously required an overnight hospital stay can be performed on a same day basis. The major factors contributing to this growth have been developments in anaesthesia, new operation techniques and improvements in surgery. The sector is expected to continue to expand in the future, accompanied by advances in technology, innovation, new treatments and new service delivery methods.

South Australia and the Northern Territory are the only jurisdictions which do not currently regulate stand-alone private day procedure centres. The absence of a licensing regime applicable to private day procedure centres presents a potential safety and quality risk to the public.

There are currently 30 stand-alone private day procedure centres in South Australia that have been declared as 'day hospitals' by the Australian Government for private health insurance purposes. In addition, there are a number of private day procedure centres operating in this state who have not sought a provider number and who offer procedures that don't attract private health insurance benefits, in other words full fees are charged. By remaining undeclared, and in the absence of a jurisdictional licensing regime, these providers are effectively able to avoid National Safety and Quality Health Service Standards accreditation requirements. A number of these providers are within the plastic and cosmetic surgery industry.

The Government believes that licensing stand-alone private day procedure centres will provide a range of measures, including the ability to impose specific licence conditions, to ensure that potential safety risks to the public are addressed. In addition, it will create a level playing field with private hospitals, subjecting the private sector to the same regulatory compliance requirements.

The Bill proposes that the definition of a 'prescribed health service' for the purposes of requiring a stand-alone private day procedure centre to be licensed under the Act, include the following elements, consistent with the approach of other jurisdictions:

- A health service that involves the administration of general, spinal, epidural or major regional block anaesthetic; or
- A health service that involves intravenous sedation (other than simple conscious sedation); or
- A health service, or health service of a class, prescribed in the *Health Care Regulations 2008*.

Health services to be prescribed in the Regulations, consequent to any change in the Act, will include:

- Cardiac catheterisation or stress testing;
- Chemotherapy;
- Gastrointestinal endoscopy;
- Psychiatric day care;

- Radiotherapy;
- Renal dialysis;
- Reproductive treatment;
- Specialist rehabilitation services; and
- Services involving significant procedural complexity using local anaesthetic.

Prescribing health services by Regulation, rather than in the Act, will allow the Government the flexibility to add additional services as and when required in response to changes in technology and service delivery methods.

The Government believes that the regulatory impact will be limited. Day procedure centres that provide only low risk or minimally invasive procedures, such as minor cosmetic treatments, will not be subject to licensing. Only services that involve a significant patient risk will be required to be licensed.

In relation to the cap on bed numbers, South Australia is the only jurisdiction which currently sets a limit on the number of hospital beds that can be provided within a prescribed region, in this case, metropolitan Adelaide. The prescribed limit on the number of beds that may be provided by incorporated hospitals and private hospitals combined in metropolitan Adelaide is 5,169. The current limit was set in December 1994 and has not been revised since this time.

It is understood that the limit on bed numbers was first introduced with the justification that it would be used to underpin the planning and coordination of service provision across the private and public sectors. In practice, the introduction of the limit on bed numbers in 1991 resulted in the creation of an artificial market and trade in 'bed licences', which in the past may have served as a barrier to entry to the market and provided a level of protection for existing private hospitals.

The private hospital sector provides an increasing proportion of total hospital services in many different speciality groups, particularly in the areas of cardiac medical, cardiac interventional, oncology, obstetrics, orthopaedics and gastroenterology. A number of complex procedures and treatments traditionally associated with public hospitals are now performed more often in private hospitals, including knee replacements, procedures of the digestive system, prostatectomies, chemotherapy and major malignant breast conditions. In 2012-13, private hospitals accounted for 41% of all hospital separations nationally. From 2003-04 to 2012-13, the total number of private hospital separations increased by 46% (Australian Institute of Health and Welfare, Australian Hospital Statistics 2012-13: private hospitals).

The Government believes that removing the cap on bed numbers will allow the private hospital sector to further expand and complement the public health system in meeting the demands of an increasingly ageing population. Any expansion will still be able to be closely monitored and controlled through the use of already existing provisions allowing an application for a licence to be refused based on the proposed location of a facility, proximity to other facilities and adequacy of existing facilities in the locality. Clearly, a cap on bed numbers is therefore not needed.

In addition, the Bill proposes a number of other legislative amendments aimed at improving the functioning of this section of the Act, including:

- Providing for the standards of construction, facilities and equipment to be set by notice in the SA Government Gazette. Many of the prescribed standards, which are currently detailed in the Regulations, are out of date or are duplicated by other regulatory provisions, building and development codes, or professional registration standards and guidelines. Rather than prescribing the standards in the Regulations, it is proposed that they be set by notice published in the Gazette with reference to a requirement to meet Building Code of Australia standards and other relevant guidelines, such as the Australasian Health Facility Guidelines.
- Enabling a private hospital to provide services both at their licensed premises and approved off-site locations. Currently, the Act states that health services must not be provided by a private hospital except at premises in respect of which a licence is in force. Over the past decade there has been an increasing trend for hospitals to expand service delivery models to include the provision of off-site services, for example in the area of low acuity post-natal nursing care, sleep laboratories, chemotherapy treatment and rehabilitation services. By requiring approval for services to be provided at off-site premises, the Government is recognising these changes in service delivery models.
- Providing for the inclusion of two new fee types. No fees are currently charged for licence amendments or for applications to alter or extend a facility. The inclusion of these fee types would more accurately reflect the cost of administering the licensing regime. In addition, the general level of fees, published by notice in the Government Gazette, will be reviewed in consideration of the fact that licensing fees are substantially lower in South Australia than the national average.

The Government consulted with external stakeholders on the draft Bill, including licensed private hospitals, private day procedure centres, peak industry bodies, and surgical and medical colleges and associations. Stakeholders were sent a copy of the exposure draft of the Bill on 13 March 2015 and were provided with six weeks to lodge formal submissions. Eleven submissions were received. In addition, SA Health coordinated a number of information sessions

and individual meetings to discuss the proposed legislative amendments and outline the expected impacts of these changes.

In general, the draft Bill received overwhelming support from the private hospitals and the majority of private day procedure centres also recognise the benefits of the sector being subject to regulation.

A minority of private day procedure centres argued that they should be exempt from regulation in South Australia, having been declared by the Australian Government for private health insurance purposes and holding current accreditation against the National Safety and Quality Health Service Standards. However, it should be noted that for jurisdictions that already regulate private day procedure centres, the Australian Government declares facilities based on their jurisdictional licensing status. If a licensing regime is implemented and some facilities are exempted from the requirement to be licensed, this could lead to the Australian Government revoking their declaration and health insurance funds may choose not to contract with them at a detriment to their business. It is further held that all private day procedure centres meeting the definition of a 'prescribed health service' in the amended Act should equally be required to be licensed.

One private hospital expressed a concern that the removal of the bed limit would result in a reduction in the historical value of 'bed licences' that may be recorded as an asset in private hospital balance sheets. It should be noted however that no other private hospital has raised this as an issue and there has not been a transfer of beds between hospitals for many years.

The Government reflected on the comments and issues raised in the formal submissions and during the information sessions and this informed the drafting of the following amendments to the Bill:

- Existing private day procedure centres that have been declared and issued with a provider number by the Australian Government, on the basis of a previous recommendation by SA Health, will be deemed to be licenced under the Act.
- The definition of a 'prescribed health service' for the purposes of licensing private day procedure centres has been amended so that the part relating to a health service that involves intravenous sedation reads 'intravenous sedation (other than simple conscious sedation)'. This serves to exclude a large number of general dental surgeries performing low complexity procedures from being subject to licensing, which is consistent with the approach taken in other jurisdictions.
- The standards of construction, facilities and equipment, to be set by notice in the Government Gazette, will not be applied retrospectively to already licensed private hospitals and Australian Government declared private day procedure centres. However, the standards will apply to assessing applications from licensed private hospitals and declared private day procedure centres in relation to the alteration or extension of premises or where there is a proposed change in the health services to be provided. The primary concern is that services are provided in a safe environment.

The new section to be inserted into the Act, Part 10A – Private day procedure centres, is very similar to Part 10 – Private hospitals of the Act and the licensing of private day procedures will function in essentially the same manner as private hospitals are currently licensed.

The Government believes that the proposed changes will modernise private health facility licensing arrangements and bring South Australia into alignment with other state and territory jurisdictions, without unnecessarily increasing the administrative burden on private sector providers.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Health Care Act 2008*

4—Amendment of section 3—Interpretation

This clause proposes to include 2 new definitions in section 3 (Interpretation) of the principal Act which are consequential on the insertion of new Part 10A in clause 10. The definitions are of *private day procedure* centre (premises in respect of which a day procedure centre licence is in force under Part 10A) and *private day procedure centre licence* (which is defined in section 89B).

5—Amendment of section 63—Preliminary

This clause proposes to include an entity that provides health services at a private day procedure centre as a *prescribed health-sector body* for the purposes of Part 7 of the principal Act (Quality improvement and research).

6—Amendment of section 68—Preliminary

This clause proposes to include an entity that provides health services at a private day procedure centre as a *prescribed health-sector body* for the purposes of Part 8 of the principal Act (Analysis of adverse incidents).

7—Amendment of section 79—Prohibition of operating private hospitals unless licensed

This clause proposes to expand the exception to the offence in section 79 to apply in relation to the holder of a licence under Part 10 who provides health services at premises in respect of which a licence is not in force under this Part with the written approval of the Minister.

8—Amendment of section 81—Grant of licence

This clause proposes to amend section 81 of the principal Act in 2 respects. Firstly, it is proposed to delete reference to the prescribed limit of hospital beds and the Ministerial power to refuse to grant a licence by reference to that limit. Secondly, it is proposed to insert new subsections giving the Minister the power to establish standards of construction, facilities and equipment for the premises of private hospitals for the purposes of Part 10.

9—Amendment of section 82—Conditions of licence

This clause proposes to make provision for the holder of a licence to be able apply to the Minister for the variation of the licence or a condition of the licence and for the Minister to make such a variation on application in the manner and form approved by the Minister and on payment of the fee fixed by the Minister.

10—Insertion of Part 10A

This clause proposes to insert new Part 10A into the principal Act. Part 10A provides for a licensing scheme in relation to premises where a *prescribed health service* is provided (other than an incorporated hospital or private hospital). Proposed section 89B provides an offence of providing a prescribed health service at unlicensed premises, the maximum penalty is $60,000.

A *prescribed health service* is defined as—

(a) a health service that involves the administration of general, spinal, epidural or major regional block anaesthetic; or

(b) a health service that involves intravenous sedation (other than simple conscious sedation); or

(c) a health service, or health service of a class, prescribed by the regulations for the purposes of this definition.

For the purposes of Part 10A, the Minister may, by notice in the Gazette, establish standards of construction, facilities and equipment which may be of general or limited application.

Proposed clauses 89C and 89D of Part 10A provide for applications for private day procedure licences to the Minister and for conditions of licences to be fixed by the Minister. The Minister may, on application or the Minister's own motion, vary or revoke a condition of a licence or impose a further condition by notice in writing given to the holder of the licence. Proposed clause 89E provides an offence of contravening or failing to comply with a provision of the Act or a condition of the licence which carries a maximum penalty of $60,000.

Proposed clause 89F provides that a private day procedure licence remains in force until it is surrendered or the holder of the licence dies or is dissolved (in the case of a corporation). Under proposed clause 89G a private day procedure licence may be transferred in accordance with that clause. Proposed clause 89H provides for the processes of surrender, suspension and cancellation of private day procedure centre licences.

Proposed clause 89I provides for a right of appeal to the Supreme Court against a decision or order of the Minister under Part 10A and provides for the powers of the Court on such an appeal.

Proposed clause 89J provides that the Minister may appoint suitable persons to be inspectors who may, at any reasonable time, enter a private day procedure centre or premises reasonably suspected of being used in contravention of Part 10A and, while on the premises, may inspect the premises or any equipment or other thing on the premises, may require any person to produce any documents or records and may examine any documents or records and take extracts from, or make copies of, any of them. This clause contains an offence of failing to comply with a requirement of an inspector and an offence of hindering or obstructing an inspector in the exercise of the powers conferred by the clause. In each case the maximum penalty is $10,000.

Proposed clause 89K provides for vicarious liability for a principal or employer in respect of an offence committed by an agent or employee unless it is proved that the principal or employer could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the agent or employee. This clause also provides that, if a body corporate is guilty of an offence against Part 10A, each director of the body corporate is guilty

of an offence and liable to the same penalty as is prescribed for the principal offence unless the director proves that he or she could not by the exercise of due diligence have prevented the commission of the offence.

11—Insertion of section 99A

This clause proposes to insert new clause 99A that provides for the Minister, by notice in the Gazette, to set fees and charges for the purposes of the principal Act. It further provides that the Minister may remit, reduce, waive or refund a fee (or part of a fee) payable under the Act as the Minister sees fit.

12—Amendment of section 100—Regulations

This clause amends the regulation-making power contained in section 100 of the principal Act to include reference to private day procedure centres.

Debate adjourned on motion of Mr Speirs.

HEALTH AND COMMUNITY SERVICES COMPLAINTS (BUDGET REPORT) AMENDMENT BILL

Introduction and First Reading

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:33): Obtained leave and introduced a bill for an act to amend the Health and Community Services Complaints Act 2004. Read a first time.

Second Reading

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:34): I move:

That this bill be now read a second time.

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

Leave granted.

Today I introduce a Bill to amend the *Health and Community Services Complaints Act 2004*.

Currently, section 15 of the Act states that the Health and Community Services Complaints Commissioner's proposed budget for a particular financial year is to be submitted for examination by the Economic and Finance Committee of the Parliament by the end of the preceding calendar year. This requirement is unique to the Commissioner as no other statutory office has a similar requirement.

The Economic and Finance Committee has recommended the Social Development Committee as a more appropriate committee to review the Commissioner's proposed budget as the current requirement is not consistent with the spirit of the Committee's functions. The Social Development Committee has indicated that reviewing the Commissioner's budget is not consistent with their functions.

There is no other parliamentary committee which is appropriate for reviewing the Commissioner's budget and although this provision has been in the Act for more than 10 years it is not necessary for the future. It is specific to the Commissioner and it is therefore proposed to remove section 15 from the Act.

In the absence of section 15 of the Act, the Commissioner is still required to table an annual report in Parliament and to meet normal accountability requirements. Removing this provision will not diminish accountability and I seek the support of all members in repealing section 15.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause provides the short title of the Bill, as the *Health and Community Services Complaints (Budget Report) Amendment Act 2015*.

2—Amendment provisions

This clause provides that a provision in the measure under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Health and Community Services Complaints Act 2004*

3—Repeal of section 15

This clause deletes section 15 of the *Health and Community Services Complaints Act 2004*. That section currently requires the proposed budget of the Health and Community Services Complaints Commissioner for a particular financial year to be submitted for examination by the Economic and Finance Committee of the Parliament by the end of the preceding calendar year.

Debate adjourned on motion of Mr Speirs.

PORT PIRIE RACECOURSE SITE AMENDMENT BILL

Introduction and First Reading

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) (15:34): Obtained leave and introduced a bill for an act to amend the Port Pirie Racecourse Site Act 1946; and to repeal the Port Pirie Racecourse Land Revestment Act 1960, the Port Pirie Racecourse Land Revestment Act 1965, and the Port Pirie Racecourse Land Revestment Act 1981. Read a first time.

Second Reading

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) (15:35): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill amends the *Port Pirie Racecourse Site Act 1946*.

The Act first came into operation in 1946 and sets up a statutory purpose trust over the Port Pirie Racecourse land. The land was originally gifted to the Port Pirie Trotting and Racing Club (now known as the Port Pirie Harness Racing Club inc) (the Club) by the Crown on the basis that it would be used for the objects of the club, in accordance with its constitution at the time of its establishment. These objects include carrying on horse-racing for the purposes of recreation and amusement, providing social and sporting advantages for its members and persons interested in horse-racing, promoting the improvement of horse racing in South Australia, to acquire and hold property for achieving its objects, and to apply its profits for the furtherance of its objects.

This means that the Act, as it stands, does not allow the Club to use the land for any other purpose. This Bill changes this by amending the Act to allow the Club to enter into a lease, licence or easement with a person or entity which can involve using the land for a purpose other than horse racing. The changes to the Act proposed in the Bill mean that the Minister for Racing will have the ability to authorise activities, including commercial development on the site. This amendment broadens the Club's ability to generate opportunities to best meet its objects. The amendment ensures that there are appropriate measures in place and provides that the lease, licence or easement is approved by the Minister responsible for the Act.

The passing of this Bill will enable the possibility of a commercial and regional centre development in Port Pirie involving a portion of currently disused racecourse land coming under the Act and an area directly adjacent to the racecourse. This proposed development will support economic and commercial development in the Port Pirie community and surrounding regions, stimulating job creation, business opportunities and other benefits for the community. It will enable the Club to generate funds that, in turn, will be used to promote the objects of the Club.

The Bill allows for a lease, licence or easement to be renewed from time to time and sets up a system whereby any major variations to a lease, licence or easement that have not been approved are voidable by the Minister.

In addition, the Bill creates a mechanism to rectify the situation where a party to an approved lease, licence or easement fails to comply with the terms and conditions of the lease, licence or easement. In these cases, the Minister would give notice to the Club in writing requiring the Club to comply with a term of the lease, licence or easement or, if the other party was at fault, to require the Club to enforce a term or condition of an approved lease, licence or easement against another party to it. In accordance with section 4(3) of the Bill, if the Minister was satisfied that the Club had not complied with the Notice after a period of 6 months, the Governor could by proclamation resume the portion of racecourse land that is subject to the lease, licence or easement and the Club's title to the resumed land would again vest in the Crown. In accordance with section 4(4)(e) of the Bill, the rights of any holder of an approved lease or licence in relation to the land, subject to the terms of the lease, licence or easement, would remain in full force and effect.

This system would operate alongside the current mechanisms in the Act that require the Club to abide by its objects when using of the balance of the land, which are those parts not subject to an approved lease, licence or easement.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

This clause is formal.

2—Interpretation

This clause defines the *principal Act* that is to be amended by this measure. The principal Act is defined as the *Port Pirie Racecourse Site Act 1946* ('the 1946 Act') as read together with or amended by the *Port Pirie Racecourse Land Revestment Act 1960*, the *Port Pirie Racecourse Land Revestment Act 1965* and the *Port Pirie Racecourse Land Revestment Act 1981* ('the revestment Acts'). Each revestment Act states that a certain portion of the land vested by the 1946 Act in the Port Pirie Harness Racing Club Incorporated ('the club') ceases to be so vested and each of those Acts has to be read together with the 1946 Act for that purpose. It is therefore the 1946 Act read together with the revestment Acts that is to be amended by this measure.

3—Amendment of principal Act

This clause contains all of the amendments to the principal Act, as follows:

(a) Paragraph (a) adds definitions of certain terms to be used in the principal Act and updates the definition of certain terms currently used in the Act:

- an *approved lease*, *licence or easement* is defined to mean a lease, licence or easement approved by the Minister under section 4(1b) of the principal Act;
- the existing definition of *the club* is altered to refer to the current name of the club;
- the existing definition of *the defined land* is altered to refer to the current definition of the part of the land originally vested in the club under the 1946 Act that remains after the removal of various portions of that land by the revestment Acts;
- an *easement* is defined to include a right-of-way;

(b) Paragraph (b) makes provision for the land vested in the club under the 1946 Act to be used for purposes other than those currently permitted by the Act. The land can only be used at present for the objects for which the club was established in 1946. Under the amendments, however, the club can grant to another person or body a right to use the land vested in the club by the 1946 Act for objects other than those for which the club was established provided that the right is conferred under a lease, licence or easement approved by the Minister by notice in writing. The use of land for purposes provided for under such an approved lease, licence or easement will be taken to comply with the objects for which the club was established. The Minister's approval can be subject to such terms and conditions as the Minister considers necessary or appropriate and specifies in the notice.

A variation (other than a minor variation) of such an approved lease, licence or easement has to be approved by the Minister, otherwise the variation is voidable at the option of the Minister.

If an approved lease, licence or easement is renewed, it continues to be approved as long as the terms and conditions are the same or substantially the same as those originally approved.

Paragraph (b) also amends the power of the Minister to intervene where the club does not comply with the requirements of the principal Act. Currently, if the land is not used by the club for the objects for which the club was established, the Minister can by notice in writing require the club to use the land for those objects. If the club fails to do so within 6 months the Governor can by proclamation resume the land vested in the club by the Act. Under the amendments, if the land is not used by the club for the purposes for which the club was established or if a party to an approved lease, licence or easement does not comply with the terms and conditions of that lease licence or easement, the Minister can by notice in writing require the club to take such action to remedy the default as the Minister thinks fit and specifies in the notice. In particular, the Minister can require the club to comply with any term or condition of an approved lease, licence or easement or require the club to enforce any term or condition of such a lease, licence or easement against another party;

(c) Paragraph (c) amends the principal Act to provide that if the club fails to comply with a notice from the Minister to remedy a default in the use of the land or in the compliance with the terms and conditions of an approved lease, licence or easement, the Governor can resume the land vested in the club by the Act or can resume the part of the land that is subject to the lease, licence or easement. The Act currently allows only the resumption of the land vested in the club by the Act;

(d) Paragraph (d) amends section 4(4)(a) of the principal Act. The change is consequential on the alteration of the Governor's powers to resume land referred to in paragraph (c) above;

(e) Paragraph (e) gives the Registrar-General power to make such alterations to land records and titles as may be necessary to give effect to a resumption by the Governor of land currently vested in the club by the principal Act;

(f) Paragraph (f) amends section 4(4)(c) of the principal Act. That provision currently enables the club to remove all buildings on the land vested in the club by the Act if that land is resumed by the Governor. That power is currently subject to the rights of any mortgagee over the land. This amendment provides that that power of the club is now also subject to the rights of the holder of any approved lease, licence or easement;

(g) Paragraph (g) amends section 4(4)(c) of the principal Act. The change is consequential on the alteration of the Governor's powers to resume land referred to in paragraph (c) above;

(h) Paragraph (h) amends section 4(4)(d) of the principal Act. This change is also consequential on the alteration of the Governor's powers to resume land referred to in paragraph (c) above;

(i) Paragraph (i) amends the principal Act to provide that where the Governor resumes land vested in the club under the principal Act, the rights of the holder of an approved lease, licence or easement to or in relation to the resumed land will, subject to the terms and conditions of the lease, licence or easement, remain in full force and effect. This is similar to an existing provision in the principal Act preserving the rights of a mortgagee over such land (section 4(4)(d));

(j) Paragraph (j) amends the principal Act to insert the current name of the council within whose area the land vested by the principal Act falls;

(k) Paragraph (k) amends section 6 of the principal Act. Section 6 currently provides that the land vested by the Act and all buildings and erections on the land are exempt from land tax and council rates, except for land and buildings used for residential purposes. This amendment provides that the exemption from land tax and council rates also does not apply to land under an approved lease, licence or easement;

(l) Paragraph (l) removes a reference in the principal Act to legislation that is no longer applicable.

4—Repeal of revestment Acts

This clause repeals the *Port Pirie Racecourse Land Revestment Act 1960*, the *Port Pirie Racecourse Land Revestment Act 1965* and the *Port Pirie Racecourse Land Revestment Act 1981*. Each of these Acts removed a portion of the land originally vested in the club by the 1946 Act. They did so by describing the land to be removed and stating that that land ceased to be vested in the club. Each has to be read with the 1946 Act in order to identify the land that is still vested in the club. Clause 4(a) of this measure now inserts into the principal Act the current description of the land that is still vested in the club. The revestment Acts are therefore no longer required.

Debate adjourned on motion of Mr Speirs.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr GOLDSWORTHY (Kavel) (15:36): I am pleased to resume the remarks that I was making prior to the luncheon break. I think I was making some points about the Attorney-General having a bit of a bee in his bonnet about local government, and all those matters relating to that, dating back some time.

I think I was recounting the fact that when the member for Enfield sat on the backbench near the member for Napier in the early days, in our first term here, I remember he actually undertook his own inquiry and analysis concerning local government, and then he made his recommendations public. I think it caused some issues amongst the Labor caucus at the time, particularly for the then minister for local government. I recall media interviews in relation to his investigation, report and recommendations, and you could say those media interviews were somewhat difficult for him; however, that is a bit of a history.

Talking specifically about the bill—and as I said before, I do not necessarily want to canvass all the issues that my colleagues have, because the points have been very well made, highlighting some concerns and matters with the legislation—I do have two pieces of correspondence that I have received from the local councils in my electorate, one being the Mount Barker District Council, and the other being the Adelaide Hills Council. I am not going to completely read all the correspondence because I do not have time, but I want to highlight some points that both sets of correspondence raise.

Not wanting to categorise the importance of both pieces of correspondence, there are some specific issues in relation to the infrastructure levy aspect of the legislation and how that relates to matters concerning the Mount Barker District Council.

As we know, the Mount Barker District Council has been subjected to some quite difficult issues which they have had to deal with as a consequence of this government rezoning 3,000 acres of land—basically rubber-stamping it—for residential development. That is pretty much all they did: they said, 'All this tract of land on the perimeter of Mount Barker will now be a zone for residential development,' without any assistance to the council to prepare a structure plan or any plan on how infrastructure and services might be rolled out into the future.

It took the District Council of Mount Barker months and months, and arguably hundreds of thousands of dollars, to prepare a structure plan. In the course of the preparation of that plan, they realised that there was not adequate funding to meet the costs of building the infrastructure necessary to meet the demands of the increased population, so they pitched three separate rate structures, and that has all gone through and been ratified and the community is aware of it. There are certain triggers for when those rates have to be paid.

However, what is of concern to the council is that this infrastructure levy will create some significant complications concerning the rate structures that the Mount Barker council has put in place. I will read into *Hansard* a letter I have received from the mayor concerning this bill. It starts, 'Dear Mark,' and then there is a heading, and it continues:

I write to you concerning the Planning, Development and Infrastructure Bill introduced recently to Parliament.

At its meeting on 6 October 2015 Council considered the Bill and endorsed the submission contained in Attachment 1 which details Council's concerns and seeks amendments to the Bill. I have attached a copy of our submission for your information.

Unique to the Mount Barker District Council are the implications of the Bill in respect of existing infrastructure provision arrangements that are already in place to cater for growth arising from the rezoning of the land in 2010 by the State Government, now expected to generate a population increase of nearly 30,000 people.

Council has worked closely with developers over a number of years with formal arrangements in place to secure $114 million of required infrastructure over a period of time, commensurate with the rate of growth.

It is Council's view that this Bill puts this at risk. Council seeks that the Bill be amended to eliminate this risk. That can be achieved in different ways including, for example, the addition of a provision that is:

a) unique to the Mount Barker District Council that recognizes what is in place for infrastructure provision ensures that it is not able to be undone; or

b) a generic provision that sees a Scheme (as per the Bill) only to be established over an area prior to rezoning of the subject area.

Council is also seeking the opportunity for further direct involvement in the formulation of the new legislation, particularly with respect to infrastructure provision and funding arrangements.

Yours sincerely

Ann Ferguson OAM

Mayor

I have attachment 1, and if I had time I would read it in, but I do not. It is a fairly comprehensive list of their concerns on which they seek amendments.

I know that council has written to the minister about this, as has the Adelaide Hills Council. I will quote from the very first part of the Adelaide Hills Council letter to the minister. This letter is specifically signed by Mayor Bill Spragg to the minister:

Dear Minister Rau

Comments on the Planning, Development and Infrastructure Bill 2015.

I refer to your letter dated 10 September 2015 in relation to the proposed new Bill. Council appreciates this opportunity to provide comments in relation to the proposed new legislation which is intended to implement the ideas for reform of the current State planning and development system, as put forward by the Expert Panel.

Councillors and staff have had briefings and have reviewed the proposed Bill and attached please find our Council's detailed comments regarding the salient elements of the Bill. Adelaide Hills Council appreciates that some

of the comments in our two previous submissions to the Expert Panel have been [taken] into consideration in the drafting of the new Bill. Also our council supports any changes to the planning and development system which will make the system operate simpler, better and faster. However, we have some significant concerns in relation to the essential principles and architecture of the reforms as outlined in the Bill which are as follows—

And they list the areas of concern:

1. Denigration of the role of local government in the Development Assessment Process…
2. Cost shifting burden on councils from the implementation of these reforms…

I know the member for Bright highlighted some specific concerns in relation to this in his contribution. The list continues:

3. Centralised preparation of planning instruments and elimination of Section101a Committees…
4. Delineation of planning regions…
5. Transitional arrangements…
6. Change of Land Use for agricultural activities…

The member for Heysen spoke at length in her contribution about the importance of agricultural, horticultural and viticultural production in the Hills. The list goes on:

7. Statutory planning instruments may be Metro Centric…
8. Enforcement actions and expiations…

Both the councils that represent the significant proportion, the vast area, of my electorate have raised considerable concerns and they are quite specific. The Mount Barker council is specifically concerned about how the infrastructure levy will affect those rates they have already pitched and, obviously, the Adelaide Hills Council has other concerns.

As I said, I know both councils have written to the minister. I do not know whether they have received a reply this week to the concerns they have raised but, up until last weekend, they had not. If the minister and his department have not responded to the concerns of both those councils, I urge them to do that. I urge him, his officers and the bureaucracy to get onto this because it is very important.

The member for Heysen highlighted how unique the Adelaide Hills region is in a number of areas. A big proportion of the Adelaide Hills is in the water catchment area, which imposes a lot of restrictions and requirements. There is the Hills Face Zone.

Ms Redmond: The CFS.

Mr GOLDSWORTHY: The CFS—it is a very high bushfire risk region. A lot of different things impact on the Adelaide Hills region that are quite specific and unique to that area of the state. I strongly urge the minister and seek his cooperation in dealing with and resolving the issues that those two councils have put forward.

Bill read a second time.

The Hon. A. PICCOLO: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. J.R. RAU: I move:

Amendment No 1 [Planning–1]—

Page 12, line 11—Delete '40' and substitute '60'

Amendment No 2 [Planning–1]—

Page 14, after line 9—Insert '*Community Engagement Charter*—see section 44;'

Amendment No 3 [Planning–1]—

Page 18, line 6—Delete 'Part 2A' and substitute 'Part 2B'

By way of explanation for members and just as a recap, and I know that the member for Goyder is aware of these things but for others who might be not quite so familiar with what is going on, the situation is that I made it clear to all interested parties when the bill was introduced some month or more ago that I would welcome suggestions as to modifications of the bill which gave a better effect or overcame unintended consequences.

The whole raft of amendments that are here filed in my name are intended to reflect the fact that we have had ongoing conversations with people, and we have attempted to make modifications in order to deal with a great many of these. Many of them are relatively minor, but nonetheless they are probably useful changes. That is the first point.

The second point is that (and I have said this to the member for Goyder but for the record) I am expecting there will be some other amendments specifically targeting the infrastructure charge bit of the bill. They are presently being worked up with the various parties who are interested in those matters. I hope to have them here shortly, although, obviously, I do not intend to progress this at the committee stage beyond that point until such time as the opposition has had a chance to look at those.

The other point I would make, and it is just one of general observation about some of the remarks that have been made about the bill in the course of debate, is that it needs to be remembered that this legislation is like a coat hanger, if you like, for a number of other policy documents which will hang underneath it. Those documents themselves will require consultation with all the interested parties and communities and various other people involved. The step has been, first, we build the main structure, then we work on the fine grain, which we will do.

The CHAIR: Like the Harbour Bridge?

The Hon. J.R. RAU: Like the Harbour Bridge, exactly. With those sort of few general words, I can say that we will be having a number of other pieces of work done on the assumption that the bill passes because, obviously, we are transitioning from a paper-based, multizonal system to an electronically managed, more compact and universal library-style of system. I think that is probably sufficient for the moment.

Mr GRIFFITHS: Can I confirm that the minister's staff provided me with a copy of the amendments on Friday of last week late in the afternoon, so I appreciate that. In the first three—being amendments 1, 2 and 3—that relate to clause 3, I indicate the opposition is supportive of that. I find it interesting that one of them refers to the interpretation of the word 'adjacent' land and, indeed, the distances involved in that where it was previously 60 and brought back to 40 in the draft bill that was put out, and now it is back to 60 as part of the amendment which has become part of the consultation from the minister. On that basis, I confirm the opposition's support for that.

I just seek one clarification: minister, you refer to the amendments for clauses 155 to 178 in part 13 about infrastructure. Therefore, can I assume that as part of our committee stage we will not be talking about that section because it is so much of a moving feast that it is rather difficult to even ask questions about that, and that will probably occur between the houses at an absolute minimum; that is, the discussions and briefings on that?

The Hon. J.R. RAU: Yes, I can confirm that and it depends where we get up to with the committee stage; it might still be here, in which case we can try to deal with those things here, say, in the next week we are sitting, if that is what turns out to be the case. Otherwise, it will be, as the member for Goyder suggested, between the houses.

Mr GRIFFITHS: My preference is that, because it is a significant section of the bill and there are a variety of opinions on that, it not be an area that we discuss until I have had the chance to consider the implications. If that area can be quarantined, I would appreciate that.

The Hon. J.R. RAU: That is my intention because neither the member for Goyder nor anybody else has had a chance to look at the final product. I have given the member for Goyder an

indication of the direction we are going in, which is to address a couple of concerns about, basically, gold-plating and double-dipping, which we are intending to address. Obviously, the member for Goyder needs to see the words.

Ms REDMOND: Just for clarity, I take it that at the moment we are only dealing with the amendments proposed—

The CHAIR: One, two and three.

Ms REDMOND: —and we will still have an opportunity to ask questions on clause 3?

The CHAIR: The amended clause 3, yes, absolutely.

Amendments carried.

The CHAIR: You have a question, member for Heysen?

Ms REDMOND: Yes, I have several questions. I might start with the very first definition in clause 3 and that is 'accredited professional', but that refers us up to clause 81, and perhaps that is better left until we get to clause 81.

Minister, I wonder if you could clarify exactly what the impact of 'adjoining owner' is intended to be? For instance, in my own circumstances, I happen to have more than a dozen adjoining owners because I own a laneway, and the laneway leads onto a cul-de-sac. At the end of the laneway, houses from another street come up and back onto it, so I actually have a dozen neighbours in addition to the person who actually has the number next door.

Is the effect of that definition going to be that, if I were to make an application to do something that required an adjoining owner to be notified, even the person who might be 300 metres away in another street will automatically be part of the people who are notified?

The Hon. J.R. RAU: I think the answer to that is probably yes, but I can indicate that, because of the amendment we have put in, that is absolutely no different from the current arrangement. The present arrangement is people within 60 metres. We had it down to 40, and we brought it back to 60. So, the net result of the amendment in this clause is that it is no change from status quo.

Progress reported; committee to sit again.

Auditor-General's Report

AUDITOR-GENERAL'S REPORT

In committee.

(Continued from 27 October 2015.)

The CHAIR: Today, we have the Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, and Minister for Small Business for 30 minutes from 4 o'clock, to be followed at 4.30 by the Minister for Disabilities, Minister for Police, and Minister for Correctional Services.

I remind members that the committee is in its normal session, so any questions have to be asked by members on their feet and all questions must be directly referenced to the Auditor-General's Report. We ask that you make those references at the beginning of your question. Member for Stuart, what book would you like to start with?

Mr VAN HOLST PELLEKAAN: Part B: Agency audit reports, page 506. We are looking at the issue that deals with purchase cards and the comment which is an identification of 'numerous purchase card transactions for the purchase of mobile telephones or accessories, computer software and staff gifts'. Treasurer, the question for you is: why was the department purchasing gifts for staff members?

The Hon. A. KOUTSANTONIS: I am advised—I will give you a high-level reply—the Auditor has raised a number of control findings related to payroll, expenditure and purchase cards. These are largely due to the machinery of government changes and represent transitional issues. The

issues, I am advised, are minor in nature and do not have an impact on the accuracy of the financial reports. This is supported by the unmodified audit opinion provided over the department's financial statements.

I understand, and I am advised, that all issues have been addressed and the department will continue to review and harmonise policies and procedures during the course of the year. On your specific question about gifts being purchased for staff by government purchase cards, I understand that there has been a directive sent out on the appropriateness of the way cards should be used to stop that practice.

Mr MARSHALL: I refer to Part B, page 570. Treasurer, the URA has commissioned an independent report on the land economics of its entire asset holdings which, according to the URA's response to the Auditor-General, has been used to develop a long-range or 'long-term', I think the term is, financial plan which has or is being presented to Treasury. Have you seen this long-term financial plan?

The Hon. A. KOUTSANTONIS: The advice I have received is, no, it has not come before me as yet. It is part of the work that the URA is doing and I would refer you to the URA minister.

Mr MARSHALL: As the Treasurer, do you make sure that if the Auditor-General has raised an issue with one of the agencies and that agency is required to show it to Treasury that you will keep abreast of that issue and monitor it, and when would you expect that that long-term financial plan will be available for Treasury to inspect?

The Hon. A. KOUTSANTONIS: When it is finished.

Mr MARSHALL: Will that specific financial plan make reference to potential revenues or indeed liabilities attributed to the Gillman deal?

The Hon. A. KOUTSANTONIS: We will have to wait until it is finished.

Mr MARSHALL: Thank you very much. Not many answers there. Also on page 570, the Auditor-General makes reference to the unsolicited bids proposal. Has the Treasurer had any involvement in the development or approval of the new guidelines?

The Hon. A. KOUTSANTONIS: Yes, the cabinet process.

Mr MARSHALL: Does the Treasurer think it was appropriate that he be involved in the development of these guidelines, given that it was largely his failings which led to the introduction of the new guidelines?

The Hon. A. KOUTSANTONIS: That is like asking: is it appropriate that the Leader of the Opposition remain Leader of the Opposition after his conduct led to the loss of the last state election? How long is a piece of string? The truth is there was no adverse finding against me in the report. I was not found guilty of maladministration, but the Leader of the Opposition did cause the loss of the last state election. So, make your own conclusions.

Mr MARSHALL: Nevertheless, Treasurer, it is quite clear that there were significant failings identified with the unsolicited bid arrangements that were in place, some of those arrangements which you, indeed, oversaw. The government has seen fit to put new unsolicited bid guidelines in place. You have now told the parliament today that you were intimately involved in their development, as a member of cabinet, and I am asking whether you think this is appropriate?

The Hon. A. KOUTSANTONIS: This has almost nothing to do with the Auditor-General's examination, it is simply another desperate attempt by the Leader of the Opposition to remain relevant. As sad as it is to watch him in this process, I think the parliament would be better served with him asking me questions about the Auditor-General's Report rather than attempting to try to go further than the ICAC's findings.

Mr MARSHALL: Part B, page 577. As a member of the cabinet, can the Treasurer explain his involvement in the more recent case where the sale of land owned by the people of South Australia occurred in the absence of an independent valuation to understand the land's true value. In particular, I refer to page 577, where the Auditor-General looks at the issue of the Tonsley Park land sales to the Flinders University and DSD.

The Hon. A. KOUTSANTONIS: I am advised it is a matter for the board of the Urban Renewal Authority and the relevant minister. He was here yesterday and I assume that, rather than be neglectful and forget to ask the minister that question, I am sure you did.

Mr MARSHALL: Nevertheless, my question, following on from page 577, is: was Treasury asked to provide advice or did, indeed, Treasury provide advice regarding the land sale of Tonsley to the Flinders University and DSD?

The Hon. A. KOUTSANTONIS: I am not sure what relevance that has to the Auditor-General's Report, other than, again, another desperate attempt by the Leader of the Opposition to remain relevant. This is a matter for the URA and I refer him to them. Rather than wasting the valuable time of the parliament with his desperate attempt to remain relevant, why don't we actually get some questions on the Auditor-General's Report?

Mr MARSHALL: The reason why it is relevant is because it is contained in the Auditor-General's Report. I have given the reference to the committee chairperson. It is page 577. It is very clear from what was laid out by the Auditor-General there that:

> Our review identified Tonsley Park land sales to the Flinders University of South Australia (Flinders University) and DSD where an independent valuation was not obtained prior to sale. These sales arrangements had, however, been approved by Cabinet.

My question is: what involvement did Treasury have in the approval of these land sales, without valuation?

The Hon. A. KOUTSANTONIS: There is nothing further I can add.

Mr MARSHALL: Does the Treasurer think it is fair to the public to draw the conclusion that this deal alongside the Gillman deal paints to a pattern of behaviour by you, the Treasurer of South Australia?

The Hon. A. KOUTSANTONIS: Well, no, and I think the Leader of the Opposition is abusing the processes of the parliament now to use parliamentary privilege to make accusations against me, and I invite him to make his accusations outside.

Mr MARSHALL: I am just trying to ascertain for the parliament whether you were aware as part of your responsibilities as the Treasurer of this state that no valuation was obtained for the sale of the Tonsley Park site to the Flinders University. For some reason, you do not want to give a straight answer to the parliament this afternoon.

The Hon. A. KOUTSANTONIS: I always give straight answers to the parliament. Unless the member has an example and moves a substantive motion, he cannot make accusations like that. It is another abuse of the privileges of this house which he has undertaken and goes again to show the core values of the man.

Mr MARSHALL: No answer again. Part B, page 587: can the Treasurer explain whether his decision to raise the URA's debt ceiling on its core debt facility by $80 million impacted the cost of borrowing for the state?

The Hon. A. KOUTSANTONIS: I am advised it did not increase the cost of borrowing.

Mr MARSHALL: In fact, you approved the raising of the debt ceiling so that if the deal with Gillman did not go ahead that there was some movement but for some reason it was not required. Is that correct?

The Hon. A. KOUTSANTONIS: I am advised that it is unrelated to the Gillman transaction.

Mr MARSHALL: Well, why does it state on page 587 of the Auditor-General's Report:

> This forecast was based on the assumption that sales proceeds from the Gillman land sale transaction of $45 million would be received prior to 30 June 2015.

That was not received, unless you would perhaps like to tell the parliament today that it was received, contrary to everything that has been stated in this parliament previously on this matter. How could it not affect that debt borrowing if it was factored in originally?

The Hon. A. KOUTSANTONIS: I am advised that the decision-making process was about the overall ability of Renewal SA to conduct its business.

Mr MARSHALL: Sorry, could the Treasurer repeat that explanation to the house?

The Hon. A. KOUTSANTONIS: I am advised the decision was taken and the process was to consider the ability of Renewal SA to conduct its operations.

Mr MARSHALL: That seems to be completely in contrast to what the Auditor-General has found. Would you like to reconsider your answer, Treasurer? So, the Treasurer is basically saying that even though the original debt ceiling was put in place and it was increased and that it was quite clear that the $45 million was the original number pulled out of the second number that that was completely unrelated. Is that correct?

The Hon. A. KOUTSANTONIS: The question makes no sense.

Mr MARSHALL: Well, no. I think it is pretty—

The Hon. A. KOUTSANTONIS: Well, that is my answer.

Mr MARSHALL: Well, give us the answer on the record.

The Hon. A. KOUTSANTONIS: Your question makes no sense.

Mr MARSHALL: What part of it do you not understand, Treasurer?

The Hon. A. KOUTSANTONIS: It is not for me to explain your questions. You ask the questions and I will do the answers.

Mr MARSHALL: But you didn't give the answer.

The Hon. A. KOUTSANTONIS: It was a nonsensical question. Ask a question.

Mr MARSHALL: Let's be quite serious about this. I have asked a question, the Treasurer says he does not understand the question, so I am asking what part of it do you not understand and I will explain it to you, and I have given a very clear reference.

The CHAIR: Order! Ask the question again, just as he has repeated his answer. Let's have you ask the question again and then his answer, if it is the same answer.

Mr MARSHALL: Let's move on because we are running out of time.

The CHAIR: Okay, up to you.

Mr MARSHALL: Over to Dan van Holst Pellekaan.

Mr VAN HOLST PELLEKAAN: Back to Part B, page 506 and back to the issue of identified numerous purchase card transactions for the purchase of mobile phones and accessories, computer software and gifts. Treasurer, you said that a new directive has been set out. Can you tell us please what the policy was before and what the policy is now under the new directive and what the difference is?

The Hon. A. KOUTSANTONIS: I am advised that the Department of State Development has reissued, on the intranet, guidelines and transactions that are not permitted, and this was done on 31 May 2015, in addition to reminders to be provided to all cardholders and supervisors regarding their responsibilities. As to the other part of your question, I will take that on notice and get back to you.

Mr VAN HOLST PELLEKAAN: Given that the new directive was laid out at the end of May 2015, 11 months into the financial year, clearly the previous existing set of guidelines had been breached. Can you provide some information about those breaches?

The Hon. A. KOUTSANTONIS: We do not have that information here with us. We are happy to take it on notice and give it to you.

Mr VAN HOLST PELLEKAAN: On how many occasions did this occur?

The Hon. A. KOUTSANTONIS: I will take that on notice as well.

Mr VAN HOLST PELLEKAAN: Has the Treasurer sought an explanation for why the guidelines were breached?

The Hon. A. KOUTSANTONIS: I have complete faith in the operations of the department, and its chief executive, and in the financial controls that have been put in place. I am satisfied that there has been adequate transparency. Indeed, the opposition are asking questions about it due to an Auditor-General's Report. There have been remedies put in place, and I am satisfied with those processes.

Mr MARSHALL: Part A, page 7. I understand from what the Auditor-General is saying that this valuation process going on is underway across various departments, including the URA, and that there are going to be independent valuations for all inventories on a rolling basis over the next two years. Does the Treasurer know whether the land slated for sale as part of the Gillman deal under any of the three stages has been independently valued since the deal was struck?

The Hon. A. KOUTSANTONIS: That matter is for the Minister for Urban Renewal, the Deputy Premier. He was here available yesterday for half an hour, and I understand that these questions should have been put to him.

Mr MARSHALL: My question is really: what oversight does Treasury have? Was it a Treasury instruction to in fact obtain independent rolling valuations for inventories as part of the overall balance sheet clarification for the government?

The Hon. A. KOUTSANTONIS: They are required to value their assets using accounting standards, like all agencies are, and report that to Treasury.

Mr MARSHALL: It is my understanding, though, of course, that that will appear on your balance sheet. Because the instruction is for these entities to have this rolling (I think it is referred to) two-year inventory valuation, under this methodology my question is whether or not Gillman has had an updated valuation since the deal was struck.

The Hon. A. KOUTSANTONIS: Again I refer the member to the Urban Renewal Authority and the examination done by the Deputy Premier.

Mr MARSHALL: Have the projections of revenues from the sale of parcels of land owned by that actual authority been made on independent valuations of the land parcels?

The Hon. A. KOUTSANTONIS: Again, I have to refer the member to the agency that was examined yesterday.

Mr MARSHALL: My question to the Treasurer is, in fact: what oversight is the Treasurer and Treasury providing in terms of the verification of the asset value that is sitting on your own balance sheet?

The Hon. A. KOUTSANTONIS: We use contemporary accounting standards.

Mr MARSHALL: You say that, but it is your balance sheet and every question I ask you say, 'Well, go and ask somebody else.' Are you taking responsibility for the veracity of the balance sheet that you present to the parliament?

The Hon. A. KOUTSANTONIS: It is the Urban Renewal Authority's balance sheet. It is not my fault that the member of parliament asking the questions did not bother to turn up yesterday.

Mr MARSHALL: Volume 5, page 654, land sale option—Dry Creek/Gillman. Given the transaction number under option 1 was not settled in the 2014-15 year as budgeted for, has this sale, and subsequent $45 million in sales revenue, been budgeted in for this year in total revenue for the government?

The Hon. A. KOUTSANTONIS: This is again not relevant to me. It is a matter for the agency, and again the member was probably derelict in his duty by not being here yesterday.

Mr MARSHALL: Well, I am not sure that you are permitted to reflect on a member being in the parliament. I was actually at a funeral for a very high-ranking civic official, and I take umbrage at your—

The CHAIR: Order!

Mr MARSHALL: —your various reflections on my presence in the chamber. Nevertheless, my question is very simple. You seem to take responsibility for revenue into the government. My question is: when is the $45 million from Gillman budgeted? It was originally budgeted for last year. Is the $45 million from option 1—the first part, the first tranche of this deal—in the revenue figures you have presented to this parliament for this current financial year?

The Hon. A. KOUTSANTONIS: All questions for the URA.

Mr MARSHALL: But they are not.

The Hon. A. KOUTSANTONIS: I sit quietly and do not interrupt the simple questions the Leader of the Opposition asks—

The CHAIR: Point of order, okay, so—

The Hon. A. KOUTSANTONIS: —and I think, again, these are all question that should have been asked of the relevant agency.

The CHAIR: Okay, right. Leader.

Mr MARSHALL: How will the government be treating revenue from the sale of an asset? As the Treasurer of the state, can you just explain whether or not it will be coming in as general government revenue or whether there will be some other treatment?

The Hon. A. KOUTSANTONIS: The URA will account for this through their processes, and then they pay dividends to the government, which is the standard process we have had with the URA since their inception, I am advised.

Mr MARSHALL: Is there something in the general government revenue forecast for this year which is reflective of a transfer from the URA because of the proposed sale of Gillman?

The Hon. A. KOUTSANTONIS: We will take that on notice.

Mr MARSHALL: Can the Treasurer just outline to the committee the general treatment of the sale of this asset?

The Hon. A. KOUTSANTONIS: I have answered these questions: these are matters for the Urban Renewal Authority.

Mr MARSHALL: I am sorry, you are the Treasurer of this state; you are ultimately responsible for the financial statements and the presentation of the financial statements. It is a very simple question. You either know the answer or you do not know the answer. What we would really like to understand is: how is this transaction going to be reflected in the books for South Australia?

Is it going to only be a transaction for the Urban Renewal Authority, as for some reason the Treasurer seems to be suggesting to the parliament today, or are there ramifications for the consolidated revenue for South Australia? If that is the case, we would like to know how that is going to be treated and when that money is going to be received, and, in fact, whether it was budgeted to be received last year, and therefore was essentially taken up as an adverse transaction last financial year, or whether it is going to be in this year's.

The Hon. A. KOUTSANTONIS: As I have said now I think five times, when Renewal SA make a profit they pay a dividend.

Mr VAN HOLST PELLEKAAN: Back to the misuse of purchase cards—

Members interjecting:

The CHAIR: Order!

Mr VAN HOLST PELLEKAAN: —Part B, Agency audit reports, page 506 again. Treasurer, is there a policy—

The Hon. A. KOUTSANTONIS: Is this State Development?

The CHAIR: We are back on purchase cards.

Mr VAN HOLST PELLEKAAN: No, we are back to purchase cards. Treasurer, is there a policy in place totally separate from the use of purchase cards or otherwise, for the purchase of staff gifts?

The Hon. A. KOUTSANTONIS: To be clear, there is a policy in place for the use of purchase cards in terms of gifts for staff. The department's view and mine on that is that it is inappropriate. There is a policy in place for purchase cards, and those purchase cards have a policy of not allowing the purchase of gifts for staff using purchase cards. If you are asking whether there is a general policy of not purchasing gifts for staff, then, no, because the main transactional point is through a purchase card.

Mr VAN HOLST PELLEKAAN: How are gifts for staff to be purchased if not with purchase cards?

The Hon. A. KOUTSANTONIS: They are generally not appropriate.

Mr van Holst Pellekaan: So it just shouldn't happen.

The Hon. A. KOUTSANTONIS: Well, it depends. I suppose chief executives can perhaps make a delegated decision, but my view on it is that, by and large, gifts should be purchased for dignitaries who are visiting South Australia on trade missions. There may be some sporting clubs or other types of transactions but, by and large, public servants should not be buying each other gifts with purchase cards or taxpayers' money, and I do not think there is anyone who thinks that they should. The policy has been made clear and I have taken your earlier questions on notice and I will get you a detailed answer.

Mr VAN HOLST PELLEKAAN: Purchase of mobile phones was another thing that was picked up by the Auditor-General. What is the policy for the purchase of mobile phones, then, and other accessories?

The Hon. A. KOUTSANTONIS: The policy about mobile phones and the concern that the agencies have about that is the overall procurement policies we have in place, and contracts that we have in place with procuring IT equipment and mobile phones make part of that. By and large, there is nothing inappropriate with mobile phones that are owned by the government being purchased by purchase cards, because the reason we have purchase cards is so the Auditor-General can track purchases and we can log transactions. By and large, the concern is not about abuse. It is a concern that we have procurement policies in place to try to maximise the benefit to the taxpayer by using those procurement policies.

Mr MARSHALL: My question is from the supplementary report, page 50, the final paragraph. Chart 7.5 specifically deals with gambling taxes. In particular, I would like to draw the Treasurer's attention to the 2014-15 year and the lower than expected Adelaide Casino gambling revenue. Can the Treasurer offer some advice as to why he thinks these gambling revenues from the Adelaide Casino are down? Was it through lower volume transactions or indeed changes to the taxation arrangements regarding the Adelaide Casino?

The Hon. A. KOUTSANTONIS: I refer the member to the Budget Statement 2015-16, Budget Paper 3, page 42:

> In 2014–15, total gambling tax revenue is expected to be $16 million lower than the 2014-15 Budget estimate. Growth in net gaming revenue has been lower than expected so far in 2014-15 and this has impacted tax revenue from gaming machines and the Adelaide Casino.

Mr MARSHALL: Yes, I understand that. I referenced that myself. The point is: can you offer some advice as to the reason for that? The government did negotiate a new arrangement regarding gambling taxation rates with the Adelaide Casino in recent years and subsequently we now have lower than expected gambling revenue going into state coffers. Can you offer some advice? Can the Treasurer also advise whether in fact the redevelopment of the Casino is being stalled simply because there are lower volumes going through the Adelaide Casino?

The Hon. A. KOUTSANTONIS: Could you repeat the last part of that, sorry?

Mr MARSHALL: I am just wondering whether you could provide some advice to the parliament regarding your thoughts on the likelihood of the redevelopment of the Adelaide Casino. If

the revenue coming into the state is down, we would be interested in your thoughts as to why that would be occurring, but more importantly whether or not that will be something which is holding up the transaction which the government is currently considering.

The Hon. A. KOUTSANTONIS: First off, I will point out the irony in the question where the Leader of the Opposition, who claims he wants to lower taxes, is bemoaning a lower tax revenue. It puts paid to the hypocrisy that he spreads.

Mr Marshall interjecting:

The CHAIR: Order! The minister will answer the question.

The Hon. A. KOUTSANTONIS: Yes, madam.

Mr Marshall interjecting:

The CHAIR: Order! If we can hear the minister in silence, that would be helpful.

The Hon. A. KOUTSANTONIS: Thank you. Revenue from the Adelaide Casino in 2014-15 has been revised down since the 2014-15 budget mainly due to lower than expected growth in net gambling revenue.

Mr Marshall: We know all that.

The CHAIR: Order!

The Hon. A. KOUTSANTONIS: Well, you're the one asking the questions. Adelaide Casino revenue estimates also reflect the key taxation and regulatory conditions that commenced in 2013-14.

Mr Marshall: You don't know the answer, so you're just reading out this document.

The CHAIR: Could the leader understand that I can't ask you to ask a question a certain way and I can't ask the minister to answer in a certain way and that the rules of the house do ask us to listen to each other in silence. Would the minister conclude the answer and then we can move to the next question.

The Hon. A. KOUTSANTONIS: Yes, madam. The Leader of the Opposition asked what my view is on whether the Casino will proceed with its redevelopment. I think they will. I think that Adelaide offers a very good destination for investment and I think that the positive investments in the Riverbank, the Convention Centre, Adelaide Oval, the footbridge, the upgrades that we are conducting around the CBD, the vibrancy with our small bar legislation—all those things I have mentioned the opposition leader opposed, and the reason the opposition opposed those is that they bring prosperity to the people of this state.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: I also heard the Leader of the Opposition talking about start-ups. Perhaps he should speak to the members of his own party on the Adelaide City Council and their attitude towards start-ups who run food vans and those young entrepreneurs and how the Liberal Party is attempting to stifle them from going out and engaging in enterprise. There is a reason the Leader of the Opposition is the exiting man. It is because he offers no vision for South Australia.

Ms Chapman: That's pathetic, Tom, absolutely pathetic.

The CHAIR: Order! I am really disappointed in the attitude of members in the chamber today. It is not a matter for me to direct how you ask a question or answer a question. If the leader has a problem, he needs to say something about it and bring it to the house's attention. His mutterings as he leaves every time are not going to achieve anything for him.

The time for the examination having passed, we move to the next section. I thank the minister and his officers. We have the Minister for Disabilities in place and his officers are coming down. Perhaps, member for Morphett, if we just get the page number ready to roll, as the advisers appear, we will be ready to go.

Dr McFETRIDGE: Thank you, Chair. I have just spoken to the minister and we have agreed that we will deal with disabilities first, then we will move on to emergency services, and my colleagues will finish with road safety and police. I have to leave the committee just before five to go to Government House for a function. I apologise to the committee for that, but I am sure my colleagues will hold the fort.

The CHAIR: What page are we looking at?

Dr McFETRIDGE: I am referring to the Auditor-General's Report, Part B, page 78—Supplies and services. The report states: 'During 2014-15 supplies and services expenses increased by $32 million to $273 million.' Under the second dot point, it is noted that there was an increase in expenses related to the implementation of the National Disability Insurance Scheme arrangements from $3 million to $7 million. Can the minister explain to the house why that happened? Is it because there are issues associated with an increased number of participants in the NDIS?

The Hon. A. PICCOLO: I thank the honourable member for his question. That increase just represents the contribution the state is making in a progressive way to pay for the transition across.

Dr McFETRIDGE: With respect to the same reference, the latest report from the NDIA states that 4,688 people were expected to participate, there are 5,521 already in the scheme and the actuary says that there are 9,733 people eligible and expected to come into the trial. Does the minister expect that number to continue to increase and, if so, to what figure?

The Hon. A. PICCOLO: In terms of the cash contribution to the National Disability Insurance Scheme, the member would be aware that there is both a cash and an in-kind contribution for services provided by the state in other areas. We anticipate that in 2015-16 our contribution to the scheme in cash payments across will be $20.2 million.

Dr McFETRIDGE: On the same reference, minister, is the NDIA actuary's report accurate, that there are 9,733 people currently eligible in the trial? Can you give the committee some indication of the estimated number of people who are eligible for the full rollout beyond the trial?

The Hon. A. PICCOLO: My understanding, and the latest advice I have received, is that, in terms of the final figure to go to the national scheme, it is still around the 32,000 persons, and that has not changed from the original estimate. While the composition may change, that total number is not expected to change.

Dr McFETRIDGE: Given the time, we might move on to emergency services, and I welcome, Mr Jackman to his first Auditor-General's Report committee. Referring again to Part B, page 390, under Expenses the report states:

> Employee benefits expenses of $16 million account for only 22 per cent of the total expenses of the SACFS due to the extensive use of volunteers…

I think that is significant, and we should all note the value of the volunteers there. Minister, in 2013-14 the Bangor, Eden Valley and Riverland fires obviously came at significant cost. Can you tell the committee what that cost was and where that extra funding came from now that we have seen increases in the ESL with the Sampson Flat fire?

The Hon. A. PICCOLO: I thought we were looking at the 2014-15 Auditor-General's Report?

Dr McFETRIDGE: Under Expenses, the Auditor-General notes the 'lower than the level of expenditure incurred for the 2013-14'. So, there is a lower level of expenditure this year than there was last year. We had the Sampson Flat bushfire in 2013-14, and the Bangor, Eden Valley and Riverland fires (and the Auditor-General talks about this), but there is no mention of the actual cost of managing those fires.

The Hon. A. PICCOLO: We will take that question on notice for you because we had only prepared for this financial year under audit.

Dr McFETRIDGE: Thank you. On page 392, under Statement of Financial Position, the Auditor-General notes that the South Australian Country Fire Service invested $16.6 million in additional property, plant and equipment in 2014-15. There was $4.3 million for communication

equipment. Is any of that communication equipment centred around automatic vehicle location for the upcoming fire season; if not, why not?

The Hon. A. PICCOLO: I can advise the committee that it is basically GRN and also tactical communications, no AVL.

Dr McFETRIDGE: Can the minister tell the committee whether there any plans in place for automatic vehicle location for this upcoming fire season, I am sure the 14,004 volunteers, as you mentioned on page 388, would like to know.

The Hon. A. PICCOLO: I will correct the record if it is not right, but my understanding is that, with the improvements in the GRN and some other communications, there may be some alternative ways to achieve the same outcome.

Dr McFETRIDGE: Is that outcome reliant on what is called the Intergraph system that is being used by the Metropolitan Fire Service using mobile phone technology? Is that going to be extended to the Country Fire Service? There are a number of areas where mobile phones just do not work?

The Hon. A. PICCOLO: I am advised that we are looking at three different technologies for the three services because their needs are different because of geography.

Dr McFETRIDGE: Can we tell volunteers when we can expect to have that in place? The AFAC Sampson Flat inquiry talked about, in recommendation 3, having that vehicle location in place.

The Hon. A. PICCOLO: The advice I have received is that we are still trying to evaluate a range of different options, and we do not have time frames because we are not sure we can actually find an appropriate one which would meet service needs at this point in time.

Dr McFETRIDGE: On that same reference, can you release to the committee the report that was done by the consultants on the automatic vehicle location system? At the moment, it has not been released under FOI and we are in the dark, so to speak, as to what the extent of the considerations has been, and the consultant's report would obviously have those answers.

The Hon. A. PICCOLO: I thank the honourable member for his question. The fact that an independent officer has determined not to release it would suggest that there is something wrong with that, and I do not have the power, that I am aware of, to overturn the decision of an independent FOI officer. As I said, we are looking at alternatives, so I am not sure how relevant that information may be, but I am happy to say that that matter is under regular evaluation by the agency.

Dr McFETRIDGE: On the same Auditor-General's reference, page 392, under Statement of Financial Position it says that the value of the assets includes approximately 800 fire appliances. The capital works in progress is about $20 million, which represents uncompleted assets at the end of the year which are made up of appliances and other equipment. Can you tell the committee how many new appliances we are getting, where they are being manufactured and how many new CFS fire stations are being built or if others are being upgraded?

The Hon. A. PICCOLO: To get the precise numbers for each of those categories we need to take that on notice for you.

Dr McFETRIDGE: Thank you, minister. The next reference is over on page 393, Financial controls opinion. This is an opinion, a qualified opinion or, in these terms, a modified opinion on some of the things that the South Australian Fire and Emergency Services Commission is undertaking. Under 'Key issues', it states, 'Some policies and procedures are not finalised.' Can you give the committee an outline of what policies and what procedures have not been finalised? Were they covered under the Ernst & Young review 2014 or the Ernst & Young review 2015, and will you release the Ernst & Young review 2015?

The Hon. A. PICCOLO: I can advise the committee that the policies and procedures which are referred to are general operational matters which were not raised in either the EY14 or EY15 reports. In relation to the second part of your question, as to the EY15, that will be going to the board shortly and they will make a recommendation to me. I have not read the report yet because it is going through the board first.

Dr McFETRIDGE: On that same reference, the fifth item states, 'No independent oversight of annual asset stocktake.' What is being done to make sure that we actually know how many firetrucks we have and lengths of hose?

The Hon. A. PICCOLO: That comment in the report is because, I am advised, the Auditor-General requires two officers at any one time to verify any asset in the 425 brigades we have across the state. That is not undertaken in some cases because of the remoteness of location, etc. Only one officer actually goes there and does that, so we do know what is around, but the comment relates to the fact there is not an additional person when that audit is undertaken.

Dr McFETRIDGE: To help the minister and SAFECOM, I know from personal experience that CFS brigade equipment officers keep a very good idea of what their stocktake is, and perhaps they could be asked to assist. I am sure it would not be too onerous to ask them to do that.

The other key issue that I am interested to see there is that there is a legal obligation to produce a charter. It says, 'SAFECOM charter not yet made available to the public.' Sections 8(3) and (4) of the Fire and Emergency Services Act 2005 provide:

(3) The Commission must prepare a charter relating to its functions and operations.

(4) The Commission must provide a copy of the charter to the Minister and ensure that it is publicly available.

When will the charter be available, minister? Is it being held up because of the current alignment, harmonisation and modernisation?

The Hon. A. PICCOLO: Just in terms of the comments made by the member previously, unfortunately, volunteer officers in brigades are not deemed by the Auditor-General to be independent. Even though they could do the job—I accept that—they are not, for the purposes of the act, considered to be independent, and that is why they are not used. We will probably have that comment from time to time in our report. In terms of the charter, no, it is not being held up by the existing review processes. I am advised by SAFECOM that they are working on a draft at the moment, and I should have a recommendation to me within the month.

Dr McFETRIDGE: When was there last a charter in existence?

The Hon. A. PICCOLO: I will have to get back to you on that one.

Dr McFETRIDGE: Let's just hope that the board has not been in breach of the act and the minister has not been able to do his job then by releasing that charter. Under the charter functions, the charter is about functions and operations. Can the minister tell us what a 'virtual organisation' is where there is a matrix management model to deliver the service levels rather than moving people from within emergency services? It sounds like this is a move to a one-service organisation by stealth.

The Hon. A. PICCOLO: You threw in a comment which I think needs correcting. The charter exists; what we have not done is actually update the charter. So, it is not the case that the charter does not exist at all: it requires ongoing review. Having said that, in relation to the virtual organisation, it is basically that you keep people within the existing agencies, in other words, they keep the same uniform but they work across the sector. So, for example, the person who may be an assistant chief officer in one area, and who is actually there, may provide advice and assistance right across the sector. It is making good use of the resources, skills and abilities across the sector, which I think we would all welcome.

Dr McFETRIDGE: Is that really seconding people from one emergency service? I will let you explain that in a minute. If those people are being given roles other than their prescribed roles, say as assistant chief officer in the MFS, and they are doing something else, who is backfilling their role and where does that come from?

The Hon. A. PICCOLO: There will be a range of opportunities which may also include secondment. Having said that though, what has been said is that to use people's skills—for example, if I am an assistant chief and I specialise in, for argument's sake, HR then my skills in HR could be used right across the sector. The decision as to backfilling and how the resources are used will be up to the chief officer and SAFECOM to negotiate what are the priorities at any one time.

Dr McFETRIDGE: That same reference, is there a consideration to outsource emergency services functions or SAFECOM functions at all, and, if so, what are they?

The Hon. A. PICCOLO: The only things which have been explored, and I say explored but discussed because it is not the extent of it at this point in time, is to see whether we can actually outsource within government itself to other agencies within government.

Dr McFETRIDGE: Just moving on to Volume 4 of the Auditor-General's Report, page 545, the South Australian Fire and Emergency Services Commission statement of comprehensive income. I am just a humble veterinarian, not an accountant. It is showing a net result here, and I assume in brackets a loss in 2015 of $3.533 million. Is the SAFECOM budget in deficit at the moment, and, if so, how are we going to make that budget up?

The Hon. A. PICCOLO: Your assessment is correct, that is in deficit. As a result, I have recently asked SAFECOM to work out a strategy on how we can actually bring that under control. We have had discussions with Treasury and the three chiefs in SAFECOM are preparing a strategy by which we can bring it under control as soon as practicable, and I hope to be in a position early in the new year to look at that.

Dr McFETRIDGE: How out of control is it, minister, if we are going to get it back under control? Is it about $2 million over budget?

The Hon. A. PICCOLO: Yes, that is correct.

Dr McFETRIDGE: My last question and then I have to depart, unfortunately. I choose to depart. I have other commitments.

Mr Gardner: He is serving the people of South Australia through the mechanisms—

The CHAIR: Order!

Dr McFETRIDGE: It is for the Barkuma awards at Government House. It is a very worthy thing. My last question is on page 395 of Part B, 'Bona fide and parade statements', and it refers to the Metropolitan Fire Service:

> Our review found that there were several instances where there was no evidence of approval of bona fides and parade statements. This increases the risk that attendance information is incorrect resulting in payments to employees being inaccurate.

Were there cases where MFS firefighters were either overpaid or underpaid, and, if so, if they were overpaid, is there—like we had with the ambulance service a while ago, there was clawback of the overpayments. Is that something that the MFS fireys are going to have to face?

The Hon. A. PICCOLO: I can advise the committee that it was only two occasions. It was in one case where the cover sheet was not signed. The other one was where there was one instance with no approval over a sample parade statement for MFS. So, there was a total of two occasions.

Mr WINGARD: I refer to Part B, page 382 and the road safety camera review. What is the internal policy for road safety camera calibration testing and maintenance? Why was there not already a system of auditing to assist in identifying noncompliance with internal policies on road safety camera calibration testing and maintenance?

The Hon. A. PICCOLO: What was the reference again in the report?

Mr WINGARD: Part B, page 382, on the road safety camera review. Would you like me to repeat the question?

The Hon. A. PICCOLO: Yes, please.

Mr WINGARD: Referring to Part B, page 382, regarding the road safety camera review, what is the internal policy for road safety camera calibration testing and maintenance, and why was there not already a system of auditing to assist in identifying noncompliance with internal policies on road safety camera calibration testing and maintenance?

The Hon. A. PICCOLO: We will have to take that one on notice and get it back to the committee.

Mr WINGARD: I may have to give you other questions to take on notice. Is there any way of knowing whether motorists have been issued with traffic infringement notices unfairly as a result of collaboration issues?

The Hon. A. PICCOLO: Again, we will take that on notice.

Mr WINGARD: Again, a supplementary: how many errors have been made and what is the total value of traffic infringement notices issued in error?

The Hon. A. PICCOLO: What we have identified, or are the other two questions presupposing this question?

Mr WINGARD: They go with that. Moving on to Part B, page 379, regarding the expiation revenue from the missing traffic infringement notices: why has there been limited review and follow-up made on missing traffic infringement notices (or TINs) as outlined in the missing TINs report which is sent to local service areas, and why has this issue not been remedied to ensure that the forfeiture of valid expiation fees does not occur?

The Hon. A. PICCOLO: I can advise as follows in terms of the current status. All audit reports are now audited on a daily basis by their respective units. The new process ensures that, after auditing, the reports are collated and checked by the audit unit before being filed. The missing TIN report is now sent to the LSAs on a monthly basis and, as a result, there has been a reduction in missing TINs due to diligence by the LSA. There are still some issues to be resolved at the LSA level and LSAs are providing comment for those missing for three or six months. That is the only information available at this stage. I can say that work is continuing to reduce the number.

Mr WINGARD: How many traffic infringement notices have been lost, and what is the total value of these lost notices?

The Hon. A. PICCOLO: We will have to take that on notice.

Mr WINGARD: What is the value of the lost revenue as well, please? When the MAC is wound up will all the sponsorship partnerships with community groups such as the Lightning, the SANFL, country footy, schoolies, the rescue helicopter and Ambulance SA, as well as road safety initiatives, all be guaranteed and how will privately written policies be levied?

The Hon. A. PICCOLO: You will need to direct that question to the Treasurer who is responsible for MAC.

Mr WINGARD: Part B, page 290 of the report confirms that the commission will continue its role as nominal defendant and the provider of road safety awareness. Will the liability incurred as a result of MAC acting as the nominal defendant also be funded through the levy on privately written policies?

The Hon. A. PICCOLO: What I can say is that the Treasurer has on a number of occasions made it very clear that MAC's role in road safety will continue, and if you would like any elaboration you need to refer those questions to the Treasurer.

Mr WINGARD: In reference to the actual Auditor-General's Report, Part B, page 290: can you tell me who will be responsible for assessing the liability?

The Hon. A. PICCOLO: Which liability are you referring to?

Mr WINGARD: Through the levy on privately written policies. Who will be responsible for assessing the liability incurred as a result of the MAC acting as the nominal defendant?

The Hon. A. PICCOLO: You need to direct that to the Treasurer.

Mr WINGARD: A final question if I can, since we are running a little bit over. Volume 4, page 89, can the minister explain the reason for the prior error in the Community Road Safety Fund reporting of $8.994 million in 2013 which had to be corrected in this year's report?

The Hon. A. PICCOLO: The advice I received is that there was an internal journal error and it has been corrected in this financial year.

Mr WINGARD: And that money was not allocated to different programs that then had to be reallocated?

The Hon. A. PICCOLO: No; it was actually allocated to this program when it should have been allocated somewhere else, but we will get the details and amounts for you.

The CHAIR: I thank the minister and his advisers.

Progress reported; committee to sit again.

Mr GARDNER: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Committee Stage

In committee (resumed on motion).

Clause 3.

The Hon. J.R. RAU: Just following on from the answer that I think I was giving before reporting progress, can I just say that one of the drafting instructions for this bill was that, as much as possible, the definitions in the existing legislation, if they are still useful, would be replicated. The reason for that was we did not want the courts to infer that a new definition therefore means a new interpretation.

Where it has been possible to simply transpose an existing, known and long-understood definition from the existing act and bring it across here, that is exactly what we have done, with the intention that, as we bring it across, it should mean the same here as it meant before.

Mr GRIFFITHS: Can I apologise for my tardiness and for the disruption of the house; I thought we were 5.30, minister. If I can go to the interpretation for 'building', my understanding is that there have been some discussions about that in the past, and a question that has been put to me by one of my respondents in the Local Government Association is: is there an opportunity for it to have some amendments in terms of temporary structures?

The Hon. J.R. RAU: I think the Local Government Association, like all the other people who have been invited to put propositions to me, eventually came up with a settled position at the end of last week. We are looking at things they put forward and we will consider everything they have put forward. Some of it is not going to be as easy to consider as other things, but we will consider everything they put forward. But I can tell you that my advice is that definition is again the existing definition just moved across; we have not altered the status quo at all.

The CHAIR: Member for Heysen, your first question has been answered. Do you have a second question?

Ms REDMOND: Yes, I am still on clause 3, Chair.

The CHAIR: And this is your second question?

Ms REDMOND: Yes, it is. I do have more than three questions, but I know that I will not get to them, so I have to try to pick and choose which are the most important. I want to clarify in the definition of 'construct'—

The Hon. J.R. Rau: It is the existing act.

Ms REDMOND: It is the existing act. So, I have the minister's assurance that that is exactly unaltered?

The Hon. J.R. RAU: I am advised that that is exactly the same as the existing act.

Ms REDMOND: It is a while since I have looked at it, but it used to be the case, for instance, that one did not need a development approval to renovate something inside a house but, under that

definition of 'construct', clearly 'construct' would certainly incorporate renovating an internal kitchen, bathroom, lounge room or whatever.

The Hon. J.R. RAU: Can I just say that, whatever the present situation is about that, I think there are other bits of the existing act that create certain presumptions. The point is that we are not disturbing the existing thing. So, if the existing situation is that you do not need approval to do stuff inside, we are not attempting to disturb that in any way.

Ms REDMOND: The definition of 'development', again can I hear from the minister whether that is an identical definition to what we have at the moment? I mentioned in my second reading contribution, for instance, the effect of paragraph (d), which creates the meaning within 'development' as including the construction of 'a road, street or thoroughfare on land'. So, if I on my block of land simply scraped a passage for my car to be driven onto it, then technically that would be caught within the definition, and historically certainly that was never likely to be caught within the definition.

Similarly, under paragraph (g) of that same definition, 'the external painting of a building', it seems to me that that is wider than what was previously there, although I readily concede that I have not looked at it for some time, so it may have changed in the interim. Can the minister give any assurance that these things are not in fact any change, in particular paragraphs (d), (g) and (h)—that is, 'in relation to a regulated tree—any tree-damaging activity'—all seem to me to be further than what I had understood the law to go before.

The Hon. J.R. RAU: In relation to those, (c) and (d) I am advised are exactly the same. I think it is worth mentioning also, in the context of (a), that really begs the question about zoning to some extent, which is another topic, but let's leave that for the time being. The next one was (e), I think.

Ms Redmond: No, it was (g), external painting and trees.

The Hon. J.R. RAU: That is not materially different. However, the words 'specified' and 'Planning and Design Code' are different because this legislation has the Planning and Design Code which did not exist in the previous legislation, but otherwise it is the same. Previously, it was a reference to regs. That is an insignificant technical change. It does not change the reference to painting or other things: that is from the existing act. There is no change in (h).

The CHAIR: Any further questions on clause 3 as amended?

Mr GRIFFITHS: Minister, can I ask a question about paragraph (i) and the creation of fortifications: is that the same as previously? Mr Dennis is saying yes.

The Hon. J.R. RAU: I am advised that is the same.

Mr GRIFFITHS: In the interpretation of 'division', referring to paragraph (c), where a period of six years is mentioned twice, is that a transfer from the current act, or where has this come from?

The Hon. J.R. RAU: Yes, I am advised again that that part of it is exactly the same. The only bit that is different, if I can point that out, are the words 'but does not include a lease, licence or agreement of the class excluded from the ambit of this paragraph by the regulations'.

Mr GRIFFITHS: My next question relates to the interpretation of 'domestic partner' over the page and the last half of the second line: 'whether declared as such under that Act or not'. I am just seeking some clarification on that.

The Hon. J.R. RAU: That is a lift exactly from, as I understand it, as I am advised, the existing provision.

Mr GRIFFITHS: It is possible that I might have more than three questions on this clause because it is quite substantial, Chair.

The Hon. J.R. RAU: I am very happy to answer the questions, but can I emphasise again that I was at pains to say to parliamentary counsel, 'Please, if you can pick up stuff which is already a known quantity under the existing legislation that everyone understands and it's not problematic, let's pick it up, bring it across and use it in the new one so that people don't start off with having to wrap their heads around completely new terminology.' We have endeavoured to keep things as consistent as possible.

Mr GRIFFITHS: My question relates to 'essential infrastructure', which is new because it has been brought into this bill for the first time. It gives examples, from (a) through to (k), of what essential infrastructure means. Because we are not talking about the infrastructure levy at this stage, my very broad question is: is it probable or possible that a levy could be created for the establishment of all these different categories of essential infrastructure?

The Hon. J.R. RAU: Theoretically, yes. The point is that this defines the ambit of what a scheme might seek to include. Whether that ambit was deemed, by the process that we are about to deal with under section 150 and beyond, to be excessive or at excessive cost is a completely different proposition. That is intended to put some boundaries around what we think the types of things that should be contemplated by the infrastructure concept might be.

Mr GRIFFITHS: My question comes automatically from that because I can relate to most of the areas, but then (i) and (j) in particular relate to services and facilities that would normally be provided by the wider taxpayer, instead of an area in which the levy is potentially able to be implemented.

The Hon. J.R. RAU: The utility of this definition of 'infrastructure' is for universal application across the act, not just for that scheme. So, there are other bits of the act which deal with essential infrastructure and so forth and the approval method for those things, which are not connected with the infrastructure charge provisions.

I think what we are actually going to be able to offer you in due course when we get the infrastructure charge thing is that it might be that this general definition is modified to some extent, or there is some other mechanism that deals with the question that you are asking. The reason that is there is because there are other bits of the act which deal with the provision of approvals for essential services which this is intended to underpin.

Mr GRIFFITHS: I refer to page 17 at about line 8 and 'local heritage place'. The very broad question I have is: do the current listings automatically go on to the Planning and Design Code?

The Hon. J.R. RAU: Ultimately that is a transitional matter, and I think that I have explained to the member for Goyder and others who have asked about this before that, assuming this bill is passed, there is then the need for a transitional bill which will deal with how a whole range of things transition from where they are now to sitting under the new scheme.

That said, the intention is, yes. I think I also mentioned that with respect to heritage we have only just lightly touched here because it is a topic all of itself. But the intention is that, in effect, if you are a heritage place now, once the transitional arrangements are finished you will continue to be a heritage place.

Mr GRIFFITHS: Chair, I thank the minister for his confirmation of that, and because he talked about transitional arrangements that are in place here I do have a question that goes back to clause 2, and I apologise for this. Subclause (2) of that states:

> Section 7(5) of the Acts Interpretation Act 1915 does not apply to this Act.

I am intrigued as to why that is there.

The Hon. J.R. RAU: That provision is the one that says, 'Look, failing everything else, this thing will become operational in two years.' Full stop. We believe that there may be elements of this thing which take longer than two years to be fully ready to become operational and therefore that provision enables there to be greater flexibility about when some aspects of this become operational.

Mr GRIFFITHS: I refer to page 18 and the interpretation for 'precinct authority'. It is a term that has only just started to become used in South Australia. I am wondering whether the minister can confirm whether there are any areas that are declared to have a precinct authority in place already?

The Hon. J.R. RAU: Not yet. There is work being done in relation to a few potential candidates for this, but, as far as I am aware, we don't yet have one of these, but I think the time is soon coming where we will. I have had councils, developers and all sorts of different groups in the community expressing an interest in this provision. However, there are certain procedural formalities

to be undergone before such a thing can be established, and so far we do not have anyone who has completed that process. I am not sure whether there are any actively pursuing or vigorously pursuing that sort of process at the moment. There certainly were a number nibbling but how serious they are, I do not know.

Mr GRIFFITHS: I appreciate the openness that exists in this questioning, too, minister. In looking to establish this, because there are so many other areas of the bill that talk about regulations to be drafted, will the creation of a precinct authority, given that it will occur in the future, occur via regulation or legislation?

The Hon. J.R. RAU: The creation of the precinct authority, as I understand it, would be under the Urban Renewal Act. The parliament dealt with amendments to the Urban Renewal Act, if I recall, about 2½ years ago, which facilitated within the Urban Renewal Act the creation of these precincts. We are not disturbing that piece of legislation: we are simply cross-referencing that legislation in here.

Mr GRIFFITHS: I remember the shadow minister expressing concern about precinct authorities at the time. If I can now go down to 'public notice' just to seek some clarification. This is based on some of the words that I mentioned yesterday from regional newspapers, in particular, that are concerned about a different form of public notice that no longer requires notice to be given in circulating newspapers.

The Hon. J.R. RAU: All I can say is that definition is no different to the current definition. That is, we are not disturbing that at all, and I guess that is a matter for regulation from time to time, but we are not changing anything here.

Mr GRIFFITHS: Towards the bottom of page 19 is 'swimming pool safety features'. It might be a broad question, but the minister's staff and I have both been contacted by people who work in this area and represent the association who have been rather concerned about what they see as inconsistencies and interpretation and the potential for people to be at risk as a result of that. They have asked me and, I believe, your staff, for some form of guidance on that. Is it intended that regulations will flow through that will deal with this area of concern?

The Hon. J.R. RAU: Basically, the story is this: there is a clause further in the bill which is the active clause which empowers the making of regulations to achieve this. Again, this would be the sort of thing that we would be wanting to have conversations with the industry about to make sure those regulations are correct.

Mr GRIFFITHS: On pages 25 and 26 where it talks about additional penalties and default penalties, I wonder if you can provide me with the details. I have noticed that in areas of the bill, but I am just looking for an explanation as to what the intent of that means, and if there is any indication of the dollar penalty that might be attached to that, or is it some form of physical penalty?

The Hon. J.R. RAU: The actual penalties are specified in the offence provisions themselves which are elsewhere in the bill and, substantially, except for the word 'penalty', these are again replications of the existing provisions.

Mr GRIFFITHS: Going back to 'essential infrastructure', I have had a request put to me—for clarification only—does the definition of 'essential infrastructure' include public transport and public lighting? It states 'other infrastructure', so I am wondering if that would be potentially included there?

The Hon. J.R. RAU: It does not appear to explicitly do that, but arguably some of these other provisions are sufficiently general to be able to pick that up—I do not know. Can I come back to the point I made before: this should not be read as being specifically about the infrastructure charge; it might be about requiring planning approval to put up a power station, or planning approval to run powerlines from A to B, or planning approval to build a school or something. That is the context in which this sits in this part of the legislation.

Clause as amended passed.

Clause 4.

The Hon. J.R. RAU: I move:

Amendment No 4 [Planning–1]—

Page 21, lines 15 to 17—Delete paragraph (d) and substitute:

(d) there is an increase in the intensity of the use of the land which is prescribed by the Planning and Design Code as constituting a material increase in use for the purposes of this paragraph.

This is the reason for the amendments. Again, I emphasise that all of these amendments have come out of the consultation since the bill has come through, so we are responding on an ongoing basis to the feedback we have been getting from people.

The first of these amendments clarifies that the Planning and Design Code can define the circumstances in which a material increase in the intensity of the use of land would be considered to be a change of use. Such a definition could be used to clarify the case law on the topic in Caltex Australia Petroleum Pty Ltd v City of Holdfast Bay (2014) SASCFC 59. In summary, in that case the Supreme Court decided that such considerations have no bearing in determining the change in the use of land. So, that is the first one that you were talking about.

Mr GRIFFITHS: My question was indeed: why the rewrite? I can sort of understand now. I indicate that I will have to consult on this one just to make sure there is support for it in different areas, but I will not vote against it at this stage.

Amendment carried.

The Hon. J.R. RAU: I move:

Amendment No 5 [Planning–1]—

Page 21, after line 28—Insert:

(3a) The resumption of an activity carried out on land (or, if there is more than 1 activity that has been carried out, the most significant activity) after a period of cessation of the activity will also be regarded as a change in the use of land if—

(a) the activity, on its resumption, would be inconsistent with a zoning policy that applies in relation to the area where the land is located; and

(b) the period intervening between the cessation and the resumption exceeds—

(i) 12 months; or

(ii) such longer period allowed by the Planning and Design Code in the relevant case.

(3b) Subsection (3a) does not apply in circumstances prescribed by the regulations.

These amendments address case law arising from a decision in Leeming & Anor v Corporation of the City of Port Adelaide (1987) 45 SASR 506. The amendments ensure that the resumption of activities after cessation of a 12-month or longer period allowed by the planning and design code would be classified as a change of use and will therefore trigger a new application if the resumption is inconsistent with the current zoning policy at that location. To avoid unintended consequences and still afford appropriate scrutiny, this subclause may be disapplied by regulation.

I do not know how clear that is. This really applies to, in particular, urban renewal issues but, in this particular case, there was a factory which I think was known as Mighty Meats, or something of that nature, down at Port Adelaide. This factory shut shop, in effect. I am paraphrasing this case, but the gist of it is that it shut shop and then, many years later, somebody wanted to restart the thing. The issue was: at what point do whatever the existing user rights are disappear?

Obviously, there is a balance here. What we have said here is this. Let's say we have a particular activity which is an industrial activity and it is going on in a certain part of the city. The land initially is zoned appropriately for that, and that activity is within the zoning—that is fine. Then, at some later point, there is an urban renewal concept and that land, along with adjoining land, is rezoned for urban renewal of some description. As long as they keep doing what they are doing, the fact that the land has been rezoned does not matter because they are—

Mr Griffiths: Or had been doing, in this case.

The Hon. J.R. RAU: Yes, because they are an existing use. So, the fact is they are doing the industrial activity, and the zoning then changes to urban renewal land. They can still keep doing the industrial activity even if it is inconsistent with urban renewal land because they have an existing user right.

The point is that, as the law stands presently, it might be that they can shut that factory down and almost indefinitely there is the potential for the revival of that into the future by a subsequent purchaser, the effect of which, in the example I have given to the house now, would be to sterilise that whole area from any potential development because nobody would want to take the risk that this activity would not spontaneously re-emerge and bring the character of the area into a completely different space again. That is the gist of it.

Mr GRIFFITHS: Paragraph (b)(i) talks about a 12-month period, but then it goes on to say 'such longer period allowed by the Planning and Design Code'. I still do not know what that means. As you said, there is a period defined in it, but then it is something that could be any period into the future that is part of the code that you bring in at a later date.

The Hon. J.R. RAU: That is true, but this is the worst possible outcome—sorry; the shortest possible outcome. So, it might be that, for some reasons, we would say in certain cases we would give an existing user the opportunity to continue on after a period of, let me call it, non-activity of longer than 12 months before any of this affected them, but that would be in the code and it would be because there is an individual assessment for that particular piece of land that there was a good reason why we should vary it from this provision.

Mr GRIFFITHS: I understand that, but if I can put to you that part of the submission from the Local Government Association was that there should be some form of end period. I have suggested it be between a five and 10-year period, as a maximum point. In the thoughts that you are having about what the code might look like in its eventual form, is there some form of limit that you are looking at?

The Hon. J.R. RAU: I am not, but again, if the LGA wants to put that to me, such a period but no longer than five years, or something, I am entirely happy to take that on board.

Amendment carried.

Mr GRIFFITHS: It has also been put to me by the Local Government Association about the establishment of some form of mechanism for the declaration of the land use at a particular point in time. I do not know the practical way this would occur, and that is the challenge because it would create some level of bureaucratic issue attached to it all, but has this been part of the consideration given to it as part of the amendment proposals?

The Hon. J.R. RAU: Again, I am not opposed to looking at that if there is a particular suggestion, but I am mindful that we do not want to burden this thing with too much red tape. I am open to hearing what they have to say and, provided it is not burdensome for somebody, I am open to that.

Ms REDMOND: Clause 4. I just wanted to clarify some of these provisions about the change in the use of land. Traditionally, I guess, it has been the case that people understood that if you had an existing use then for some time thereafter you could reopen whatever it might be, but after a certain amount of time the right to do that would expire, and I understand you are putting some definition around that. I am a bit curious as to how some of these definitions might work. In the beginning, where you are talking about determining whether there has been a change in the use of land, the commencement or revival of a particular use will be regarded as a change in the use if the use supersedes a previous use of the land or, for instance, in the next paragraph, the commencement or revival follows on from a period of non-use.

In farming sectors, for instance, and in parts of my electorate, we have areas where people are specifically trying to adjust their farming practices to get certification for organic and so on. How does that definition impact on someone who chooses to leave areas fallow for perhaps more than a year, and/or if you have on your property a quarry that you do not access and use, how do those sorts of activities become impacted by this definition?

The Hon. J.R. RAU: That is a good question. I have given some thought to this. The circumstances in which I see this provision having work to do is where we have a change in the zone and then a change in the use. So, in the member for Heysen's example of a farmer who says, 'I am going to leave this field fallow for a period of time,' provided that area continues to be zoned appropriately for that farming activity this issue does not arise, and likewise with a quarry. If the zoning for the quarry continues to be extractive activity or whatever the appropriate formulation is, and they do not use it for a period of time, that is fine. There is no change.

What we are attempting to pick up is if you can imagine something like Clipsal and we decide that we are going to put a new zone over that area on the basis that in the future we aspire to see that as an urban infill and development opportunity, but there are existing operators there who are doing things they have done for a long time. Now, as long as they keep doing them, that change in zoning is not going to impact on them because they have existing user rights. What we try to achieve here is to say, if you then close up shop or you change from being a tannery to being a restaurant or something, then within a certain space of time, whatever established right you had to continue doing that now superseded zonal activity terminates. That is the point of it. People who are continuing to do activities in an area where the zoning continues to authorise that activity are not touched by this.

Ms REDMOND: I seek some further clarification on that. What if, though, there is a change in the zoning in that sort of example where people are leaving their fields fallow or whatever they are not doing on their property, and there is a change in zoning but they had always anticipated that after five years or whatever they would go back to farming in the way they did? Perhaps I could incorporate my next question into this which is this idea of being superseded by some other use because it seems to me that a farmer may well change from farming various stock to being a more intensive farmer or having fruit and vegetable growing for that matter. They may change the nature of the farming that they are doing and I am interested in what impact those choices that currently may be unaffected for a farmer might be implicated by this clause.

The Hon. J.R. RAU: I do not believe this disturbs what would happen compared with what would happen now for those people. We actually have two distinctly different things here. The first one is the notion of, say, a farmer who is doing broadacre cereal crops who then elects to go for an orchard or something. That either is a change in use or it is not, according to the existing rules, and we are not really seeking to disturb whether or not that crosses that threshold at all.

What we are saying, though, is whatever the answer to that question is whether it is okay for you to switch to apricots without seeking approval from the council for the permission to change, whether or not that is the case now, what we are concerned about is where that whole area is rezoned for some completely different purpose like houses or something. Really this is not so much aimed at agriculture, I have to be honest with you.

The second element I am trying to explain is more for infill. We are talking about residual industrial sites basically sitting in the middle of areas which are prime development opportunities, and the fact that that industrial site might potentially at some point years in the future revive its activity, that then sterilises that whole precinct from any future investment on the basis that if that thing starts up again we will not be able to sell our apartments or whatever the case might be. But that is the second question. The first question about whether moving from cereal crops to apricots constitutes a change of use, we are not changing that. That will continue to be assessed in the way that it presently is determined.

The CHAIR: It is more like the Bradken foundry thing where it is in the middle of—

The Hon. J.R. RAU: Who can say?

Ms REDMOND: Can I just clarify whether that then is the impact of what appears in this copy of subclause (4):

> A change of use within a use class specified in the Planning and Design Code will not be regarded as a change in the use of land under this Act.

Is that the implication of that subclause?

The Hon. J.R. RAU: Yes, that is part of it and because what we are going to wind up having when this is all finished is fewer planning zones, if you like—we will go from having hundreds and

hundreds of them to, say, 50—one of them might just be agricultural zone, which would be a broader zone than it presently is. The impact of that might well be that there is less need for an application to change a use, but that would be something we would have to work through with those communities because, of course, we know that those interface issues with one kind of agriculture and another can themselves be an issue, but that would be a matter for that code.

Just to pick up an example, in the Barossa Valley it might be that you say that you can do anything you like which is 'agricultural', but if you want to stick grape vines right up to your neighbour's fence that requires an approval because you putting grape vines up to your neighbour's fence might have implications for what your neighbour can do. That can be managed in the code.

Ms REDMOND: Will that code then, minister, also take account of one of the troublesome areas up in the Hills, and elsewhere around the country as I understand it, this conflict between traditional farming and organic farming, where organic farmers are saying, 'I don't want the spray, or whatever it is, to drift onto my property because that is going to impact my ability to be certified'? Is that going to be dealt with under this new regime?

The Hon. J.R. RAU: No, it is not, but can I say this, just following this conversation through. In terms of unscrambling existing eggs with neighbours, that is incredibly difficult because we would be arbitrarily changing existing user rights where people are continuing to do whatever it is they are doing. There is nothing in this bill that even contemplates going back into history and recalibrating all of those relationships—that would be crazy—but what is will remain. Whether or not the ultimate new codes that come in wish to address that in a prospective sense will be a matter for conversation when those new codes are being worked through. That may or may not be something that anyone has got an appetite for.

Mr GRIFFITHS: Following on from the questions from the member for Heysen, I think there is an appetite for it, minister.

The Hon. J.R. Rau: But it is not in here.

Mr GRIFFITHS: No, but it is important to understand because there is a person you spoke to on Sunday a week ago who provided you with some information (and who I have spoken to numerous times also); that is, the way in which the vines were approved to be developed on the adjoining property has impacted upon the ability of his property to be profitable—that is what he put to me—and it has equity impacts and pressure from families and all that sort of thing. That is where I think there needs to be an interface between the PIRSA department and the planning department to ensure there is a process put in place to pay respect to an existing land use.

The Hon. J.R. RAU: I totally get what the member for Goyder is saying. Can I just say, though, that as a policy area of government this is a PIRSA policy area, but the actual instrument by which whatever the PIRSA policy ultimately turns out to be is delivered could potentially be these codes, if that makes sense.

Obviously, I am not the minister for primary industries nor are my planning department people experts in anything to do with agriculture, so none of us are well placed to be able to make what might be very fine judgements about these things. But if your question is if somebody in government were to make a policy decision which all the farming community was prepared to accept, could, in some years to come, these codes be a help, the answer is yes.

Mr GRIFFITHS: I believe that a discussion needs to occur, and I am aware that there are officers of your department who have been involved in discussions with PIRSA staff and property owners. So it is occurring at one level, but I do respect it will take some time to filter up through the system and an agreement needs to be in place, and it is a contentious one in many areas also; I do understand that because it will impact on what visions people have for their own property when considering the impact upon others.

Ms REDMOND: I do have one further question on clause 4, and it relates to the provisions at the very end which provide that a change of use under the planning and design code which is a minor change of use will not be regarded as a change of use and, in the final part, if the extent is 'trifling or insignificant'.

My question is twofold: (1) who gets to decide what is minor and what is trifling or insignificant, and (2) am I correct in my assumption, with regard to those terms, that when we are talking about a minor change of use we are talking about the nature of the change, and when you are talking about a 'trifling or insignificant' extent you are talking about the area over which that change is occurring, so that if someone were to take just a few hundred metres of many acres then that would be considered trifling?

The Hon. J.R. RAU: I am advised that is the current section, so that does not represent a change.

Clause as amended passed.

Clause 5.

Ms REDMOND: Could the minister give some indication as to how many planning regions he proposes to have and, in a general sense, what are the boundaries of Greater Adelaide that are proposed by the minister?

The Hon. J.R. RAU: Essentially, this is a voluntary tool. There is a process of engagement with local government in order to come to a landing on these things. I think, in terms of the planning regions constituting greater Adelaide for the purposes of the act, I do not see any necessary reason why we would be departing from the existing arrangements, which are as follows: the government departments and agencies have used a consistent set of boundaries to define 12 administrative regions in the state since 2007. Adoption of uniform state regions is a prerequisite for more effective planning and service delivery. The regional boundaries help public sector and local government partners develop and improve reporting, planning and service delivery systems. They also relate to targets in the State Strategic Plan.

Mr GRIFFITHS: Do the 12 regions all follow local government boundaries, minister?

The Hon. J.R. RAU: No, not necessarily; I am advised that they are taken into account. If you want more information on that particular thing, we can get that to you in the next day or so, if you want to have a look at those. But, again, this is picking up an existing known set of regions.

Mr GRIFFITHS: I had been aware of those, but because we talk about subregions also being created—and I presume there would be a desire to ensure that there is some community of interest created around things—is it the intention to try to ensure that council boundaries as they currently exist form at least those subregional boundaries?

The Hon. J.R. RAU: Maybe. Here is the thing: if you take an area like the area around the Barossa, you have Light Regional Council, Gawler council, Barossa Council, and I think there is—

Mr Griffiths: Mallala.

The Hon. J.R. RAU: Mallala, yes. So, you need to be careful because council boundaries do not necessarily make much sense either. We will take them into account, but you could have bizarre situations where you have what amounts to a single community of interest which has multiple municipal masters, and it might not make sense to chop that up.

Ms REDMOND: I am curious about this idea that, under subclause (8), the proclamation may be defined in a document lodged in the General Registry Office by the minister. That seems to me to be an unusual thing to do, so I would like to find out why and what the purpose is of lodging something in the general registry to define those things. But, secondly, if I can ask the second part of that question, there is a reference in both this clause and in clause 6 and I think elsewhere to the SA planning portal. I am curious as to the use of that term, particularly as it does not appear in the definitions clause.

The Hon. J.R. RAU: Let's start with the second one first. That concerned me, too, because I am not a computer kind of chap, but apparently the planning portal is intended to describe what ultimately will be the online interface between the planning department and the consumer. We have a definition on page 18—

Mr Picton: Does it refer to the interweb?

The Hon. J.R. RAU: It does refer to the interweb somewhere, let me see. It is defined 'see Part 4 Division 2', which then takes us off somewhere else. As to the other bit of the member for Heysen's question, members might recall that, when we did the protection zone for the Barossa Valley and for McLaren Vale, we decided that to avoid any ambiguity about where the lines were and who was in and who was out, we would use the method of a deposited plan to define those things so that anybody who was puzzled about it could actually obtain a copy of this plan and that would define clearly, in a map form, where the boundaries were. It is not without precedent, and that is the proposition we were suggesting we would pick up here.

Mr GRIFFITHS: Subclause (4) where it starts, 'The Minister must, before a proclamation is made under this section' seek advice and that sort of thing—the Local Government Association has put a request to me for a copy of that advice to be provided to councils that are directly affected by any proposals for regions to be established. Is that possible to be achieved?

The Hon. J.R. RAU: On the face of it, that does not sound to be an unreasonable proposition. We will have a look at that. I am not troubled by that, unless anyone else is. It just adds a little bit of extra work for somebody. Let's have a think about it. We are not seeking to hide anything from them. I cannot imagine they will not already know by the time we got to this stage. I will have a think about it.

Mr GRIFFITHS: Still on the same area, but it is about 'seek the advice of the Commission' (indeed, this is a 'minister must'). Does the minister have to accept that advice?

The Hon. J.R. RAU: No, the minister does not, bearing in mind, though, that the advice that the minister gets from the commission is advice that is on the public record. The tension we have tried to create here is thus: the commission provides independent advice to the minister; the minister does not have to follow that advice, but if the minister does not, everybody in this place and everybody out there is going to know the minister is not following the advice of the commission.

The intention there was that that should precipitate questions to the minister: 'Why aren't you following what the commission has said?' That is the reason for that, because let's be real about this, you cannot say that an unelected commission can ultimately fetter the discretion of the executive government by making a determination in this area which the executive government is bound to accept, come what may.

There has to be a mechanism—even police chiefs can be directed by the police minister, provided the police minister wants to go through the process of issuing an instrument which becomes a public instrument, and they then have to wear all of the consequences of the public knowing, and that is why it does not happen. My expectation is that the minister would need to be very certain of their ground indeed to be ignoring recommendations from the commission.

Sitting suspended from 17:59 to 19:30.

The CHAIR: We are back on clause 5. Who would like to ask the next question?

The Hon. J.R. RAU: I have been reflecting on where we were up to immediately before the break, and I would like to supplement what I said before about the minister providing some information about there being a departure from the recommendations of the commission. In saying that, I had in mind the annual report requirements in the legislation. I think, though, in light of our conversation, it would be wise for us to consider something a little bit more timely.

I have spoken to parliamentary counsel, and we will look at working up something which just deals with that specific point about where there is a proposition advanced by the commission, and the minister substantially departs from that proposition. Perhaps both the recommendation and the departure could go up on the portal so that you do not have to wait for the annual report. It seems to me it would not be a bad thing if it happened in a timely fashion.

The CHAIR: You are back talking on the interweb again, are you?

The Hon. J.R. RAU: I am.

Ms REDMOND: Following on from that, it still seems to me that there is a significant problem given the current situation, for instance, with the Gillman land and the way in which the minister, the cabinet and the government significantly departed from the clear recommendation of the

Urban Renewal people, the board the government had engaged as their independent authority (who made it very clear that they did not approve) and the government. Regardless of the questions asked in this chamber, regardless of an ICAC commissioner finding public maladministration, there appear to be absolutely no consequences.

My question to the minister: is he prepared to consider inserting into these provisions any potential for there to be an actual court-heard appeal against such a situation where the minister clearly departs from the very clear and unambiguous advice which is contrary to what the minister decides to do—whether it be a matter of the advice of the commissioner or, in the preceding subsection, the fact that he is supposed to seek to reflect on the community's interest and take into account local government, and so on, making submissions?

The Hon. J.R. RAU: There are a couple of comments I would make about that. The first one is that the comparison between this particular matter and anything to do with Gillman is really apples and oranges because this is confined within this particular piece of legislation; that touches upon many different things. So, that comparison does not really stand. As to the question about taking things further than that, as I said, I am quite happy to entertain the notion about shining sunlight on a difference of view between the minister and the commission in, as I was indicating, almost contemporaneous terms. However, the notion of turning that into an opportunity for, potentially, expensive and time consuming and system-crippling litigation is not something that I am prepared to entertain.

The CHAIR: Do we have another question on clause 5?

Mr GRIFFITHS: Please, as clause 5 is a rather important one.

The CHAIR: There has to be an end to it at some point.

Mr GRIFFITHS: True. Minister, I am interested to find out, within the plans, whether the greater Adelaide area will be declared first or will the regions be declared first? Is there a natural order that will occur?

The Hon. J.R. RAU: I am advised that the greater Adelaide area must be declared first. The greater Adelaide area has other functions within the legislation; that is sort of an anchor or keystone region, so that would be the first.

Mr GRIFFITHS: It is interesting that the review of the 30-year plan is occurring this year. Is there an expectation of a linkage between the boundaries and areas defined in the 30-year plan and where we will find the Greater Adelaide region to be established?

The Hon. J.R. RAU: Predominantly, the 30-year plan is a policy document about development policy, I guess, on a macro scale for the city. In that sense, it does not necessarily have any direct interaction with this particular proposition, but in practice I expect there would be some alignment between those two things. I guess the time for us to be exploring this might be a little later, when we are talking about the environment and food protection area perhaps. Clearly, the contemplation is that the 30-year plan's final articulation will take into account whatever this legislation sets forth as a set of frameworks.

Mr GRIFFITHS: Certainly, areas that are within the greater Adelaide region will provide opportunity for return financially, so they would presumably also represent some level of risk for investors—potentially, with a zoning change, if it is in or out and all that sort of thing. It depends on where it may be. I know you have talked to me, and it enforces the fact that existing zoning rights will continue.

The Hon. J.R. Rau: Correct.

Mr GRIFFITHS: Yes, I understand that, but there are those who choose to make decisions based on what they see are possibilities in the future. Have you given any consideration to that when it comes to the time lines you intend to set for the declaration of the greater Adelaide region?

The Hon. J.R. RAU: Yes. First of all, I have said this, but I think it is worth putting it on the record here: it is not my intention, and it will not be the case, that this legislation or the transitional arrangements will have the effect of, in effect, retrospectively removing a change in zoning that

people have already obtained, because those people have spent time and effort and they have got to a point where there has been a change of zoning. It is not my intention through this to deprive any person of that.

On the other hand, I do not believe it is a responsibility of this parliament or the government to be the final guarantor of land speculators. If people want to speculate on property being zoned one way or the other at some point or other in time in the future, they are absolutely entitled to do that, that is entirely their business, but they do so as speculators, and I do not see that it is our collective responsibility to ensure that speculators always make a profit.

Mr GRIFFITHS: No, and I understand the comment from the minister, but it has been put to me that there may be an opportunity for some level of review before the implementation of the first lines on the maps. Is it the intention, upon a decision having been made and the Governor subsequently proclaiming that, for a recommendation to be made to the Governor and then it comes into law, or is there an intention for some version of draft, with consultation to be involved, or just put in place?

The Hon. J.R. RAU: The thing I have been discussing is this: I am a little bit concerned that there is some unnecessary concern, and consequently some shadowboxing and a degree of paranoia, about what this whole thing might be. So, what I am looking at presently is to see whether I can actually formulate a proposition which would be attached to this bill in the same way as the McLaren Vale and Barossa Valley propositions were attached to that. I am very close to having a document I can share with the member for Goyder, and I think you would say it is a very conservative document, in the sense that it does not seek to do anything presently that anyone could regard as dramatic. It is required, under the legislation, to provide for at least 15 years of land supply and all those other bits and pieces.

I think I might have said this to the member already, but I will say it for the record: given that Adelaide is a long but not necessarily deep city (and I do not mean that in a philosophical sense) and that it basically has a north-south sort of axis, if you like, at the present time Adelaide is contained in terms of its southern boundary by the McLaren Vale protection zone. It is my intention, and I have made it clear, that the boundary that we are talking about in this legislation would be absolutely identical to that, so it will not make anybody better off or worse off.

In the west, of course, we have the gulf, so there is no development likely out there. To the east, picking up where McLaren Vale intersects with the Hills Face Zone, you then have another long boundary, if I can call it that, which is the Hills Face Zone. That boundary has been there for a long time but it is not without its problems. I say that because I think it is probably fair to say that there are anomalies up and down that boundary which have been there for a long time because it has been too difficult for anybody to manage the process that would be involved in dealing with those anomalies. That is something I am trying to deal with here, I might add, but I will come back to that later when we get to it.

The next bit is the north-east and that is bounded by the Barossa protection area. Again, there is no intention to fiddle with that. The area that is the only area about which there is any conversation to be had is, in effect, the northern boundary from the Barossa protection area to the gulf. So, I have already coloured in three-quarters of what the thing is going to look like. There is that last piece and I am 98 per cent sure I know what it should look like. I hope to be 100 per cent sure in a day or two, or three, and I will share it with the member and other interested people.

Mr GRIFFITHS: I got excited, I think you said a day or two?

The Hon. J.R. RAU: That is it.

Ms Redmond: We might be finished with clause 5 by then.

Mr GRIFFITHS: We might have to continue the debate long enough to actually—

The CHAIR: No, I do not think that is a good idea.

Mr GRIFFITHS: That was tempting.

The CHAIR: We need to try to move on.

Mr GRIFFITHS: I understand. As I understand it, with any changes that occur in subsequent times there is a process involved in that which presumably involves parliamentary debate, or is a declaration made?

The Hon. J.R. RAU: It involves the process which is in section 50, is it? That is right; it is section 5. Both houses of parliament have an opportunity or are invited to approve; that is the process.

Ms Redmond: Or not approve it.

The Hon. J.R. RAU: Or not approve, indeed. This, I emphasise, means that the minister of the day is losing power, not gaining power, losing power and surrendering it to the parliament.

Mr GRIFFITHS: That is an important point for me to make, and I know that it was raised in a lot of submissions we have received, but changes require parliamentary debate to occur. The first instance of seeing it is after the chamber has debated it, it is not before the full realm of it occurs, I understand that, but it is a level of frustration that has been there ever since we first talked about it. On that basis, I am prepared to sign off on clause 5 now.

Clause passed.

Clause 6.

Ms REDMOND: I have one technical question on clause 6, which also applies to clause 5. It is simply this, that the way it is worded:

> The Minister may, by notice published in the Gazette and on the SA planning portal, establish a subregion within a planning region.

Does that mean, in its application, that if, for instance, the publication simply appeared on one or other of the *Gazette* or the planning portal then that would invalidate it and it would not be a valid publication and a valid establishment of a region or a subregion unless and until it was published in both of those places?

The Hon. J.R. RAU: Good question. It is not intended to be a procedural precedent, but it could have that effect. We do not have a portal yet either, which of course is another point.

Ms REDMOND: I live in a parallel universe where these things do not exist anyway.

The Hon. J.R. RAU: No, me too. I am advised that it would require both.

Ms REDMOND: Is it like the TARDIS?

The Hon. J.R. RAU: Something like that, yes. It will require both.

The CHAIR: It is not like a TARDIS at all.

The Hon. J.R. RAU: Can I just say to members, it certainly helps me. I did actually ask them not to use the term 'portal' because it confused me and they should just say 'interweb'.

Mr GRIFFITHS: The problem is that would not have been subject to legal challenge, minister, unfortunately.

The CHAIR: No, because he has already defined what the interweb would be in here if he was allowed to use it.

Mr GRIFFITHS: And it is on *Hansard*.

The CHAIR: But it would have been a definition for interweb.

Mr GRIFFITHS: Sorry, yes. Firstly, I apologise for not wearing a tie. It is the first time I am in the chamber without a tie, so it is poor of me and I do apologise.

The CHAIR: You are the only one who noticed. I would not have said anything if I were you.

Mr GRIFFITHS: No, well, I thought it was necessary to do so. I want to ask about the subregions. We have already asked a question about the precinct authorities but there is no intention

for a subregion. It will follow the 12 lines that you talked about before. It is not intended to be that small, so it would be considered to be a precinct authority?

The Hon. J.R. RAU: The subregions would be within the 12 regions, so there would be elements within those bigger regions, yes.

Mr GRIFFITHS: But if the precinct authority is there for a potential subregion within a region, what form of boundary would a subregion follow? Is it likely to be based around a suburb or is it more around a township or a council area?

The Hon. J.R. RAU: I think what we have sought to have here is a reasonably flexible thing which could be applied to different circumstances, but it could be a region of particular interest—for example, in an agricultural setting a particular type of activity, or it could be a precinct if a precinct is established. But it is intended to offer the opportunity of saying just because a high level code has an application over these 12 big elements, it might be that subelements in those 12 areas require quite special additional consideration. That is the notion of it. It is intended to be quite flexible. The other matter that has been brought to my attention is that consideration would also be given to things like service delivery boundaries and things of that nature.

Mr GRIFFITHS: So, boundaries would probably mean individual property boundaries, so there is some recognised line that exists. I think the term I wrote here was 'reasonable' which was in the declaration of regions where I asked a question on behalf of the Local Government Association for the councils that might be impacted by that to receive a copy of it before it becomes formalised. If a subregion is to be declared, there is an opportunity for that level of dialogue to occur elsewhere?

The Hon. J.R. RAU: I do not immediately see any difficulty with that. It is something we can take on notice. The only question I have about any of these types of proposals is not whether I have any objection to them so much; it is to whether or not we are creating lots and lots of red tape and all we are going to do is tie people up in it. If there was a more generalised thing that reasonable attempts should be made to engage with the communities—yes, it is a matter of policy anyway. I am happy to look at it but I just do not want us to have set up all these very bureaucratic trip-wires in the thing if we can avoid it.

Clause passed.

Clause 7.

The Hon. J.R. RAU: I move:

Amendment No 6 [Planning–1]—

Page 24, lines 15 and 16—Delete subclause (6) and substitute:

(6) The Minister may only act under subsection (5) if—

(a) the Minister has, before publishing the notice under that subsection, obtained the advice of the Commission under subsection (7); or

(b) the Minister is acting on the advice of the Commission after a review under subsection (7a).

The CHAIR: Do you want to say anything toward it?

The Hon. J.R. RAU: No, we have dealt with it.

The CHAIR: Do you have any questions about amendment No. 6?

Mr GRIFFITHS: Does it follow a similar philosophy to some other amendments that were moved earlier; is that what you are saying when you say you have dealt with it?

The CHAIR: Is amendment No. 6 to clause 7 consequential on anything else? Is that the question?

The Hon. J.R. RAU: The gist of this was that one of the concerns was that this would be a 'set and forget' thing and nobody would ever do anything about it, and this is to address the concern that some people have that these boundaries would become completely immutable. The proposition

is that we would say that every five years there should be an automatic review by the commissioner of whether these boundaries were still okay, having regard to certain principles.

I might add that that is one of the opportunities that I see for this longstanding question about the Hills Face Zone to be tackled in some sort of systematic fashion where an independent commission would be able to hear from people who had arguments one way or the other. That independent commission would be able to then make recommendations to government which ultimately would come before the parliament before they were approved or not approved.

I have looked frankly at various attempts made by various people prior to me to try to do something about this and all of them have run into very choppy water for different reasons. This is an attempt to give an independent authority an opportunity to engage in some of that very complex conversation and provide independent advice to the minister and the parliament.

Mr GRIFFITHS: I thank the minister for that explanation as to what the intent of the amendment is, and just to state that I, like probably many others in this place, have visited areas within the Hills Face Zone and have had a variety of options proposed to us as to what might eventuate there. I know that in some cases it has been a matter that has been considered by local government and I think there has been correspondence through the office no doubt, and with previous ministers about it, so any opportunity to review that to ensure that there is an informed review is a good one, so I support the amendment.

The Hon. J.R. RAU: I will just add this. Were we not to start this process with the default position being status quo is protected, we would create all sorts of unnecessary anxiety and all sorts of trouble, so that is why the starting point for this is that the initial eastern boundary will be identical with the Hills Face Zone boundary so everybody can have comfort that this is not in any way detracting from the integrity of that currently, but there is a process here whereby that can be, in the future, independently reviewed and recommendations made which ultimately the parliament will accept or not.

Amendment carried.

The Hon. J.R. RAU: I move:

Amendment No 7 [Planning–1]—

Page 24, line 17—Delete 'subsection (5)' and substitute 'subsection (6)(a)'

Amendment carried.

The Hon. J.R. RAU: I move:

Amendment No 8 [Planning–1]—

Page 24, after line 19—Insert:

(7a) The Commission must, in connection with the operation of subsection (6)(b)—

(a) conduct a review of the environment and food production areas established under this section on a 5 yearly basis; and

(b) as part of a review, conduct an inquiry; and

(c) furnish a report on the outcome of the review to the Minister.

(7b) The purpose of a review under subsection (7a) is to assess whether adequate provision exists outside environment and food production areas to accommodate housing and employment growth over the longer term (being at least a 15 year period) in a manner that avoids undue upward pressure on the cost of housing, transport and other services.

(7c) The Commission may recommend a change by the Minister under subsection (6)(b) if (and only if)—

(a) the Commission is satisfied—

(i) that provision is not being made to accommodate the growth referred to in subsection (7b); and

(ii) that that provision cannot reasonably be achieved through the processes of urban renewal and the consolidation of existing urban areas; or

(b) the Commission is satisfied that the change is minor or trivial in nature and will address a recognised anomaly.

Mr GRIFFITHS: This is a rather substantial amendment. I was wondering if the minister might like to give an explanation for it.

The Hon. J.R. RAU: This is amendment No. 8 to clause 7. This is intended to provide the practical steps involved in that five-year review that I spoke of a little while ago.

Mr GRIFFITHS: On that basis, if I can just ask a question of the minister. I apologise, as other members might not have seen the amendments so it is probably just you and me on this one, but under (7a)(c) it talks about furnishing a report on the outcomes of the review to the minister. Is that report publicly available and published on the portal?

The Hon. J.R. RAU: I am advised that under subclause (8)(a)(ii), that is published by being laid before both houses of parliament.

Amendment carried.

The Hon. J.R. RAU: I move:

Amendment No 9 [Planning–1]—

Page 24, line 23—After 'subsection (7)' insert 'or subsection (7a) (as the case requires)'

Amendment carried.

The Hon. J.R. RAU: While I am thinking of it, can I just make the point that another theme you will find through this legislation is an elevated role for the parliament in oversight of this. There are many places here where the parliament is invited to participate in these processes. Again, to the extent that there has been some ill-informed commentary about things being hidden away in cupboards, quite the contrary is the case. There is a clear intention here that the parliament, which is, after all, a very public place—

The CHAIR: We are talking about general clause 7.

Mr GRIFFITHS: If I can just respond to that. When you talk about 'hidden away in cupboards', the problem is that the first version is, to some degree, hidden in the cupboard, because it is that level that would have been nice to discuss.

The CHAIR: Comment?

Mr GRIFFITHS: Yes.

Ms REDMOND: I just want to be clear about a couple of things on environment and food production areas. In particular, as I understand the clause, first of all the minister can declare one or more environment and food production areas within greater Adelaide but not within a character preservation area. Can you first identify what is meant by 'character preservation area' and how, in practice, those two things interrelate?

The Hon. J.R. RAU: Good question. As to the methodology of the declaration, as I was trying to explain before, I think we are looking at a different method whereby we might just produce a map and that be dealt with at the same time as this. That is first point.

The second point is that as to those character areas, there are only two of them: the Barossa Valley and McLaren Vale. In the case of both of those, because there was a long conversation with those communities about what they would look like, we are saying that, whatever else the minister might want to do, you do not muck around with those things using this. If you want to change anything in those areas, you should be talking to the people in those communities and using their special legislation rather than using this. That is the intention of it.

Ms REDMOND: That being the case—apart from McLaren Vale and the Barossa; we will exclude those—if you are then going to establish your environment and food production areas, I am a bit puzzled as to why the first consideration refers to you, as the minister, having to:

> seek to ensure—
>
> (a) that areas of rural, landscape or environmental significance within Greater Adelaide are protected from urban encroachment…

rather than referring again in that particular wording of the clause to that food production aspect. It seems to me that food production is a key element of what we are trying to protect.

The Hon. J.R. RAU: I think that is a good point, and we will look at it.

Ms REDMOND: We all recognise that Adelaide cannot go on expanding north and south, and it has nowhere to go east and west, basically. That said, I get the feeling, in reading this particular area, that the government's response seems to be to say, 'Well, we are going to do an urban consolidation and we are going to move people onto smaller and smaller blocks of land, because we want the city to grow to more people.'

My question is: how much consideration, if any at all, was given to the idea of making some of our regional cities bigger and decentralising things like, for instance, the department of agriculture or the department for planning? At the moment our biggest city is Mount Gambier, which has about 25,000, Port Lincoln is a bit less than that and so on, but other states, which have more successful economies, have a more spread out population.

I think one of the problems we have in South Australia is that we are so focused on Adelaide and the only choice is going to be that continual infill. I do not expect that the minister was listening when I made my contribution on the second reading, but I mentioned having recently attended a talk by Professor Chris Daniels about the importance of urban ecology and the fact that Adelaide, far from being a city with lots of parks, actually has less park per head than a lot of other major cities in the world and that what gives us our advantage as a green city is the fact that we have, and still continue to have at this stage, large backyards. The more we do that urban infill that you are talking about here, the less we are going to have of that, and so I wonder whether any consideration was given to how all of this applies beyond the Greater Adelaide area and to the eventual development of the whole state?

The Hon. J.R. RAU: Good questions. First of all, as to the regions, this legislation is intended to be helpful for the regions as well. We are very keen, and have been very keen, to work with regional clusters of councils to see whether we can provide opportunities for development which are linked to the way in which the planning system works for them. Ultimately, the populations of regions are driven by employment opportunities largely and there is a limit to what the planning system can deliver to regions in terms of direct employment opportunities.

That said, I am happy to be very positive about the regions and, in fact, in the not too distant past we have done some work with SELGA in the South-East trying to find opportunities which were opportunities that local communities there, who were actually working very well together, had identified for growth in the Mount Gambier area. So, yes, I am very keen to help the regions.

As to the business about urban consolidation, I cannot emphasise enough that we are thinking about increasing the range of choice, not reducing the range of choice. We are actually saying, in terms of the infill opportunities, that we are creating an environment where it is possible for there to be a choice which hitherto has not been available much in Adelaide, which is the relatively compact inner city dwelling opportunity. It does not suit everybody, but there are a lot of people it does suit, and it can be delivered at very affordable prices.

That opportunity is something which all the demographic trends I have seen indicate is more likely to be an option that people are coming to consider because we have an increasing number of single-person households and ageing people in our population, and for those people the notion of having the traditional home of three bedrooms, a big backyard and all that sort of stuff, is not necessarily what they are after.

So what we are trying to do is increase the choice opportunity at that more consolidated end where people would be living in, not large units generally, but two, three or four-storey buildings and at the same time having adequate supply for those people on the periphery who wish not to buy an established home in the inner city somewhere but, for reasons of affordability or lifestyle, to go out to somewhere near Gawler or something of that nature. We already have 25 years' worth of rezoned land for those people to build on, assuming consumption rates continue roughly as they are, and all the trends, I have to say, are suggesting that the consumption rates for that peripheral land are reducing as there is a shift in market preference for different types of living opportunities.

To get to the other point the member for Heysen made, which I totally agree with, one of the things we have to watch out about in urban consolidation is that public open space—or, in some instances, privately owned public space—is provided for in these developments so that there is the opportunity for people to live in more of a higher density community but still have access to that open space.

If you go down and have a look at the development that is occurring at Clipsal, for instance, that is planned around open space elements. If you look at the plans for Glenside, I think there are 10, 11 or 12 hectares of open space as part of that project. I acknowledge very much the urban consolidation agenda needs to be mindful of public open space and privately owned, publicly accessible space.

The member for Goyder and I saw some of this in Canada where part of the process of renewal in Toronto, I think, was they had these requirements of some of these larger developers that they do things like provide for a park as part of their building which they then maintain at their own expense, and that is a condition of their development approval.

They also have requirements, which I also am very keen on, which are that in some instances a development approval might be dependent upon, for example, them providing a floor of their building at very concessional rates for, say, a child care centre which otherwise would not be able to be there because the commercial cost of that would be prohibitive. All of these things are important aspects. We are transitioning from a very simple model of housing into a more sophisticated one and we do have to be aware of all of those issues. They are very important.

Mr GRIFFITHS: I certainly appreciate the word 'choice' and that is an important thing. I suppose the choice that the development group has made in their submissions to you and me, and others, is that they do not accept it. They believe that it adds the risk of a greater cost to home ownership options. It is a philosophical point that—

The Hon. J.R. Rau: I can respond to that.

Mr GRIFFITHS: You have done in public places, anyway, so I understand that. It will be interesting to see how it occurs, but I have to hope that the eventual outcome is a benefit to the people of South Australia. I do appreciate that in Canada there are creative provisions being made within developments to provide some level of open space.

In Adelaide itself, when I am here I am relatively close to Lightsview and I see the development there where it is a model of squares that are created where the community interacts and their home is built on probably 90 per cent of a smaller allotment. I understand there is a changing model that is occurring when it comes to residential needs but, from my point of view and that of the opposition members, when we talk to everybody it is about that choice being there and what the financial impact will be.

The Hon. J.R. RAU: Can I just make this other point, too. There are some people who lobby people on the opposition and me about this particular question who lobby using the words 'affordable housing' as if they are making pleas on behalf of the poor and the oppressed for the opportunity to own their own home. What they are actually doing is making a plea for a particular model of business, which has its roots in the 1950s and is no longer representative of great value for money for our community, to be able to continue with hidden government subsidies, which suits them fine because that is what they do.

These people are going to have to consider changing and evolving just like the rest of us do. These are very self-serving comments which are always put behind the mascot of the poor suffering

person looking for a house. That is a handy little mascot to trot out, but it is not the real mascot they are interested in.

The second point I would make is, if we are interested in public finance, the cost to the taxpayer of the future, beyond the forward estimates, of greenfield development is something like six times as much as the cost of reasonably designed infill development. In other words, the infill development is utilising existing resources which have reserve capacity which we then get for free, as a community, because that capacity has been paid for by someone a long time ago; we get that for nothing because it is already there.

When we start putting stuff out on the fringe we have to start from the beginning and, because the costs of these projects are spread over five, 10 or 15 years, the full impact of these on future taxpayers is never reflected in the forward estimates, never. That is the hidden subsidy that these people who whinge and complain and play the violin about affordability, that is what they are interested in, seeing that hidden subsidy out beyond the forward estimates.

The other point I will make is that in terms of employment opportunities, again, studies have been done indicating that the jobs generated by infill are roughly in the order of 2½ times the number of jobs generated for the same amount of activity in greenfields development. So if you look at it from the point of view of what is good for our children's position as taxpayers in the future it is a no-brainer: infill wins hands down. If you look at it from the point of view of what sort of activity is going to give our community more employment opportunities, again it is a no-brainer: infill wins hands down.

I know there are some particularly self-serving individuals who are really beating this drum and saying that it is all about looking after the affordability and all these other things, but that is not what they are on about at all. What they are on about is harvesting public funds beyond the forward estimates to subsidise a business model that has not taken into account that we are now in the 21st century. I am not saying that means there is no place for them—indeed, we have 25 years' worth of land for them at the moment—but it does mean that it rings a little bit hollow when they come out with the wailing and gnashing of teeth, worrying about housing affordability.

As to affordability, I just make the following point. We did some rezoning not that long ago in the metro area. One area we rezoned—at the request of the relevant council, which was Prospect—was Churchill Road. In the last 12 to 18 months Churchill Road has become a very active development area very close to the city. You can get a two-bedroom apartment there, in some places I have been to, at around the $300,000 mark. I accept that not everyone wants to live in a two-bedroom apartment, I accept that, but I can tell members that to be able to be in a brand-new building, in walking distance to the Parklands, walking distance even if you wanted to walk to work for a job in the city, able to catch a bus going past your front door into the city, able to ride your bike into the city, for that sort of money, that is a demonstration that affordability is not just about three-bedroom brick veneer places on 700 square metres.

If you want to take into account the cost of transport, how much it costs for someone who is living 60 kilometres from the city to commute to work every day, both in time and money, compared to someone who is able to walk from Churchill Road through the Parklands, it is, again, a completely different proposition. So there is some self-serving stuff out there, but I do not think the people who are writing those letters to you will ever accept those propositions.

Ms REDMOND: I have a couple of questions in relation to the provisions of subclause (3), which relates to applications for proposed development in an environment and food production area involving a division of land that creates an additional allotment. Again, minister, I will assume that you were not listening to my second reading contribution, but I spoke about the fact that up in my area—which I presume would be pretty likely to be zoned a food production area—I had a situation a number of years where Mount George Road dissected a property that was on one title. That property happened to have a chicken farm on it, with a house and three big sheds for chickens on one side of the road and three big sheds for chickens on the other side of the road, but technically all on one allotment.

This big chicken farm, therefore, had thousands of truck movements every year, because the baby chickens were brought in and the full grown chickens were taken out; the food was brought in and the chicken poop was taken out. Everything involved lots and lots of truck movements. There

were lots of smells. The neighbourhood did not particularly like it, but it was existing use and so it was able to continue.

The people running the chicken farm said, 'Look, we're happy to close down our chicken farm and we're happy to completely dismantle all the chicken sheds and reinstate the land and make everything really nice, but to do that and to be able to afford to do all that, we need to be able to create the piece of land across the road as a separate allotment and sell that 11 acres. We're happy to have all sorts of environmental controls on the sort of house that can be built on that 11 acres.' However, it was not approved. Even though the council supported it, it was not approved because it created an extra allotment, and creation of an extra allotment in the watershed zone was a no-no.

And so, in spite of the fact that it absolutely, patently would have been a massive improvement for the environment, it could not go ahead because it was creating an extra allotment. I just wonder whether I can get any sort of assurance that under this system—given that it says if you are creating an extra allotment you are not going to be able to do that unless the commission concurs in the granting of the authorisation—there would not be a similar problem if that same situation were to arise today.

The Hon. J.R. RAU: Yes. I understand the question. The answer is that what we have essentially done here is we have picked up the formula that we used in the McLaren Vale and Barossa Valley protection areas. This is not intended to prohibit anything other than, in effect, subdivision for residential purposes. That is the primary mischief that we are trying to deal with.

One of the problems is, in order to deal with that, it is all very well to say that you cannot subdivide for houses, but we did encounter when we were going through all this business about McLaren Vale some fairly tricky characters out there. You are going to be shocked by this. There are some people who used to do little tricks like saying, 'I want to chop my farm in half and put a house on each bit,' and then, 'I want to chop that in half and put a house on each bit,' and then 'I want to chop that in half.' Instead of doing the one-off, grand slam residential development, it is residential by stealth.

The other one is, 'If you just let me build a house for mum on the block, it will be good.' Then they build the house for mum and say, 'Mum doesn't like it anymore. Can we subdivide that house off and give it to somebody else?'

Ms Redmond: 'Mum died.'

The Hon. J.R. RAU: Yes, 'Mum's passed away. Can we just sever that from the rest of our property and sell that?' And then, 'Oh, Uncle George wouldn't mind a house. Can we build a house for him?' and so on. You have to be a bit careful. There are some tricky people out there who try to avoid the spirit and intent of these things by being a bit cute. That is why this is framed up this way. We are picking up exactly what we said in McLaren and Barossa.

Ms REDMOND: Just lastly on that, though, subclause (3) of that clause, is worded 'a relevant authority, other than the Commission or the Minister, must not grant development authorisation…unless the Commission concurs.' Obviously, commission, if it is going to want to grant development authority is going to concur with its own decision, but I take it that the way that is worded, the minister, whoever that might be, is able to make a decision regardless and in contravention of the intent of the clause as it otherwise would read?

The Hon. J.R. RAU: I am advised that that is the scheme. Nobody has asked me to do that in the Barossa or McLaren so far, but we will have a look at that, because that is not my intention. I can tell you this, the last thing I want to be doing as planning minister is having to consider whether individual people can build a house on allotments all over the state.

I am advised that the role of the minister is, however, circumscribed if you go to clause 104, I believe. The circumstances, I am advised, in which the minister could act in such a way would, in effect, as I understand it, be only in terms of what is presently known as a major development, where it is called in. We will look at it. It is not my intention to go around approving individual houses, I can assure you.

Mr PEDERICK: Minister, I am a bit of a believer in market forces, and as I indicated in my speech my family had to move out of the Angle Vale area when compulsory acquisition was

underway in 1939 and 1950. My father knew Salisbury and Elizabeth as open paddocks. I am a bit concerned (and this may sound odd) that some people, who you may think are speculators, may wish to cash in—and it happens everywhere no matter where you are, whether there is a town growing or urban growth. How will you map out these food production areas, especially when I do not believe there is a line to the north at this stage and we are looking at horticulture pushing out north past the Gawler River? Is there an appeal process for people who may be caught under this section who just have a farm or property that is an unviable operating size? As time goes on you have to get bigger or get out.

The Hon. J.R. RAU: There are a couple of things: first, as I indicated before, we will be providing a map, and in a couple of days time you will be able to see what is going on, and you will be calmed considerably by that. The second point I make (and I cannot make this too strongly), is that as far as I am concerned this parliament, this government, all of us are not in any way going to be the guarantors of land speculators. If they want to go out there and speculate on land, good for them. It is a bit like going next door here: you put all your money on No. 36 black, it comes up, terrific! If the does not, tough! They are the rules.

That is one group of people. The other group of people who I understand you are talking about are not just straight-up speculators but people who have an existing use of land and they maybe have a retirement notion in their head and maybe have other issues they are trying to work through. They think that if somebody could just wave a magic wand and change the zoning of their land and make it worth 10 times what it is now, the world would be a happier place, and I am sure that is true for them, but it is not good planning policy.

I would like me to give me the X-Lotto numbers for next Saturday night—that would be very good. But that is just not the way the world works. It is not the responsibility of the planning system to attend to the personal circumstances of individual people or families who find that the market, the economy or their circumstances have changed and that it would be really handy to get a lot of money. It is not that I am not sympathetic to them—I am—but it is not the responsibility of the planning system to distort good planning decisions in order to put money in those people's pockets. It is not what the planning system is about.

The planning system is not a wealth generation scheme for individuals, that is not the object of it, and if it were we would have this mad scramble by everyone, 'rezone me, rezone me', and whoever got through the gate first would get rezoned, buy a great big house and have one of those fancy cars and drive around and have a great time. For all the people at the back, bad luck, you were not first in the queue. That is not how you do planning policy. It has to be orderly, and it has to have a rationale, and that orderly rationale cannot take into account whether I personally am financially stretched and therefore pick me first. That cannot be a consideration.

I am not being dismissive of the difficulties some people are in, and I understand that, particularly in some of these fringe zones, where there are all sorts of contending things, and then you have family break-ups. There are a million and one reasons why things are difficult; I get that. The planning system is not an arm of social welfare. The planning system is not there to provide wealth to particular individuals who are, through no fault of their own, suffering hardship. That is why we have social welfare provisions, that is what they do.

Mr PEDERICK: Minister, I appreciate that answer, but you may end up with people in these food production areas who may own only small pieces each. Let's leave it as the value as a food production area, let's forget about the speculation: it is totally unviable to operate it. There is really no out because, if it is unviable for them, it is unviable for anyone to buy that land. I guess that is another point I am making.

The Hon. J.R. RAU: I get that, but can I emphasise again: we are not interested in taking a piece of land which is presently not zoned for food production and make it zoned for food production. We are not going to do that, so nobody need be fearful that the land they presently have which is zoned for something other than food production will be, because of this, suddenly zoned for food production. What we are saying is that that will not change. If you are zoned for food production now and you are in the area we are talking about, you will continue to be zoned for food production. We are not taking anything off you.

Mr PEDERICK: I want to ask another question, and this happened in other areas that have been developed, and they have been food production areas. You can mandate a food production, but that does not necessarily mean that it produces food. You can end up with a whole heap of alpaca farms and a whole heap of horse blocks. Surely, you cannot mandate just because it is open country that they are going to grow food there. You are going to end up with a position where some people may have this country in the food production area that might be running something that does not really produce much at all.

The Hon. J.R. RAU: That may be the case, and it is not exclusively food production; it is also environmental values and landscape and various other things.

Ms Vlahos: Animal husbandry.

The Hon. J.R. RAU: Yes, animal husbandry. The member for Hammond has almost led me onto one of my favourite topics, which is what I refer to as the hobby farm, but I am not going to go there because that could consume a lot of time unnecessarily.

Mr DULUK: Minister, a point of clarification for me, with respect to subclause (3)(b), where it says:

> (b) if the Commission is the relevant authority, the Commission must not grant development authorisation to the development unless the council for the area where the proposed development is situated concurs in the granting of the authorisation;

Do you not ever see a situation where the minister or the commission would overrule a council where they do not approve of an area becoming one of food production?

The Hon. J.R. RAU: That is correct.

Mr DULUK: I assume that the recent Parafield Gardens food production area would fall under this sort of regime going forward. If Salisbury council were to say no, the government would never envisage a case where they would overrule that decision of council?

The Hon. J.R. RAU: Yes. Again, despite what one hears of the radio, this is a very important role we are giving to local government. If that community does not want this to happen, it is not going to happen.

Mr GRIFFITHS: I am interested in the specifics. I understand food production completely, but I am interested in the environment: is there some guidance on that? They usually talk about landscape, I think. I am interested in the factors that will be given as part of the consideration of what an environmental area will be as part of a zone that is established.

The Hon. J.R. RAU: Probably the best example I can give people so that it makes some sense is if you look at the Barossa and McLaren Vale protection zones. There you have an outer perimeter and within that perimeter you have townships which are sort of excised from it, so it has a Swiss cheese look.

The townships pursue their own zoning dictates but, once you get outside the township and you break back into the protection zone, there is a restriction on what you can do, and that restriction is that you cannot subdivide for residential purposes, full stop. You can do anything else—you can have a distillery or a winery or a tourism event, subject to it being otherwise acceptable.

We were trying to characterise what quality these areas we are talking about would have which are now predominately to the north of the city. We are asking: if you look at the Barossa and McLaren Vale areas, what is the predominant function in there? It is sort of environment, landscape, horticulture, agriculture, food production and suchlike. We are just attempting to say in that short descriptor that these are the sorts of predominant activities in this area and that the only activity that is completely excluded is subdivision of that land to put houses on it.

Mr GRIFFITHS: Because the bill states in the second line of subclause (1) 'establish 1 or more', I have taken that literally and assume that there will be more than one. However, my recollection is that as part of the second reading contribution you talked about the fact that the environment and food protection area is likely to be the line at the top. Are we going to have more

than one of these areas actually created? If not, does that mean that everything that is not urban use therefore becomes one of these areas?

The Hon. J.R. RAU: It is a matter of terminology but, because this is being chopped up, there is a bit that is already fixed up, if you like, with McLaren Vale down south, and then we are inserting a piece there, so that is one piece of the puzzle, and that then collides with the Barossa Valley. If you can imagine a jigsaw where the jigsaw forms an arc around the city pretty well, we are saying that a couple of those pieces are already in place. We are going to insert a couple of others, and the net effect will be that it is a continuous thing, but it may not be that every bit of those pieces we are adding will adjoin another piece because there is already McLaren Vale in the middle or there is already the Barossa in the corner, or whatever it might be.

Mr GRIFFITHS: I know that this is within another department, PIRSA, but primary production priority areas, apparently there is an intention that there will be an eventual declaration that states that, but it only exists within what is basically the Greater Adelaide area, which I found rather bizarre. The member for Hammond and I heard about this when we were on the select committee for sustainable agriculture.

Can I assume that, on the basis of this becoming law and these areas rolling out, there is going to be a priority that will flow from this to ensure that more of these primary production priority areas are declared, because I see linkages between that and what you are proposing here?

The Hon. J.R. RAU: Predominantly, that is a matter for PIRSA, but I do not see any inconsistency between that proposition and what we are trying to do here. As a matter of interest, I noticed the other day that in *The Age,* I think it was, there was an article talking about how Melbourne is basically sprawling to such an extent that it is destroying all the decent food production area adjacent to that city and that in due course Melbourne is going to be facing all sorts of problems about how it actually feeds itself in terms of local produce. These are not fanciful, crazy things; I think there is a serious interest in this.

I have some additional information here that the food industry is an important driver for jobs in South Australia and one in five people, I understand, are involved in that industry and there was $15 billion worth of revenue in 2013-14. South Australia's regional areas account for 18 per cent of international tourism expenditure and underlines the importance of the city agricultural region as a future economic growth driver.

I think we need to look at these lands not just as something that is locked up; we need to look at these as, if you like, the agricultural factory opportunities or agricultural employment lands or agricultural income generation opportunities of the future.

Clause as amended passed.

Clause 8.

Mr GRIFFITHS: I note that subclause (2)(a) states 'that a specified provision of this Act does not apply'. It talks about a regulation that may be provided which seemingly overrides what the act does, which I thought was the genesis of where it all came from. I am interested in the explanation for that.

The Hon. J.R. RAU: I am advised that is a provision that is lifted from the existing act. However, you having asked the question, I would be disappointed if that was capable by regulation of subverting the clear intention of clause 7, for example, and we will have a look at it.

Clause passed.

Clause 9.

The CHAIR: I am just a bit worried that it has only three lines and there is a problem in it. What is wrong with clause 9?

Ms REDMOND: I just want to seek assurance from the minister that the intention and effect of this provision is that the Crown will indeed be a model citizen and will not behave in ways that it does not allow other citizens of this state to behave.

One of the concerns that we see up in the Hills constantly, for instance, is the management of SA Water properties, where they are simply not managed appropriately and they create a hazard for other members of the community, national parks, all those sorts of things. I seek an assurance from the minister that the application of clause 9 will be that the Crown will be, indeed, a model citizen.

The Hon. J.R. RAU: It is certainly my intention to the extent that it is up to me. That is exactly what they will be doing.

Clause passed.

Clause 10 passed.

Clause 11.

Mr GRIFFITHS: I note this refers to 'Recognition of special legislative schemes' and lists several acts of parliament. The question posed to me was whether it would be appropriate for the Adelaide Park Lands Act 2005 to be included here.

The Hon. J.R. RAU: No.

The CHAIR: That is pretty straightforward.

Mr GRIFFITHS: That was a very quick response, minister. You have either considered this or had it put to you by another group. I am interested in a more fulsome explanation as to why it would not be appropriate.

The Hon. J.R. RAU: All of these pieces of legislation have present interactions with the current planning and development act, which requires them to be considered specially. I do not believe the Adelaide Park Lands Act is in the same position.

Mr GRIFFITHS: I have to ask: given that the DPA for the Adelaide Park Lands includes changes to make infrastructure to be complying instead of noncomplying development opportunities and actually changes the process for consideration, to me that does create a linkage. I am rather intrigued by your response, as I think would most of the people listed in the 160 submissions that were lodged by the end of July in regard to the Adelaide Park Lands DPA.

The Hon. J.R. RAU: I am told that there is a particular interaction between the particular matters mentioned in clause 11(b) and clause 56.

Clause passed.

Clause 12.

Mr GRIFFITHS: The first question I have to ask on behalf of several groups that contacted me is on the objects, which are very important, and there is no doubt about that. I was intrigued to be told that there is no mention of the environment or of history or character within this area. I am just wondering why not.

The Hon. J.R. RAU: Sorry, just to go back to the last question, it is clause 59, not clause 56, and we will come to that in due course. Sorry, you were asking why—

Mr GRIFFITHS: The environment and history and character areas are not mentioned as part of the objects and planning principles.

The Hon. J.R. RAU: I thought we had done something quite novel and innovative with environment in terms of clause 7, which we were looking at a little while ago. In terms of history and whatnot, that is largely a matter for heritage which, as I explained before, is something that we are seeing as a different piece of work. We are going to get onto that, but it will be dealt with as a discrete piece of work because it was my judgement that, if we tried to deal with heritage plus all these things at the same time, it would be completely beyond anyone's capability to manage the whole lot. So, that history and whatever aspect is going to be picked up there.

I can say that there are any number of people who would like to stick some of their favourite things in here. I guess the simple proposition I have is something like this: to use the objects of an act as something akin to a Facebook page is not good drafting and it does not help when interpreting

the legislation later. So, the fewer objects you have, the clearer the direction is because, if you put in two objects, everybody looking at this can say, 'There are two clear objectives here.' If you make it four, it is half as clear; if you make it eight, that is half as clear again; and by the time you get to some of them—

Ms Redmond: It might be multiplying the clarity.

The Hon. J.R. RAU: That is not my experience. You get to the point where you have so many objects in here, and I can give you some examples, actually. Have a look at the sentencing act and see what that tells a court they have to take into account when sentencing somebody. After you have had a look at that, you tell me if it makes any sense to you because it—

Ms Redmond: Yes, it does.

The Hon. J.R. RAU: It means whatever you want it to mean, basically. What we have sought to do here is to say this: there are certain primary objectives here. We have divided it between primary objectives and then further matters that we think are important. The primary objectives are two things: objective No. 1 is we want the planning system to be an enabler of development and the provision of public spaces and facilities consistent with sound planning principles; objective No. 2 is a scheme for community participation in relation to the initiation and development of planning policies and strategies. We want to say to everybody that those two things are the primary considerations. Everything else might be important, but those are the absolute keystones of this.

Then, if you go into the next thing, it talks about how it should look. It should be simple, easy to understand, etc., and then, if you go into the principles of planning, you do start getting into some of the finer grain that you are alluding to. That talks about things like sustainability and it talks about those other things. Do not just look at clause 12 by itself. Look at 12 in conjunction with 14 because 12 is the headline proposition and 14 is a series of, I guess, expositions of aspects of that.

Mr GRIFFITHS: I do appreciate that and I can consider it because the words provided to me as a suggestion for inclusion in 12, but are likely to be in the 14 that we are talking about, are 'creates attractive, resilient and sustainable communities', so it is part of the 14 vision on what it is, so I can accept that. I do have a question though. Under (2)(f), on the first line, where it talks about value-capture schemes, towards the bottom of page 26. Can the minister give an outline of what value-capture schemes are?

The Hon. J.R. RAU: Value-capture is basically a proposition that if you make a change in the planning regime for somewhere and you, in effect, create a windfall for people by reason of that, some of that windfall is returned to support the infrastructure necessary for that scheme to be delivered, essentially.

The CHAIR: That made sense to me. Member for Heysen.

Ms REDMOND: I just wanted to explore a bit of the objects and planning principles. I note the use of the term 'enhance the State's prosperity' at the beginning. I assume what you are talking about there is financial prosperity and not other sorts of prosperity. I know that some other countries, like Bhutan and so on, actually measure happiness and things like that these days, but I assume we are talking about financial prosperity. More particularly, I wanted to ask about the idea in subclause (2)(a) of, 'practices that are designed to be simple and easily understood'. It seems to me that by the time you have got this far in the draft bill it is hardly simple or easily understood, as the nature of our questions might indicate, and we are relatively well versed in these matters. So, I would suggest, minister, that there might be a difficulty with that.

I wonder, in terms of practice and referring, as you say, to not just this but going further into the act to, say, clause 97, which states, 'Accepted development does not require planning consent,' and that is one of the three categories of development in division 2, is it the intention of these objects and planning principles that if you purchase a block of land which is appropriately designed for putting a house for a family to live in on you should be able to expect, within a very short space of time, to get your planning approval for the development of a house on such a block?

The Hon. J.R. RAU: Yes, that is exactly what we are trying to achieve. At the moment, something like 90-something per cent of planning applications wind up being merit assessed. In

some other states of Australia it is under 10 per cent that are merit assessed, so they have a far more streamlined system. It means, in practical terms, exactly what the member for Heysen said: because the rules are clear and because everyone knows what the rules are it is basically a tick, it is a formality. That means, holding costs for people are less—investment, ideally, would be easier to make because people would know, 'If I go off and seek approval I will get it in a short order of time, I won't be mucked around for months or years and I can get on with it.'

Ms REDMOND: Further down in that same subclause is the reference to promoting safe and efficient construction through cost effective technical requirements that form part of a national scheme of construction rules and product accreditation. My recollection is that when those new national rules came in, they created considerable cost disincentives, inasmuch as you suddenly had to have fencing around a construction site which otherwise would not have been required. From memory, I think it was something like $26,000 they estimated was added to the cost of an average single-storey dwelling and $35,000 was added to the cost of a two-storey house. I wonder, minister, whether you could explain what sort of safe and efficient construction through cost effective technical requirements this bill envisages?

The Hon. J.R. RAU: There are a couple of things there; first of all, the National Building Code. This is something that is under review, and it needs to be under review, because there are things about it that must get better but that is an active process that is going on nationally. One of the things that we are trying to convey through this is it is bad enough to have a national code which some people might regard as overly complicated and potentially adding cost, but where it gets much worse is some individual councils then add their own bells and whistles to the national code as part and parcel of an approval.

You could get to the point where if you cross the road from council A to council B, one side is going to require you to comply with the National Building Code, the other side is going to say National Building Code, plus, plus, plus. What we are saying is that is not okay. It is not the business of councils to be adding extra layers of red tape and cost to development applications above and beyond which is considered to be a reasonable national standard.

Mr GRIFFITHS: I will ask a question, if I may, and it is a question put to me by one of the community groups that contacted me. I understand that community participation is highlighted at clause 12(1)(b). It was put to me that as part of the principles for good planning that community consultation should be one of the emphases there also, but it does not appear to be listed, minister, not that I have noticed anyway.

The Hon. J.R. RAU: That is where the charter comes in. Clause 12(1)(b) is the portent of the charter and what it is basically saying is, 'Here it is. There are two really important things about this bill. It has a lot of detail but just keep these two things fixed in your head.' We have elevated community engagement from something which you think about at the end; that is one of the two primary drivers of this bill. That really takes the next stop in that particular story when you start getting to the charter and all the other provisions in the bill which refer to the place the charter plays in the conversation which leads up to the determination of zoning for particular areas.

Ms REDMOND: I have one other question on clause 12 and that relates to that same one I referred to earlier about the simple and easily understood practices but also in that particular subclause there is a reference to providing consistency in interpretation and application, and the minister already alluded earlier to the problem with the Hills Face Zone. I think there is something like nine councils along that Hills Face Zone and each one of them interprets the Hills Face Zone requirements in a different way. I wonder if the minister could give any indication as to how soon after the introduction of this legislation it would be likely that there would be consistency in the interpretation, not just for that area but in particular the Hills Face Zone.

The Hon. J.R. RAU: It is going to happen in phases. The ultimate end of this is where we have the new planning library which digests 22,000 pages of incomprehensible stuff into something like 40-odd basic planning tools. That will take consultation and it will take time and that will not be done any time very quickly. However, if you go to 42 and 43, we should be in a position where those things which are practice directions and practice guidelines can be got out reasonably quickly. So, it is going to be a two-step process.

If this goes through, the people in the department, I expect, will get cracking on those fairly early. They are intended to bring some conformity during the transitional phase when we are basically dealing with the existing planning system held as a default position but we are trying to impose some consistency of behaviour. They should do some of that work for us, and then the next phase is when we have the new planning library ready to go, and at that point in time there will be a much greater degree of uniform application and uniform concepts being used across the state.

Clause passed.

Clause 13 passed.

Clause 14.

Mr GRIFFITHS: Clause 14(b) appears to me to be policy, I believe, because it talks about urban renewal principles. The suggestion put to me is that that should be part of the state planning policy document and not necessarily entrenched within the legislation. Urban renewal is a focus in quite a few areas of the act, though, but do you accept, minister, that it is a policy direction, and should it be in the legislation?

The Hon. J.R. RAU: I think it is such an important element in the vision we have for the future of, particularly the Adelaide metropolitan area, that it is appropriate for that to be in that section. It sits alongside long-term thinking which is a fundamentally sound principle. It sits alongside high-quality design, which is again another important principle. One of the things that we have had as feedback from communities who have some degree of anxiety about the way in which infill might unfold in their neighbourhood, is that most of them are not really that concerned about the idea of there being a nice-looking building, four or five storeys, somewhere near them. That is not their concern.

What they are worried about is some ugly thing which does not respond to their environment, and does not have any sense of place that relates to their community. So that is why I have elevated design as well, because these are meant to be the principles that people have to have a good think about. People are far more tolerant of thoughtful, designed buildings than they are of ugly, horrible buildings. It is not just the building; it is the way the building interacts with the street, it is the way the building interacts with the neighbours, it is the way the building interacts with the environment. We are attempting to elevate those things and say, 'These things are really important. Please think about them.'

Ms REDMOND: I have a couple of questions on clause 14. The first is in paragraph (a), 'long-term focus principles', and I have to say that placitum (ii) of that strikes me as the greatest bit of bureaucratic lingo I have ever come across and we should be able to play bureaucrat bingo just with that wording of:

> …policy frameworks should be responsive to emerging challenges, changing trends and cumulative impacts identified by monitoring, benchmarking and evaluation programs;

Bingo, if you have ever played bureaucrat bingo! Can the minister tell me what on earth that paragraph means?

The Hon. J.R. RAU: I can say that I thought I had gotten rid of that one and they have snuck it back in! I do not like that sort of language but, if you can find a way of translating that into English, I would be happy to consider amending it accordingly.

Ms REDMOND: More importantly, and that was really just more by way of comment, the paragraph above, though, talks about things being 'ecologically sound' and this is where I think there potentially is a problem, because as I said before, listening to Professor Chris Daniels, the idea of the urban ecology is being diminished significantly because of urban infill. People no longer have backyards for kids to play in; it is all sort of designed courtyards and very little nature. I would like to find out from the minister what it is that he thinks is going to be 'ecologically sound' about the degree of urban infill that is being envisaged in this legislation?

The Hon. J.R. RAU: It gets back to the point that the member for Heysen made before. I think it is important that, if we are going to do infill, we do infill which provides space for kids to kick a football, or to run around or whatever the case might be—that is very important. Rather than just

not say anything about it, we put it in here, because we do want to make potential project developers think about these issues and have regard to them, and also to think about things like this intergenerational equity too. This is not an insignificant proposition either. So, we are trying to say there needs to be a bit of thought going into these things.

I totally agree with the member for Heysen. If we are going to be having our cities transformed into places where more people live, part of the social dividend for these developers being given permission to use this greater density is that they must deliver in this space.

Ms REDMOND: Onto paragraph (c), the 'high-quality design principles'. As I read it, minister, what that would mean is that if, in a given area, most people build the Georgian-type McMansion that became popular a few years ago, and you come along and want to build a log cabin, you are not going to be allowed to because everyone else has built a McMansion, of whatever nature.

Speaking personally, I particularly have a hatred of all the houses in modern developments that have, as their front, double carports or double garages. I think they look appalling, but that is the modern way of building. High-quality design principles seem to me to have an inherent difficulty in that there is a subjective judgment about what is high quality.

The other problem, it seems to me, is that no matter what you design into the system and therefore get as your preferred design, it is the maintenance, upkeep and the surrounds of a property—the gardening or whatever—that actually keep the amenity of an area. If someone decides that they are going to move in and just let their gutter be full of weeds, with no garden, and terribly unkempt, then you do not achieve what you are trying to achieve here anyway. I guess my question is: to what extent will these high-quality design principles prohibit people who may want to build something that is terrifically sustainable but does not look like the other houses in the area?

The Hon. J.R. RAU: Again, good question. The story with the design principles as set out in here is not meant to be a set of prescriptive rules. It is not meant to be a bunch of things like, 'You will have a podium of no more than three metres and you will have a setback of no more than five, and all your windows will be green,' and all that sort of stuff; that is not what it is about. What it is about is actually finding some sort of inescapable, fundamentally acknowledged truths about good design principles, and—

Ms Redmond: 'These truths we hold to be self-evident.'

The Hon. J.R. RAU: Self-evident truths—exactly—about design which are not, of their nature, prescriptive; they are, of their nature, discursive and directional. Those principles are then enunciated and people are supposed to have regard to them. I can say, in connection with this, I had a meeting the other day with the Design Review Panel in Adelaide. I observed them doing one of their design review processes, and it was actually fascinating. I invite the member for Goyder and the member for Heysen, if she is interested, to go and observe it at some stage; it is really interesting.

I actually said to them, 'I would like you people, who are all experts in this thing, to go away and bring me back some high-level principles—there might only be five of them—which are understandable but point people in the direction of the questions they have to ask about each project in order to get a good design outcome, without being prescriptive about what colour people were going to paint things and all that sort of thing.'

The CHAIR: Member for Goyder, do you have a question? You have had three questions, member for Heysen. At some point, we have to try and keep to three questions. I have asked you, member for Goyder, if you have a question.

Mr Griffiths: No, I don't.

The CHAIR: That being the case—last question, member for Heysen.

Ms REDMOND: I have several more questions, but I will just ask one. The next little part in paragraph (d), the 'activation and liveability principles'—which again sound a bit like weasel words to me—talks about 'high-quality housing options with an emphasis on living affordability' and catering for 'a diverse range of cultural and social activities', and so on.

Again, it seems to me that there is an attempt in this bill to do some level of social engineering and, in my experience, it is unlikely that you will ever have a situation where you have 'affordable

housing' mixed with high-level, high-quality, high-cost housing because the two groups just do not mix. The reality is that no-one who is going to live in the upmarket suburbs of Adelaide is going to continue to live there if you start putting in 'affordable housing'. I wonder if the minister could comment on whether that is the intention of that particular section.

The Hon. J.R. RAU: It is just intended to mean that there are a range of housing choices available and if you start accepting that some people will be living in a two-bedroom apartment and other people will be living in a three-bedroom conventional home, the point is you can have affordable housing. It is affordable not on the basis of comparing one three-bedroom home to another, but affordable in the sense of 'Can I afford to live in that area?' If you have a diversity of housing options there, you make more flexible the opportunity for people to have affordable housing in different areas. That is not intended to be some sort of social engineering exercise. As for (d)(iii), I think that is another one that got past me.

Clause passed.

Clause 15.

Mr GRIFFITHS: Chair, 15(2)(d) and 15(3) both refer to service benchmarks. I am interested because local government will be involved in this as a partial administrator for development systems. Is there an opportunity for the Local Government Association, on their behalf, to be involved in the development of the service benchmarks?

The Hon. J.R. RAU: I do not see any reason why they should not be involved, but can I take that one on notice and have a look at it.

Ms REDMOND: I have a question in relation to subclause (1) of clause 15. What it provides is that a person making an application, amongst other things, or dealing with the act generally, but a person coming to get an authorisation for planning development, so presumably someone just wanting to build their house, has an obligation to:

(d) act in a cooperative and constructive way; and

(e) be honest and open in interacting with other entities…[and]

(f) be prepared to find reasonable solutions…

I wonder if the minister could indicate how that is going to work in practice because it is a positive obligation. How is it expected that a person will do these things when they experience the level of frustration which is likely to come about from any interaction with the development system?

The Hon. J.R. RAU: I will make two points. First of all, hopefully when this goes through, those interactions will be far less necessary. Secondly, this was directed as much to council employees as it would be to their customers. Thirdly, we do acknowledge in subclause (4) that, in practical terms, this is unenforceable. We do not expect to have a raft of litigation about 'You were rude to me on the phone' or something of that nature, but we are trying to convey an attitudinal aspiration there for how people should conduct themselves.

Ms REDMOND: Apart from my disquiet at the idea that we are ever going to be able to legislate for that particular aspect, my next question was on subclause (4) and its impact. The section starts out talking about these provisions applying to 'any person or body' so just an ordinary person coming along to apply to build a house. Whilst part (a) of subclause (4) says that does not 'give rise to any substantive rights or liabilities' it goes on to say:

…may lead to action being taken on account of a breach of a code of conduct or professional standard that applies in relation to the relevant person or body.

I wonder to what extent that provision is going to potentially apply to the ordinary Joe Blow who is coming to make an application to build a house on their block of land?

The Hon. J.R. RAU: I do not think it might apply to them but there are two things. Subclause (4)(a) says that no substantive right or liability is generated by way of clause 15. Subclause (4)(b) says: but a council employee, for example, who is bound by a code of conduct, who breaches that code of conduct, is still in breach of the code of conduct and whatever would happen

for a breach of the code of conduct should continue to happen. In other words, (4)(a) does not obliterate the effect of a code of conduct, if that makes sense.

Clause passed.

Clause 16.

Mr GRIFFITHS: This is the responsibility to coordinate activities between the state and local governments. The Local Government Association has asked me how councils will demonstrate compliance with the clause, and would this be cause for an administrative law challenge?

The Hon. J.R. RAU: Quite frankly, now the question has been asked, it has to be said that, in practical terms, this is not enforceable. Subclauses (1) and (2) need to be read together, and the sanction, if that is what it is, is that a report goes to the minister. But it is not intended that it is a trigger for litigation of some description.

Mr GRIFFITHS: On the basis that you get a report, in your current role, what happens to the report then?

The Hon. J.R. RAU: It is about cultural change. It would depend what the report said, obviously; but, if the report said that there had been some breach of the law, or something of that nature, obviously, the minister would have to behave accordingly. If the report simply said there were people behaving badly, the minister might perhaps call them in and say, 'What about you lot being a bit more civil?' or something. It depends on what the nature of the report might be.

Mr GRIFFITHS: Is there any consideration given to a third party for reference of an issue to the commission, or should it go through to the minister first? If a person or a group believes they have been poorly treated, can they make a reference on that?

The Hon. J.R. RAU: They go to the commission first. The commission is the buffer between these people and the minister. The minister does not need to be drawn into it unless there is a matter that the commission considers is serious enough to warrant it.

Clause passed.

Clause 17.

Ms REDMOND: I wanted to get on the record a statement which I hope will be forthcoming from the minister in relation to subclauses (4) and (5), and the reason for doing this comes about from previous experience with the Director of Public Prosecutions legislation in this state which, of course, says that the DPP is independent of the minister and only subject to general direction, yet this government actually directed the Director of Public Prosecutions to lodge an appeal.

I just want to get very clearly on the record from the minister a statement that the clear intention of these provisions is that the minister, whilst having general administrative direction for the commission, will not, indeed, be enabled to interfere in any way with the actual functions of the commission and it exercising its powers and responsibilities.

The Hon. J.R. RAU: My understanding is that is correct, what was just said.

Clause passed.

Clause 18.

Mr GRIFFITHS: There has been a suggestion made to me by the Local Government Association that in 18(1)(a) 'appointed by the minister' be replaced by 'appointed by the Governor'. Does the minister see any support for that?

The Hon. J.R. RAU: I am advised that increasingly the process has been for a ministerial appointment rather than the Governor and councils. It is a procedural matter, it is not a substantive matter. However, most of that board and committee reform resulted in changes to 'appointment by minister', so we are just following the current convention in that respect. The only difference between the two in practice is red tape.

Ms REDMOND: First, minister, I congratulate you; I think this is the second time we have had legislation where a board is appointed and there is no requirement to have a female member of

the board, we are just choosing people on merit. So we have reached the 21st century at last, and I think that is excellent.

I did want to question whether the provisions of clauses 2 and 3 actually mean that that will, so far as practicable, be the range of expertise or whether there is still capacity for a minister to appoint someone to the board who has none of the expertise that is listed there. Of course, there was an attempt here to appoint someone to, I think, the EPA who had none of the qualifications that were set out as the requirements for people to be appointed to the Environment Protection Authority, yet the government attempted to appoint a person without those things. I just want to be clear that the minister, and ministers subsequently, will only be able to appoint someone who fits into one of the (a) to (f) categories.

The Hon. J.R. RAU: I think the answer to that lies in subclause (2). The minister ultimately does have the discretion to determine what qualifications and suchlike are relevant; however, the minister is given fairly strong guidance by subclause (3). One of the things I have come to be very wary of, and have come to try to avoid as best I can, is the notion of the so-called representative board or highly prescriptive board. What you then have is one butcher, one baker, one candlestick maker, etc. From my observation that almost invariably produces a problem.

I have tried to find a compromise between this highly prescriptive thing where you wander around chasing up one candlestick maker you cannot find, and you put any old person in who knows something about candles, or you have some give and take. As minister I would regard subclause (3) as being highly directive of me and I would expect, if I departed from subclause (3), that the obvious question would be asked of me, as a minister, 'Why have you gone outside these things?' However, I am reluctant to change that too much because if we do we wind up with that highly prescriptive model.

Mr GRIFFITHS: Minister, as you would expect the Local Government Association has sought opportunities for a direct appointment to go on, and it is between four and seven. The minister is shaking his head, but I do note that (f) mentions local government as being one of the skill sets—but it is what it is? Okay.

The Hon. J.R. RAU: I get back to the butcher, the baker and the candlestick maker. If I put a thing here that says, 'and the LGA can nominate any old person they want to go on this thing,' as soon as I say yes I will get a knock on the door, 'Hello, we're UDIA,' or 'Hello, I'm HIA,' etc. Then we will wind up exactly where I do not want to be. That is the reason for it. However, I do not intend to disregard them.

Clause passed.

Clause 19.

Mr GRIFFITHS: I note that the commission may appoint one or two persons to act as additional members. Can the minister outline what those additional members will do and what length of term their appointment is likely to be?

The Hon. J.R. RAU: We thought that it might be a circumstance in which some particular expertise or background was especially relevant for the purpose of some job that the commission was doing. I do not know what that job might be, but we thought there might be some utility in having a co-opting capability there for that purpose.

Mr GRIFFITHS: A final one: because more people are able to be appointed, was there an expectation that this is an area where we put the level of expertise requirements also? Or do you just want to leave that as open, so that there is a variety you can choose from?

The Hon. J.R. RAU: I would leave it open, because I think what we are looking at here—or at least what I had in mind—is that we have our usual complement of people who are doing this and that. Something bobs up which is a particular job, and we do not think we necessarily have the right skill set. I cannot foresee what that gap in skill might be.

The CHAIR: Yet.

Clause passed.

Clause 20.

Ms REDMOND: Just a quick question, I hope. I have no difficulty with these conditions of membership as they are, but I have a question about the provision of requirements for declaring conflicts of interest and so on for the members. It does not appear in the act. I assume that there is going to be some sort of provision elsewhere within an appointment of people to accommodate conflict of interest areas.

The Hon. J.R. RAU: Schedule 1 apparently deals with that.

Clause passed.

Clause 21.

Mr GRIFFITHS: A quick one: this clause talks about the appointed members of the commission being entitled to fees, allowances and expenses determined by the minister. Are they the guidelines that operate for the Development Assessment Commission currently?

The Hon. J.R. RAU: We have to determine it, and I have not really turned my mind to that properly yet. This is a body which is at least as responsible as the DAC, so you would expect that that is some guide as to what we are talking about, but we have not really worked it out.

Clause passed.

Clause 22.

Ms REDMOND: I just have one quick question on this area and that is, in subclause 4 there is a provision that if an inquiry is conducted by the commission under (1)(e) the commission may call for and receive submissions and representations and request any person to provide information and materials. The subsequent clauses, 5 and 6 and so on, go on to talk about the Crown having an obligation to comply, but there does not appear to be within the wording of that—the way that it says 'may request any person to provide' things—any compellability about getting evidence for the commission if they are conducting their own inquiry. Is that intentional, and if so, why?

The Hon. J.R. RAU: I think it is. I think we got to the view, do we really want to be giving this commission the sorts of powers that enable them to compel private citizens to produce material. That is getting in the space of warrants and various other things, so we thought it was safer just to leave it at that level.

Mr GRIFFITHS: The Local Government Association has put to me that they seek to have an expansion of the provisions of clause 22(1) to include things such as 'approval of regional plans unless a joint planning board has been appointed, the development of an approval of amendments to the planning and design code, and working with local government to develop the engagement charter'. Is there any opportunity for that? Is that one of the things that as part of your feedback you are considering?

The Hon. J.R. RAU: It is about those things; happy to think about them. On the face of it they do not sound crazy, but we have to take some advice on it. My main worry is red tape. It is not the principle of having anything to do with the LGA; it is how much red tape we are creating.

Mr GRIFFITHS: I have a one more question. The Environmental Defenders Office SA Inc. put to me the question that there do not appear to be any limits on the functions that can be assigned to the planning commission by the minister. They believe that specific functions should actually be in the act. Is it open ended at the moment as to what you can refer, or the functions of what the commission are, deliberately?

The Hon. J.R. RAU: It was intended to be flexible.

Clause passed.

Clause 23.

Mr GRIFFITHS: This demonstrates my lack of legal training, but in the first line of this clause it says, 'The Commission has all the powers of a natural person…'. Could the minister explain that?

The Hon. J.R. RAU: It is just a formulation. It says that the commission can do the same things as a human person could do. So, the commission can make a contract, the commission can execute documents, the commission can do stuff like that. It means that they have the capacity of acting in a corporate sense.

Clause passed.

Clause 24.

Mr GRIFFITHS: I refer to paragraph (b), where it says:

(b) if a matter arises that in the Commission's opinion may prevent, or adversely affect, the performance of any function…

It talks about promptly informing the minister. My interest is: what does the minister do with the information?

The Hon. J.R. RAU: That would depend on what it was. The purpose for that is to actually say that the accountable minister is going to be responsible to the parliament and to the public for the conduct of this commission. In order for the minister to discharge that function properly, if the commission comes to the conclusion that it has a problem, it should not be able to sit back and not tell the minister—it should have to share that with the minister. It is intended to be an open relationship between the commission and the minister: if they have a problem they should tell the minister; the minister would have to determine, in light of whatever that problem was, what would be the appropriate response.

Clause passed.

Clause 25.

Mr GRIFFITHS: I refer to subclause (3), where it says:

…the minister is not entitled to obtain under this section information that the Commission considers should be treated for any reason as confidential…

I am interested in that; it appears that in some areas there will not be an information flow. I am interested as to why this bit is in the bill.

The Hon. J.R. RAU: It is very difficult to foresee every potential circumstance that might arise, but there may be a circumstance in which, for reasons of confidentiality or some other reason, it is not appropriate for the minister to be advised in detail about a matter at a particular point in time. What we are saying here is that, if you do have confidential stuff that you should not be sharing with the minister, do not do it unless to fail to do it will mean that you are basically setting up the minister.

Ms REDMOND: I just wanted to clarify that aspect, because the clause says that the commission is allowed to hold back the information that they consider confidential, unless not giving it to the minister adversely affects the minister in the proper performance of ministerial functions or duties. Who makes the decision as to what will adversely affect the minister in the proper performance of his ministerial functions or duties?

The Hon. J.R. RAU: Maybe. I will give you a hypothetical: let's say that there is some information, and they consider it to be confidential. The minister is asked a question in parliament about that matter. The minister says, 'I will make an inquiry of the agency.' The minister then says to the agency, 'I have been asked this question. What am I going to tell the parliament?' In that particular circumstance to not provide appropriate information might conceivably compromise the minister, and that would not be okay—that is the sort of context—but ultimately it is their call, because if I know the information, I already know the information, so I cannot be the person who is choosing—

Ms REDMOND: The way this clause reads, the minister is ultimately going to be allowed to say to the commission, 'Notwithstanding that I asked for the information and you said, "I can't give it to you because it's confidential. It has been provided to us on a commercial-in-confidence basis."' I say that I need that information, and you must supply it to me. Is that not the reading of that clause?

The Hon. J.R. RAU: Not the way I read it. I read it that the minister would not know, so the minister could not say that. So, I read it the other way around.

Mr GRIFFITHS: Are there similarities between the Ken MacPherson report on the Burnside council and providing that to the then minister, the Hon. Mr Wortley, and that he was not game to read it so that he knew what it said.

Ms Redmond: He wasn't game to read it, he might blurt it out.

Mr GRIFFITHS: That's right. I am interested in the connection there.

The Hon. J.R. RAU: The member for Goyder is referring to what is now known as the Wortley doctrine—and yes, that is what we are talking about: if you do not know it, you do not know it. All we are saying here—

Ms Redmond: Known unknown.

The Hon. J.R. RAU: Unknown unknowns.

Mr GRIFFITHS: I think that is called plausible deniability or something like that.

Clause passed.

Clause 26 passed.

Clause 27.

Ms REDMOND: I want to ask about these provisions for members having a direct or indirect personal or pecuniary interest. I want an explanation as to how broad that is, particularly given that later on it says that an interest also includes a person associated with the member. Can the minister provide the broadest scope for what is incorporated within a member of the commission or an associate of a member of the commission having a direct or indirect financial or personal interest in a matter? Can the minister give an example of how broad that might be?

The Hon. J.R. RAU: The first thing is that it is all a question of fact and degree, to some extent. The second thing is that I am told that this is a relatively common formulation in legislation to deal with the questions of conflict of interest, and I am told that it carries over from the current act as well. For example, if there was a matter before the commission and a member of the commission's spouse, child or parent had a direct interest in the matter before the commission, that would be captured, I would imagine, by that type of provision. But if it was some person that you had some vague knowledge of, or you had met once or something of that nature, clearly you would be on the other side of that.

Ms REDMOND: I would be interested in whether the other question also means that it is still the same as in the current act, and that is the provision for having not only to disclose the nature and the extent of the interest as soon as they become aware of it but immediately not take part and, indeed, physically withdraw from the vicinity of the discussion. Can the minister confirm that that is exactly the same as currently appears?

The Hon. J.R. RAU: Yes.

Mr GRIFFITHS: In clause 27(3), it talks about a casting vote for the presiding member. Because there are only between four and six members and it talks about quorums, is it possible for a proxy vote to be provided? If an absence is known but the report had been reviewed, a recommendation considered and a position determined by a member, are they able to indicate, without their attendance, what the position is?

The Hon. J.R. RAU: They can attend via telephone or some other method. I am not comfortable with proxies; they can be abused and, in my experience, have been abused. So I am not comfortable with proxies but they can get on Skype or whatever.

Mr GRIFFITHS: I note in subclause (5) it talks about concurrence in writing or electronic communication. What if they emailed to the secretary that this is what their position is?

The Hon. J.R. RAU: Yes.

Clause passed.

Clause 28 passed.

Clause 29.

The Hon. J.R. RAU: I move:

Amendment No 10 [Planning–1]—

Page 35, after line 27—Insert:

(aa) must establish 1 or more committees in connection with its functions and powers as a relevant authority under this Act (to be known as *Commission assessment panels*); and

Amendment No 11 [Planning–1]—

Page 35, line 28—After 'establish such' insert 'other'

Amendment No 12 [Planning–1]—

Page 35, line 32—After 'to assist the Commission' insert 'or to act on behalf of the Commission'

Ms REDMOND: I have a couple of questions on clause 29. I am curious as to why in subclause (1) with the provision that the commission may establish other committees, given that there are a couple of committees that are talked about above that, why the approval of the minister would be necessary for establishing other committees. That would seem to me to be adding an unnecessary level of red tape, and the minister was telling us how he wants to get rid of it. Why would there be any need for the minister to approve the setting up of any committee by the commission should the commission choose to set up a committee?

The Hon. J.R. RAU: I will think about this one but my recollection is that it occurred to me that there might be some circumstances in which a subcommittee of the committee was a necessary element. For example, if the committee was both potentially the assessing agency—we will address that somewhere else. In that case I was thinking of another element where we would deal with this later on. I think the position is that it is just reasonable for the minister to be involved in the process.

Ms REDMOND: I am still a bit puzzled because immediately above that provision you have already said that the commission must establish committees if the regulations require it or if the minister requires it. You have already covered what the minister definitely wants. It just seems to me that if they want to establish a committee to organise their Christmas party, or whatever it might be, it adds unnecessarily a burden that just should not be there.

The Hon. J.R. RAU: I will have a look at it. Those words may not be adding any value. We will have a look at it.

Amendments carried; clause as amended passed.

Clause 30.

The Hon. J.R. RAU: I move:

Amendment No 13 [Planning–1]—

Page 36, after line 15—Insert:

(3) In addition, the Commission must delegate its functions and powers as a relevant authority with respect to determining whether or not to grant planning consent under this Act to—

(a) a Commission assessment panel established under section 29(1)(aa); or

(b) an assessment panel appointed or constituted under section 76; or

(c) a person for the time being occupying a particular office or position.

(4) The Commission may, in connection with the operation of subsection (3)—

(a) make a series of delegations according to classes of development; and

(b) vary any delegation from time to time.

(5) A function or power delegated under subsection (3) may be further delegated (and any such further delegation may be made subject to conditions or limitations, is revocable at will, and does not derogate from the power of the delegator under this subsection to act in any matter).

Mr GRIFFITHS: I may just ask the minister—because it is a reasonably large amendment—if he can give us some background information on that.

The Hon. J.R. RAU: This is the provision I was thinking of a little while ago when I started off on this track. It was brought to my attention that, as things were presently drafted, there is no capacity for a separation of the policy-making function and the assessment function, and they are conceptually different. The idea of this was to facilitate that sort of structural separation so that you would have separate manifestations, if you like, of the commission doing those separate roles rather than having the commission as one entity having these joint and arguably difficult cohabiting functions. That is the intention of it.

Amendment carried.

The CHAIR: We are now looking at amended clause 30.

Ms REDMOND: This clause seems extraordinarily broad in the scope of what it says on its face, that 'The commission may delegate any of its functions', given that in a previous clause, there was a provision that says that a committee, for instance, may, but need not, consist of or include members of the commission. So, you can set up a committee that does not even have any of the people who have been appointed to the commission on that committee and then you can delegate in their entirety the functions of the commission to that body on a strict reading of this piece of drafting.

The Hon. J.R. RAU: First of all, we are trying to have some degree of flexibility here and we might well have, for example, regional planning boards which are established cooperatively under this scheme. It might be entirely appropriate for the commission to delegate a function to one of those regional planning boards, for instance. I think we also have to assume that the commission will act in a responsible and proper fashion and would not do obviously crazy things, and it can only delegate to a relevant authority.

Ms REDMOND: No, it just says it may delegate any of its functions.

The Hon. J.R. RAU: I am told it is section 20(1) of the current act as well.

Ms REDMOND: It just seems to me that it would be more appropriate, for instance, to put the words 'with the approval of the minister' into that clause. It would then say, 'The commission may, with the approval of the minister, delegate any of its functions or powers' and it would make it abundantly clear that the intention of the section is not that a commission that took it into its mind to do so can continue to receive whatever pay the government is going to give them for being on the commission and completely delegate their powers away. But that is as the bill reads at the moment.

The Hon. J.R. RAU: It is an existing provision. I will think about what the member said, but it is an existing provision.

Mr GRIFFITHS: It extends even further, because I assume that in this case if the commission does not delegate the responsibilities that the minister wants it to, it says in paragraph (b), which is unusual for planning rules where it is normally 'may' or 'should', but this one says 'must' where they have to agree where you require the delegation to occur. Is that a carryover from the current act?

The Hon. J.R. RAU: I am told that it is based on section 20(2)(b) of the current act.

Mr GRIFFITHS: You said you would look at it.

The Hon. J.R. RAU: Yes, and I will look at it.

Clause as amended passed.

Clauses 31 and 32 passed.

Clause 33.

Ms REDMOND: I have a question in relation to the wording of the functions for the chief executive. In particular, it says that the chief executive's functions include the following '(a) to work with the Commission'. That seems to me to be a fundamental departure from the way most organisations, boards and so on work. Normally, government boards and so on operate on the basis

that there is ministerial oversight, there is a board appointed and the function of the chief executive is actually to carry out the directions of the board, yet this is worded 'to work with the Commission' rather than to carry out the decisions of the commission.

I just wonder why it has that particular wording. It seems to give a lot more scope for the chief executive to not necessarily do what the board directs. Conceptually, boards set the direction and chief executives carry out the decisions of a board, once the board has made its decisions.

The Hon. J.R. RAU: In my view, it is clear that the chief executive, under this clause, is required to work with the commission in the performance of its functions and so on, so they would need to be doing that. As to the exact wording of this, this is an attempt to try to articulate, as I have had it explained, the relationship between the commission and the department, the two not being the same thing but some services to the commission obviously being provided for by the department.

Clause passed.

Clause 34.

Mr GRIFFITHS: This clause talks about delegations from the CEO. Can a delegation be made to a local government body or officer?

The Hon. J.R. RAU: Yes.

Clause passed.

Clause 35.

Mr GRIFFITHS: The Local Government Association has put to me a suggestion for an amendment to 35(1) to clarify that a planning agreement must be between the minister and at least one council. Other parties may be added but only upon the agreement of the minister and the councils. Is that something the minister is prepared to consider?

The Hon. J.R. RAU: I am happy to consider it, but I would need to reflect on it and get some advice.

Clause passed.

Clauses 36 to 40 passed.

Clause 41.

Mr GRIFFITHS: On the appointment of administrator, there is a suggestion from the Local Government Association that 41(4) be amended to include consultation with other parties when it comes to remuneration of the administrator because there are other parties involved in funding the cost, or is this something that is solely borne by the commission?

The Hon. J.R. RAU: I am happy to think about it.

Ms REDMOND: Following on from that, subclause (5) states that members of the joint planning board are suspended from office while an administrator takes office. Are they suspended with their allowance for being members of that planning board continuing, or are they suspended without pay?

The Hon. J.R. RAU: I rather suspect that would be a matter to be determined by the reason for the suspension, and that might be something that cannot be ascertained immediately. So, rather than us be prescriptive in here, I think we would need to leave some flexibility to deal with the circumstances.

Mr GRIFFITHS: On the basis that there are costs associated with the appointment of an administrator, where does the funding for that position come from? Is it the Planning and Development Fund, or the fund for the operation of the commission?

The Hon. J.R. RAU: It comes out of the joint planning board fund.

Clause passed.

Clause 42.

Mr GRIFFITHS: I am interested in an outline of what practice directions are.

The Hon. J.R. RAU: This came up a while ago and I think the member for Heysen asked a couple of questions about: how do we know people are going to start behaving in the right way sooner rather than later? The practice directions are a guideline, I guess, or a procedural reference work for people who are involved. It is to help people saying, 'When you are confronting this, how do you approach it?' The practice directions and practice guidelines, which is the next section, are providing that additional guidance or support for decision-making.

Mr GRIFFITHS: Is there intended to be consultation on the development of the practice guidelines, or are they determined and put in place without any opportunity of review?

The Hon. J.R. RAU: These are not required but if we go down the track of doing this then, obviously, we will talk to the people who have to manage the system about what is in, what is out and how it is framed. These practice directions and guidelines, by the way, are required in other bits of the act. I will give you a quick overview: clause 60(3), clause 60(5), clause 69(7), clause 69(11), clause 79(2), clause 100(3), clause 100(9), clause 102(1), clause 104(2)(d), clause 105 and so on. So, there are various bits within the act where there is supposed to be some sort of guideline to help people.

Ms REDMOND: Just on those practice directions, I take it that the intention of subclause (5) is that if whoever draws them up gets them wrong and the advice, therefore, based on those, is wrong, that the person who suffers financial detriment because of that does not have a right to come back and say, 'Well, I'm several thousand dollars out of pocket.' I will give you an example, minister. Obviously, these things are not in place yet, but I had an example recently in my electorate where some people received certain advice on a planning matter and proceeded, for several thousand dollars, down a particular path, only to be told when they got to the very end of it that, oops, the planning officer had made a mistake way back when and they had spent (and they were an elderly couple) a considerable amount of money.

I take it that the intention of subclause (5) is that if that was done in reliance on a practice direction, even though the advice was wrong, and people did something which was financially to their detriment, they would not have an entitlement to seek redress for it.

The Hon. J.R. RAU: Yes, I guess that is right. I can think of an analogy for this: there are areas in building, occupational health and safety and various other things, where they have what they call guidelines or codes which are not, in and of themselves, the law but they are intended to help people. It does not mean that the person is absolved from complying with the law, but it means that if the person wants help to understand what the law means or how the law should be done, this is of help to them. That is why we are making the point that, these are not the law as such, these are just things that are there, handy driving hints, basically. Obviously, we want to make sure they are correct.

Mr GRIFFITHS: Again, subclause (5). I note that the practice directions will be determined by the commission but local government will be responsible to act within those guidelines. Subclause (5) talks about the fact—

The Hon. J.R. RAU: Within the law as informed by the guidelines.

Mr GRIFFITHS: True, minister, thank you—that the practice direction does not give rise to any liability or any other claim against the commission. The commission, I understand a structure to be in place there, but as there are other bodies such as local government that are bound by those guidelines to act in that way—

The Hon. J.R. RAU: No, they are not; this is the point. The guidelines are not the law. The commission is bound to observe the law but sometimes you get in a situation where people say, 'Look, this is the law, but how do we do this? How do we do that?'

This is an opportunity to have what amounts to a practice direction which says that in practice the best way to apply this law is to do A, B and C. It is not the law itself. This appears in all sorts of schemes where you have complex laws but you have these sets of guidelines that are sitting in front of them to help people negotiate their way through what might otherwise be a baffling legal system.

The two are not interchangeable. These things a more like a compass, if you like, but they are not the actual law. They are a compass that helps you find your way around the law.

The CHAIR: Do you want to use GPS in there?

The Hon. J.R. RAU: It is a GPS.

Mr GRIFFITHS: I think I appreciate that but I suppose my question was going to be that, if it says that any liability of or other claim against the commission, should it include the words 'any other relevant authority'?

The Hon. J.R. RAU: I do not believe so because the relevant authorities are still bound by the law. I will look at it.

Ms REDMOND: I have a question on clause 42, and clause 43 to some extent. I am trying to clarify what is encompassed by a practice direction and what is encompassed by a practice guideline. I went back to the definitions clause and what the definitions clause said was that practice direction means practice direction issued by the commission under or in accordance with clause 42 and practice guideline means issued by the commission under or in accordance with clause 43. It seemed a bit circular. I gather that what we are talking about with a practice direction is the procedural steps.

The Hon. J.R. RAU: Correct. Clause 42 is about procedure. Clause 43 is about interpretation. The key words are in clause 42(2) being 'procedural requirements' in the second line. Clause 43(1) has the key words 'guidelines with respect to the interpretation'. That is what the notional difference is.

Clause passed.

Clause 43 passed.

Sitting extended beyond 22:00 on motion of Hon. J.R. Rau.

Clause 44.

Ms REDMOND: I want to find out to what extent this community engagement charter will be like what local councils do at the moment because they have to have an annual community engagement; that is the first part of the question. The second part is about where you talk about members of the community having reasonable, meaningful and ongoing opportunities to participate. I wonder if the minister could tell me over what time period you anticipate people who have those ongoing opportunities and how reasonable they would be.

For instance, I have had several occasions where Adelaide Hills Council and others I suppose, have held community engagement consultations on a Thursday evening which means that the people who are running the businesses in the local area have their businesses open and cannot attend the community engagement, and often the things being discussed are the very things about which those people are most concerned. So I wonder to what extent it will be the same as what we have got going, and to what extent there will be ongoing opportunities?

The Hon. J.R. RAU: As to the first thing, current community engagement regimes, whether they are under the Planning Act or anything else, tend to be highly formulaic and highly prescriptive; for example, you send a letter, you wait 28 days, you have seven days to read the letter, and then you have to send another letter within two weeks after that, and then whatever comes back you put in the rubbish tin and all that sort of stuff.

That is what I am trying to get away from. What we are trying to have here is more of a performance or outcome-based charter, so instead of saying that you just send the letter and who cares whether they read it, and when the responses come back who cares whether you read them, you just have to comply with the days and you have ticked all the boxes, this is intended to actually be an outcome or performance-orientated charter. That is the first point.

The second point is the charter would invariably, because it is performance-based, encourage local government, which I see doing most of this as part of their engagement with their community, to be highly mindful of the community they are trying to engage with. So, for example, if

you are engaging with the community in a rural town, it might be perfectly fine to have a town hall meeting or a number of town hall meetings in the reasonable expectation that a number of interested citizens will hear about it and turn up; and that might be a perfectly satisfactory mode of engagement—perhaps not the only mode, but a significant mode.

If you tried to do the same thing in metropolitan Adelaide, you might find that your reach was seriously diminished compared with that earlier example, and therefore the method to reach as many people as possible in Adelaide may be different. You might use social media or you might use some other form of communication—

Ms Redmond interjecting:

The Hon. J.R. RAU: Like the interweb, exactly! That is what we are trying to do. We are trying to get away from prescriptive, formulaic, do this then do that and then you have ticked all the boxes, and it does not matter whether people heard you or you heard them, you can do what you like. We are trying to move it into a different sort of zone. As to the ongoing nature of the communication, that would depend very much on what was before that particular community.

If they had an issue of existing regions or zones or subzones or whatever they might be, that might require ongoing communication for some considerable period of time until that particular matter was settled. We do not want people consulting endlessly for no purpose, but if there is something to talk about they need to be consulting in a meaningful way until such time as that consultation has arrived at an outcome and that outcome has been implemented.

Ms REDMOND: Moving on to paragraph (b), I would like a bit of clarification about how in practice this is going to work; that you are going to have weighted engagement at an early stage, and scaled back when dealing with a settled or advanced stage. I think theoretically I know what that means, but I am not sure that in practice I comprehend how you are going to actually manage that.

The Hon. J.R. RAU: We wanted to convey to people, 'Look, get in early, engage early, speak to communities early, and do not leave it until the last minute.' That is basically the proposition that we are trying to capture there. Bear in mind that, if we go back to the objects of this act, this sits in the primary objects of the act in that very special area, community engagement, No. 2, so this charter is going to be a very important document and we will be consulting with everybody about the nature of the charter. This is a piece of work of considerable importance and it will take some time, but this legislation absolutely commits to this charter document being a centrepiece to the way in which the system is going to operate in the future.

The CHAIR: The member for Heysen has another question?

Ms REDMOND: One more, yes; my third question, Madam Chair. If I can move down to subclause (4), you are talking about 'public participation with respect to the preparation or amendment of any statutory instrument.' So, I assume if you have what we currently call a DPA, that is where you want the public to be most engaged: when you are talking about where your zoning areas are going to be, and so on.

Minister, I know there are none in my electorate, but I am sure there are others that you may have heard of who are nimbys, notes and bananas. Are you familiar with them? The member for Light is looking puzzled. Nimbys are 'Not in my backyard', notes are 'Not over there either', and bananas are 'Build absolutely nothing anywhere near anything'. They are not in my electorate, obviously, but I wonder how this is going to work in practice, inasmuch as there are areas where, no matter what you are putting up, it is going to be fraught with huge public outcry, no matter how reasonable it might be.

In Stirling, we had people marching in the streets because someone wanted to build a supermarket on already zoned commercial land. We had people protesting outside the new Subway, which was in the middle of the shopping centre in two existing shops. So, there are occasions when, no matter what consultation you do, there is going to be massive public outcry about it. I just wonder how this public participation obligation is going to sit with the likely noisy wheel that is squeaking.

The Hon. J.R. RAU: That is a perfectly good point. There are some people who you can never make happy, and we will continue not to make them happy, under our new arrangements, because nothing can make them happy, and I accept that. But, as a general proposition, if a person

feels that they have had an opportunity to have a bit of time to think about something, they have been treated with some degree of respect in being engaged about a proposition, and they are listened to in respect of their views about a proposition, even if they ultimately do not consider the proposition as their optimum outcome, most people say, 'Look at least I had a go, I was given an opportunity to be involved.'

Where the present system manifestly fails is that most people have no idea what the zoning requirements are for where they live, and the first time they find out is when somebody wants to put something next door to them that they really, really hate, and they say, 'And by the way, why didn't somebody tell me that thing was coming?' What I am trying to do is to move that conversation right up to the beginning of it so that communities actually have a chat at the very beginning about what is going to be okay in our community—'What is our community going to look like in five, 10 or 15 years? What are we comfortable with, and what are we not comfortable with?'

They need to have that conversation so they are not taken by surprise when a development, which is completely consistent with a policy which they have been involved in formulating, occurs. That takes all the heat out of this assessment point, which is where the rubber hits the road at the moment, because everyone is completely in the dark until somebody wants to put something next door to them and they say, 'My God, how can they do that?'

What I am saying is that that conversation should be occurring in a community context very early on where they are settling the policy, so at least people say, 'Look, I don't really like this policy, but at least they did ask me about it; I did have a chance to have a conversation about it,' or 'Actually, I am not surprised that thing is going next door, because I know that they are allowed to do that.' That is what we are trying to get to.

Mr GRIFFITHS: Minister, this one is a significant change of tack on how things are done. It is fair to say that the development lobby like it—there is no doubt about that; they appreciate this. The community groups that have contacted me are vehemently opposed to it—

The Hon. J.R. Rau: Because they don't understand it.

Mr GRIFFITHS: Well, no; they see it as a diminution of the rights that are currently provided to them.

The Hon. J.R. Rau: Because they're morons.

Mr GRIFFITHS: No; this is what their concerns are about. I have some practical questions on this. I understand completely and appreciate the fact that you want to involve people. It is a great intention to have. I have spent my life working in areas where there has been a level of community engagement, and only on very rare occasions have I seen a big turnout on things, which occurs only when something actually galvanises a community. They are hard to achieve, and they are normally emotive. Planning is not one of those, unless there is some obvious impact upon an individual. In developing this policy of how to proceed, are there examples that you have either been briefed about or seen around the world where it can be used and has done well?

The Hon. J.R. RAU: Thank you for that question. I said earlier that the reason people feel like they are being disenfranchised is that they do not understand what is going on. That is true, because they are not involved at the beginning. They are involved right at the end where they are like some person who is having a lovely dream and all of a sudden is woken up with a cold bucket of water thrown over them and, of course, they are startled and unhappy. But what we are trying to do is move that forward. You asked a very good question. The member for Goyder met Jennifer Keesmaat in Toronto.

Mr Griffiths: A most impressive lady.

The Hon. J.R. RAU: A very impressive lady. The member for Goyder knows all of this, but Toronto is basically one very large entity in terms of planning policy, and it has a very powerful dynamically-led planning agency, and they are doing lots of very complex urban infill where you have these old industrial sites. The member for Goyder and I have been to a couple of these old timber yards and old railyards where completely different types of developments are occurring.

I have been told by her—and I think the member for Goyder might have heard it—that there is enormous community buy-in to these things, even though they are quite challenging compared with what has been there in the past in terms of a completely different use and density. Their strong message to me was: speak to the people and engage with the people early so they know what is coming and they have a chance to shape it.

The one example I know that the member for Goyder and I visited was a multistorey building in the inner part of Toronto where the community engagement early on before even a sod was turned got this strong message back that, 'The one thing we don't have around here is a place for working parents to leave their kids in child care. We really need childcare facilities here in this community.' The developer was smart enough—and was probably encouraged enough—to provide a whole floor in this building at basically no rent to a childcare provider in order to provide that sort of level of amenity back to the community that they were going into. That changed the way that community felt about that development.

Mr Griffiths: I think it was in Vancouver, not Toronto.

The Hon. J.R. RAU: Was it Vancouver? Both nice places, anyway. That is the point. That is an example that is real. I am not underestimating the challenge here. I am not saying this is going to be easy, but I am going to say it is worth trying to do it. It is worth trying very hard to do it very well because, if we do it well, we are going to have a far more informed public conversation about the way we want our neighbourhoods to look and we will not have that 'bucket of cold water over the fast asleep person' effect that we have at the moment with a system where people have no idea what is coming.

Mr GRIFFITHS: It is interesting that you use the Canadian example. My recollection is that in Toronto, one way in which they engaged with the community was the fact that in development proposals, 1 per cent of the value of that was required for public art. I am not saying that you introduce that as a requirement, but people can actually see a tangible outcome from a requirement that they presumably have been involved in developing and that is required for all buildings that are created.

Ms Redmond: That happened in Perth.

Mr GRIFFITHS: True. There were certainly some very impressive demonstrations of that that we witnessed, and it was enforced upon me the willingness of the developers to be involved in that because of the benefits that came from it. You are obviously passionate about this and about efforts and wanting to engage the community, and I commend you on that but, starting from the relatively low base that we have, with the frustration of not enough people involved in public policy development, and this is one of their absolute key ones, do you have any form of template that can be rolled out?

I note that is a responsibility of yours to do this. I must admit I thought that it was the commission's responsibility to do it, but it is the minister's responsibility to do so. Are there any draft words or suggestions? Are there any financial commitments to it? At the moment you have said that local government will do it. Are there going to be negotiations to ensure that the resources are there, physically and financially, to get the outcomes?

The Hon. J.R. RAU: It is a very good point. I have to say at the moment we are a little way away from this because we do not have the bill through. But, if we did, what I would be wanting to do would be to seek the views of business and local government. I would look at examples in other cities around Australia and even see if Toronto was prepared to share some of their documentation. Do you remember the harbour authority in Toronto and we spoke to John—I cannot think of his name now. He consults in New South Wales from time to time. They are the sorts of people I would like to bring on board for this process.

Clause passed.

Clause 45.

Mr GRIFFITHS: I have a note on clause 45(1) where it talks about a proposal to prepare or amend the charter may be initiated by the minister or the commission acting on behalf of the minister. As it is your responsibility to do so, is it your direction for this to be undertaken, or will the commission instigate this?

The Hon. J.R. RAU: I think I have the option. What would matter is what I think is the best way of getting it moving. If I thought I had time to do it and I had some really good ideas that were worth pursuing as a starter, maybe I would do it. More than likely, it would be something I would charge the commission with doing.

Mr GRIFFITHS: Can I confirm that, because of the heavy involvement that local government will have in this, they will be part of the discussion about the development of the charter?

The Hon. J.R. RAU: Absolutely.

Ms REDMOND: I am afraid that has prompted a question from me because, as I read subclause (1) of clause 45, it is only going to be initiated by the minister, because it is either the minister or the commission acting on behalf of the minister at the direction or with the approval of the minister. So it is only going to be the minister who really initiates that procedure.

The Hon. J.R. RAU: The commission does the legwork. The minister is just pressing the go button, and this means that the minister has to do this because we must have a charter. There is no way around that.

Mr GRIFFITHS: I note that in subclause (2) it talks about consult with any other entity prescribed in other regulations so, presumably, local government could be included as one of those regulation areas.

Clause passed.

New clause 45A.

The Hon. J.R. RAU: I move:

Amendment No 14 [Planning–1]—

Page 45, after line 27—Insert:

45A—Parliamentary scrutiny

(1) The Minister must, within 28 days after adopting the charter or an amendment to the charter, refer the charter or the amendment (as the case may be) to the ERD Committee.

(2) An instrument referred to the ERD Committee under this section must be accompanied by a report prepared by the Minister that sets out—

(a) in the case of an amendment—the reasons for the amendment; and

(b) information about the consultation that was undertaken in the preparation of the charter or the amendment (as the case may be); and

(c) any other material considered relevant by the Minister; and

(d) any other information or material prescribed by the regulations.

(3) The ERD Committee must, after receiving an instrument under subsection (1)—

(a) in the case of the charter—resolve to suggest amendments to the charter; and

(b) in the case of an amendment to the charter—

(i) resolve that it does not object to the amendment; or

(ii) resolve to suggest amendments to the amendment; or

(iii) resolve to object to the amendment.

(4) Subject to subsection (6), if, at the expiration of 28 days from the day on which the charter or an amendment was referred to the ERD Committee, the ERD Committee has not made a resolution under subsection (3), it will be conclusively presumed that the ERD Committee does not object to the charter or the amendment (as the case may be) and does not propose to suggest any amendments.

(5) Subject to subsection (6), if the period of 28 days referred to in subsection (4) would, but for this subsection, expire in a particular case between 15 December in 1 year and 15 January in the next year (both days inclusive), the period applying for the purposes of subsection (4) will be extended on the basis that any days falling on or between those 2

dates will not be taken into account for the purposes of calculating the period that applies under subsection (4).

(6) If the period applying under subsection (4), including by virtue of subsection (5), would, but for this subsection, expire in a particular case sometime between the day on which the House of Assembly is dissolved for the purposes of a general election and the day on which the ERD Committee is reconstituted at the beginning of the first session of the new Parliament after that election (both days inclusive), the period will be extended by force of this subsection so as to expire 28 days from the day on which the ERD Committee is so reconstituted.

(7) If an amendment is suggested under subsection (3)—

(a) the Minister may proceed to make such an amendment; or

(b) the Minister may report back to the ERD Committee that the Minister is unwilling to make the amendment suggested by the ERD Committee and, in such a case, the ERD Committee may—

(i) in the case that applies under subsection (3)(a)—resolve that it does not object to the charter as originally made, or resolve to object to the charter; and

(ii) in the case that applies under subsection (3)(b)—resolve that it does not object to the amendment as originally made, or resolve to object to the amendment.

(8) If the ERD Committee resolves to object to the charter or an amendment, copies of the charter or the amendment (as the case may be) must be laid before both Houses of Parliament.

(9) If either House of Parliament passes a resolution disallowing the charter or an amendment laid before it under subsection (8), then the charter or the amendment (as the case may be) will cease to have effect (and, in the case of an amendment, the charter will, from that time, apply as if it had not been amended by that amendment).

(10) A resolution is not effective for the purposes of subsection (9) unless passed in pursuance of a notice of motion given within 14 sitting days (which need not fall within the same session of Parliament) after the day on which the relevant instrument was laid before the House.

(11) The preceding subsections do not apply in a particular case if—

(a) the Minister has consulted with the ERD Committee before the charter, or an amendment to the charter, has been finalised; and

(b) the ERD Committee has resolved, on account of that consultation, that the charter or the amendment (as the case may be) need not be referred to the ERD Committee if or when it has been approved by the Minister.

Contrary to some of the naysayers, this is an example of where we are actually engaging with the parliament as well. We are saying, 'Look, parliament, you should have a look at this as well because we want everyone to be involved in this.'

Mr GRIFFITHS: I will seek clarification on the amendment, then. As I understand it, in the committee structure there is the ability for a minority report, because it does talk about requirements for the ERD to suggest amendments.

The Hon. J.R. RAU: We are not giving it to the ERD Committee. We are just giving it an opportunity to be involved in this process, so everything that stands on that committee now in terms of—

Mr Griffiths interjecting:

The Hon. J.R. RAU: Yes.

Mr GRIFFITHS: Subclause 7(b), the first line says 'the Minister may report back to the ERD Committee', not 'must', and 'must' is used in other places. Is there any opportunity for any occurrence if the minister decides not to report back to the committee?

The Hon. J.R. RAU: I think normally these things are put in permissive terms rather than mandatory terms. It is drafting style. These people have a style manual which they use.

Members interjecting:

The CHAIR: Order!

Mr GRIFFITHS: I have a question on (9). It states: 'If either House of Parliament passes a resolution disallowing the charter or an amendment laid before it…' Therefore, can I assume that the charter has a similar effect to a regulation and a disallowance motion on that? If that occurs, does the minister then have the authority to actually reintroduce it the next day?

The Hon. J.R. RAU: A bit like any other regulation, I guess. You go through the same process again, you have to start again.

New clause inserted.

Clause 46.

Ms REDMOND: There is a tiny little thing with the portal, and it is defined, 'The Chief Executive is to establish and maintain a website,' which is going to be called 'the portal.' I wonder how a website is able to maintain anything; I would have thought that was something a person responsible for the portal has to do under subclause (3). But that is just a technical, drafting thing.

My actual question is: what provision is made to accommodate those members of our community who are not familiar with the internet, as the minister is? Those members of the community may be reducing in number but they still exist, and I have an ongoing concern that I regularly have people come into my office who find that they are stopped from participating as full citizens in various aspects of our community because everything is now done online, and if they are not online—or even if they choose not to be—they are denied normal citizens' rights. What arrangements are made to accommodate those who may not be computer literate, for want of a better term?

The Hon. J.R. RAU: I will take that on notice and see what I can find out. I assume it is a matter of sheer practicality in terms of having multiple hardcopy and digital systems operating. This section, in fact, is evidence of the degree to which I have tried to be involved in this personally because originally this was called 'the planning portal', but I said, 'I don't know what that means.' That is why it is now called 'the planning website', and it defines 'portal'. So there you are.

Mr GRIFFITHS: If the name has changed from the SA planning portal, why does subclause (2) say the 'SA planning portal'? Should it not say 'the planning website'?

The Hon. J.R. RAU: It's number 1.

Mr GRIFFITHS: So it is; I apologise. I do have some questions. I totally agree with this idea; I think the provision of information is a key one, but it will come at a cost. In previous answers you have talked about the fact that there are no finances available at the moment, and any implementation costs as they come through for the remainder of this year are part of a Mid-Year Budget Review request between you and the Treasurer to do things. Presumably local government will be heavily involved in this as well, so will there be a cost on the local government sector?

The Hon. J.R. RAU: Again, we will have to work that out. However, further to the member for Heysen's last question, 49 does provide for making other forms information available. So the commission might determine to do a bunch of things to help the visually impaired or other people get hold of information, just to mention that.

I think it is a matter that will have to be worked out. I assume that if the councils are consumers of this service then, like any other consumer, they would be paying some sort of fee for service. However, that is a matter for conversation, I think.

Mr GRIFFITHS: I think 54—

The Hon. J.R. RAU: Yes, 54 talks about fees and charges, but there are considerable benefits and efficiencies for councils as well out of this. It is not like it is all one way.

Mr GRIFFITHS: There are some examples within the government's own electronic rollout of systems; indeed, they have been rather expensive.

The Hon. J.R. RAU: Indeed.

Mr GRIFFITHS: Absolutely. In this case, is there an off-the-shelf version that the government is able to ensure exists or do you have to actually go out and enter into a contract to design a system?

The Hon. J.R. RAU: We are getting into technical stuff, but I am hearing messages to the effect that this is more a matter of allowing existing systems to communicate with each other, as opposed to going out and buying a brand-new something. Technical stuff is not really my long suit, and if we can find any more information for you about that we will do so between the houses.

Mr GRIFFITHS: I know of examples within government departments where $400 million has been spent on technology and that is just it. That is just ridiculous to quote, but it is an example of where things can actually blow out. While we want the information to be available, we also want to ensure that there is some level of equity. You talk about fees and charges later on at clause 54. Is there the potential that on the basis of the costs associated with the implementation there is likely to be an increase in the fees applicable to building applications, for example, to attempt to recover these things, or is the cost of it going to be absorbed from Treasury funds?

The Hon. J.R. RAU: It is too early in the piece to be able to talk in detail about cost, but in general terms it is something like this: there is an establishment cost associated with getting this whole thing up and running. I think the way that is being viewed by all of us at the moment is that that is going to be a one-off initial capital investment by the state in establishing the scheme. Thereafter, there will be ongoing costs to keep the hamsters running around in the wheels, and that will be something that in general terms should be recovered through the provision of the service to individuals, and it would be on a cost recovery basis. But that is early days.

Mr GRIFFITHS: I do respect that it is not an immediate cost either; because of the implementation time lines on this, it is likely to be from the next budget period at best anyway, I presume.

Clause passed.

Clause 47.

Ms REDMOND: I just want to clarify. I think I know what it means, but it is another one of those wonderful wordings, that is, essentially:

> …the SA planning database that produces…textual and spatial information that identifies the planning policies, rules and information that apply to specific places within the State under this Act.

I take it, minister, that what that means is that the intention is to create, through this portal system, an ability for anyone to go into the information online and locate any particular piece of land in the state and be able to identify where it is spatially within the state and what the planning regime is, in detail, that applies to that piece of land. Is that the intention?

The Hon. J.R. RAU: Correct.

Clause passed.

Clause 48 passed.

Clause 49.

Mr GRIFFITHS: I know that I have had questions about the words 'may' or 'must' in the past, but the first line of this clause states that the commission 'may prepare and publish standards'. Why is it 'may'? I would have thought that with standards and the expectation they have they would want to actually publicise that.

The Hon. J.R. RAU: I am advised it is facilitating. It is the style that is picked up. Once upon a time we had to study this thing called Julius v Lord Bishop of Oxford, which said something about 'may means must' or 'must means may'.

Ms Redmond: No, it doesn't.

The Hon. J.R. RAU: Well, it was something like that, 'Can means must', or—

Ms Redmond: No, 'shall'.

The Hon. J.R. RAU: 'Shall means will.' Anyway, it was something like that; I have not read it for a while, but that is what is happening here.

Mr GRIFFITHS: Subclause (6) states, 'The State Records Act 1997 does not apply to or in relation'. What does that mean? Why does the State Records Act not apply?

The Hon. J.R. RAU: I am advised that it is something to do with the fact that these records need to be kept longer than would necessarily be the case if they were just treated as—

Mr Griffiths interjecting:

The Hon. J.R. RAU: It depends on the class of the record, that is the thing. If that is not the full answer about that, we will get back to you between the houses, but that is what I am told.

Mr GRIFFITHS: The requirements for this legislation are in excess of what State Records requirements are?

Clause passed.

Progress reported; committee to sit again.

The DEPUTY SPEAKER: There not being a quorum present, ring the bells.

A quorum having been formed:

FIREARMS BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 September 2015.)

Mr GARDNER (Morialta) (22:32): I am pleased to rise at this late hour to speak on the Firearms Bill 2015.

Members interjecting:

The DEPUTY SPEAKER: Order, please listen to the member for Morialta in silence. Order!

Mr GARDNER: To be clear, when I woke up this morning I had a shave, and now I feel a bit like what Mitch Williams must feel like every morning.

The DEPUTY SPEAKER: Order! Could we please give the courtesy of the chamber to the member for Morialta?

Mr Pederick: Chuck them out!

The DEPUTY SPEAKER: They will all have to go; I am getting out the Speaker's book—that's it.

Mr GARDNER: I thank you for your protection, Deputy Speaker. I know that members are interested in the matters at hand, and of course this is a very significant bill, a very complex bill, a long bill. I note, in brief, that the bill seeks to rewrite the Firearms Act in total. I note that in its endeavours to simplify the bill it must be said that we have taken an 85-page act and replaced it with an 88-page bill. It would be trite to just look at the length, because there are some measures in the bill that will simplify the interpretation of the legislation for legitimate law-abiding firearms owners, although there are other matters that will not. It is something that cannot just be judged by length; we must look at it in total, and we will endeavour to do so.

The six goals of the new legislation that were identified in the minister's second reading, as well as in briefings provided to opposition members by South Australia Police, are to improve public safety and prevent crime, reduce red tape, overcome deficiencies, facilitate a nationally consistent approach to firearm control, increase functionality of the act and to modernise the act. In setting out the opposition's point of view on this—

Members interjecting:

The DEPUTY SPEAKER: Order! We can hear you over here. Please lower your voices.

Mr GARDNER: I will endeavour to set out the opposition's point of view in broad terms first, and provide some context in which the bill and its provisions have arisen. I will start by going through a general description of the measures contained in the bill, and then move to focus on some of the major points of concern that have been raised by stakeholders, a broad range of stakeholders coming at it from a range of different perspectives on the bill, and go through some of those points, and then conclude with a detailed summation of the clauses. I am not a prolix speaker as a general rule. I will endeavour to be concise, but it is a complex matter, and we have had an enormous amount of interest from a wide range of stakeholders, and it would be remiss not to put that range of points of view on the public record in this forum.

To a point, the opposition agrees with the purposes of the bill. The six goals of the new legislation are laudable. Improved public safety is important, firearms are potentially dangerous implements, obviously, and that is why we have regulation around their use, but a key point the government seeks to put forward in their goals for the bill is, in fact, to reduce red tape, increase functionality of the act, and of course those are matters that will be welcome to all law-abiding firearms owners and I know are welcome to them.

In putting the bill together, the minister had a round table with a range of stakeholders, who had a number meetings during the period from September last year to August this year. Many of them spent many hours at those meetings and many more hours preparing comments, thoughts and their views, and in consulting with members of their relevant organisations. An enormous body of work has gone into this document by an enormous number of people, both within South Australia Police and the stakeholder groups. Since the release of the draft bill and, indeed, the tabling of the bill in the house, an enormous extra body of work has been done not only by those stakeholders who are already involved but also by a number of others who have done us the great courtesy of providing us with their point of view.

We are not 100 per cent sure that the government has achieved all it has set out to do in their six purposes. However, the opposition will endeavour to work with the government and other parties in the other place to improve the bill such that it does meet the goals the government has set out: that it will improve public safety and prevent crime, reduce red tape, overcome legislative deficiencies, facilitate that nationally consistent approach, increase its functionality, and modernise the legislation.

In particular, as I have said, we will endeavour to ensure that we will improve that public safety while endeavouring to ensure that law-abiding firearm owners are not unduly penalised or persecuted for carrying on their legitimate activities and interests. We will raise issues where we have concerns that the bill has unintended consequences, we will suggest amendments that we believe may address some of these matters, but we will also listen to the government's responses and, in some cases, I imagine that we will be open to compromise. It is a complex piece of legislation, and we will be endeavouring, through the facilities of both the House of Assembly and the Legislative Council, to come to the best outcome.

Some amendments I can flag with the government that we will be moving in this chamber. I believe that that list has been circulated. There are a couple on the list that we have identified deficiencies with and will not be proceeding with. There are other amendments that I imagine will come out of questions that are asked in the committee stage and potentially be put to the Legislative Council, and the opposition obviously retains the right to move some extra amendments in the Legislative Council that arise out of matters that are explored in the committee stage, where a compelling case is put or where a compelling case is put between the houses.

To be clear, it is important that this bill improves public safety. We will not be seeking to scale back public safety measures which are already in place and which already exist as a result of the current act. However, when it comes to new measures being sought in this bill we prefer, first, measures to be clear in the act rather than in regulations and, for those measures where that is not possible, as a general rule we prefer new measures to be in the regulations rather than left to the discretion of a decision-maker, as a point of principle. However, as I say, we are not seeking to scale back measures for public safety that are already in the existing act.

By the same measure, where there are protections, particularly for citizens in place that have been actively put in place by previous parliaments—and I am particularly thinking of the general

defence here—rather than just accidentally turn up as legislative loopholes that have been exploited by lawyers, we will endeavour to keep them in place. I identify that reintroducing the general defence that exists in the current act, for example, into this new act is one of the amendments that we will seek to do. I will talk a little bit more about that in the course of debate.

As to the context—and I just touched on this briefly before—when the current Firearms Act was introduced in 1977, it ran to fewer than 20 pages. In fact, it comprised 19 pages as it was amended in 1991. It was introduced in 1977 and, as it was amended in 1991, it comprised 19 pages. It has expanded to 85 pages and the new bill expands it to 88. This is, as I say, complex, but there are reasons why these things have happened.

The bill has been amended with, I think, some 11 packages of significant amendments over that course of time. All of those amendments have sought to achieve certain public policy aims and certain public policy goals. The purpose of those amendments has been to achieve those goals, such as after the 1996 National Firearms Agreement, which put in place a very broad range of measures, and so our act was amended and so on over the years. At none of those points has there been a suggestion that we stop and contemplate the act as a whole and make it something that is easy or understandable for a non-lawyer, shall we say, to read and interpret and have a credible chance of understanding.

When it comes to an act such as this, where there are so many powers that impact on the legitimate activities of law-abiding firearms owners, for example, or members of the general public, or people who live in the same premises as firearms owners, I think there is a level of ambiguity. I think it is important that people be able to understand the law that applies to them. That is why there is a significant benefit in having an act that is rewritten in its totality with that view. That is why the opposition supports that. Indeed, we indicated before the election that we supported a review of the Firearms Act to see if it could be rewritten in a way that was more understandable and clearer, just as the government did, and this was the purpose of the government.

At the moment, as a result of those 11 changes, the act is ambiguous and complex; it is often difficult to understand, follow and administer; it is deficient and it is antiquated. I think it would be fair to say that all parties that were participating in the stakeholder round tables that the minister organised would broadly agree with that point of view, although it should be noted that consensus on the range of measures that will be necessary to be included in the new act was not achieved.

Many of the details relating to aspects of the act will, of course, be contained in the regulations, perhaps more than the opposition would ideally like to see. As I said, we would like to see things in the act, where possible, but there are places where it is, of course, appropriate that those things be in the regulations. We will see with the amendments where we end up and exactly how much is in the act and how much is in the regulations, but I imagine that most of those things that are currently in regulations will continue to be but, hopefully, it will be in a way that will make sense on a reading of the act.

I note that the minister has announced that a working group to draft the regulations will again include representatives from a range of groups, and it will be chaired by former premier Rob Kerin. I believe that those working groups will seek to do their work over the summer and be ready by early autumn for the act to take effect from 1 July 2016.

I note that, for the sake of completing context, there are 65,473 South Australians holding firearms licences as at September (when I suspect this document was prepared) and there are 309,209 registered firearms in South Australia. I put those figures on the record to identify the impact that the bill we are debating is going to have, and the range of numbers of South Australians upon whom it will impact. Some of the measures have a fairly significant impact, and it is on that basis that we should understand the gravity of some of the measures that are sought to be put in place.

As for a general description of the bill and its measures, I note the minister provided a level of detail in the second reading speech, which is perhaps worth adding a little to. I start by talking about those six goals that he has identified and talk about some of the measures within each of those first. In terms of improving public safety and preventing crime, one of the impacts of the bill is that it creates a regulatory power for the introduction of what is called a security code of practice around storage of firearms and the security required. This is obviously to be identified in the regulations. The

security code of practice will be introduced in the regulations and, obviously, the stakeholders and the working groups with Rob Kerin will put these together. We hope that it will be a very positive one that everyone can agree on.

The broad push of the government which the opposition is comfortable with is that security required will reflect the level of risk involved. More guns will need a higher level of security. In relation to public safety notices, which are to be available under the bill to a senior police officer who can serve it on the owner or occupier of a regulated premises (such as a dealership for firearms or firearm range) that will require them to take certain action in relation to whatever the public safety concern is. This may include taking action in relation to certain activities, or closing the premises, or possibly producing items for inspection. A public safety notice may remain in force for up to 72 hours.

In relation to firearms prohibition orders, the registrar may issue a firearms prohibition order against members of criminal organisations or against people who are subject to a control order under the Serious and Organised Crime (Control) Act. Police officers will be permitted to require of a person suspected of being issued with a firearms prohibition order that they provide identifying information about themselves or people with whom they reside and to provide written notice within seven days of a change of address. These endeavours to stamp out bikie gangs and the dreadful criminal activities that they perpetrate are of course important work in protecting the community.

In relation to self-audits, licensed firearm owners or dealers may be required to undertake a self-audit of firearms in their possession at the time of renewing their licence. We will probably get into that a little bit more in the committee stage, but I identify that the purpose obviously is to ensure that, where firearms are missing or stolen, the police are apprised of that, if somehow they were not, so that people have to take responsibility for identifying what they have in their possession. I think some 250 to 300 firearms were stolen—I will just get the exact number.

Mr van Holst Pellekaan: 230 to 250.

Mr GARDNER: There are 230 to 250 firearms stolen each and every year, and that is obviously of some concern. In relation to guns and drugs, under the act there is an aggravated offence for unlicensed possession of a firearm if an unlicensed person commits a drug-related crime. Specific offences against the Controlled Substances Act that would lead to the aggravation will be prescribed by regulation but, in very broad terms, I think it could be characterised as particularly seeking to target criminals using firearms to protect cannabis crops, for example.

In relation to employees of dealers, there will be some disqualifying offences that will render someone unable to be a dealer if they have been convicted of those offences in the last five years. Offences will include indictable offences, offences against the Firearms Act, and other offences may be prescribed by regulations. The registrar will also be given powers to investigate matters relating to whether someone is a fit and proper person to have a firearms licence.

On that matter, I will have a bit more to say because I am not entirely sure that what sounds like a benign sentence is in fact one when one looks at the legislation in practice. The opposition will be opposing clause 54 in the bill. I will talk a bit more about why later but, in short, I think that there are significant powers already existing. Certainly, to have powers available to impose some intrusion on a legitimate, law-abiding, firearm-owning individual when there is no criminal intent established or even suspected, necessarily, is extraordinary.

In relation to red tape reduction, firstly in relation to sound moderators, or silencers as they are more often known, silencers are currently banned outright but, in circumstances where shooters are culling animals close to built environments, for example, I believe that there is some suggestion from the briefings that there may be appropriate circumstances for some silencers to be authorised in some circumstances. We believe that where there are circumstances when that might be appropriate—for example, in relation to the culling of feral pests—there is opportunity for an amendment that will improve the bill, and I will touch on that later.

There is a broader permit scheme introduced in the bill, with new permits to be introduced for foreign firearms dealers, foreign theatrical armourers, to make it easier for people to participate in arms fairs and film, television and theatrical productions. There are to be non-specific permits to acquire firearms. Permits to acquire firearms will become generic, not requiring the specific serial number of the proposed firearm to be acquired to be on the permit, as is currently required. This is

an intensely sensible move by the government and I think it will be welcome to many people and I am pleased to see it in there.

The class D and H licence terms will be extended to three years (I think it is one at the moment). When the police have the IT systems that we are very much looking forward to the government delivering for them in, I suppose, the rollout of Project Shield, which we will see over the next five years, I hope firearms will get their software and hardware that will mean that they too can have a late 20th century computer system, rather than a mid-20th century paper-based system. That will make their lives easier and the lives of those seeking to have their licences easier. When that happens my understanding is that those licence terms will be extended to five years.

I believe those IT systems are expected in the next two years. We will be keeping an eye on the government for them. I hope they do roll this out because it is quite important, both from the perspective of reducing red tape for legitimate firearms owners but also from the perspective of ensuring public safety. The thing about the Project Shield computer system is that if somebody does commit an offence, that feeds into the system and then that will immediately be linked to the identification on their licence, so things can be updated in real time. That is why you can have a longer licence term because if there is a problem it can be identified immediately and dealt with.

In overcoming legislative deficiencies, which is the term identified, there are some matters in relation to vicarious liability. It was described in the second reading explanation as:

> Inserting vicarious liability provisions which state that company directors and nominees are guilty of offences committed by a company unless proved that the director or nominee could not have reasonably prevented the commission of the principle offence by the company.

I will identify that I suspect we will have some conversation and questions about that in the committee stage to determine what that impact will mean.

In relation to deactivated firearms, currently no registration is needed. It has been argued that the public safety concerns of having no register of deactivated firearms was demonstrated by the case in Queensland where 4,000 deactivated firearms, or so-called deactivated firearms, were reactivated and circulated amongst criminal organisations. The government further argues that South Australia and Western Australia are the only two states where deactivated firearms do not fall within the definition of firearm. This bill requires that deactivated firearms, therefore, be registered. There is to be, I think, a deactivated firearms category of licence.

There are a lot of people in the community who have deactivated firearms who currently do not have a firearms licence. They have never needed one, their firearm is deactivated, whether it be a souvenir of war or a family heirloom. This will have an impact on people. The government has advised that no cost is to apply to the registration if done within the first 12 months of the operation of the new act and that that first registration may be for several years, but after that period it will attract a registration fee or a renewal fee and, obviously, they have to have that licence.

We will be exploring this in the committee stage. We will, potentially, be moving an amendment that will reduce the burden on the owners of deactivated firearms. It is my point of view, and I will get into this a bit further later, but it is the opposition's point of view that these people have done nothing wrong and are doing nothing wrong and that if they have to go to the trouble and expense of registering their heirloom, or indeed it could be an RSL club or a museum that are often holding these items, then that is an imposition by government and it is unclear that there is any public safety benefit, given that if it is a genuinely deactivated firearm then it should pose no further threat.

We will be expecting that if we are supporting the creation of the register, because we do not want to see an outcome like in Queensland, then the burden of compliance must be as minimal as humanly possible on those people, many of them elderly, who are holding those deactivated firearms. I would imagine that if, for example, there is a register of the firearms where somebody has their firearm taken in once and it is certified by police to be a deactivated firearm, I have every faith in our police that they would not give that certification as the firearm is a deactivated firearm, unless it is incapable of being reactivated. We will be introducing an amendment to specifically prohibit the charging of a fee for the registration or licence for the deactivated firearms. I hope the government will consider that.

In relation to regulated imitation firearms, again I will refer to the minister's second reading. The bill will be remodelling the Firearms Regulations to provide clarity regarding the types of imitation firearms falling within the definition of regulated imitation firearms and how those firearms relate to or differ from children's toys and novelty items. I imagine we will get to that in the committee too, but I make the point that this is one where I suspect the work that is done on the regulations will determine its effectiveness or its intrusiveness, so I urge the government to be very careful about the way that those regulations are to be promulgated. I can imagine circumstances where it could be very easily argued that something sounds good on paper but in reality is a bit of a nonsense. I do not think that is what the government is trying to achieve but care will need to be taken.

In relation to transportation, and I think this goes along with the security codes of practice, but there will be a code of practice that will also be in relation to the transportation of firearms and, in fact, the focus will be on reasonable precautions being taken and that will be in the regulations as well. The intent of the government is to make that more easily understood by everybody and where reasonable behaviour takes place, reasonable precautions take place, then people's lives will not be badly impacted, and again public safety will be served better than the current regulations.

Finally in relation to overcoming legislative deficiencies, and I think this would fall into the category of a loophole, prescribed firearms will be excluded from the definition of hand guns, so sawn down long arms will be specifically defined as prescribed firearms and not as hand guns. In relation to the national approach to firearm control, I think there are a couple of aspects that are left over from the 1994 National Firearms Agreement that had never been implemented in South Australia and they are in relation to a genuine reason being required to acquire a firearms licence and a genuine reason and need to acquire a firearm other than a category A firearm.

Again, this is one where I suspect on the face of it it sounds like one thing but we will have to get down to the detail in the committee, and I know a number of members are going to be interested in those matters. There is also to be an information exchange provided for. New provisions in the bill will enable the maintenance and interstate transmission of data between jurisdictions. For increased functionality of the act, to make it simpler there will be a list of disqualifying offences in the regulations relating to firearms licence applications. There will be an ongoing general amnesty from 1 July 2016 for someone who has unauthorised access to a firearm to be able to hand it in at a police station. I note that the government has already announced an amnesty that will operate until 1 July 2016, so in effect this provision is in place from now and publicity has—

The Hon. A. Piccolo interjecting:

Mr GARDNER: From 1 December—and publicity has started so that from 1 December people will be encouraged to undertake this. Its legal application from 1 July next year is a bit different but this is a measure that the opposition thoroughly supports and I think it is going to be quite sensible. There is a general exemption from any provision of the act described in the second reading as:

> Enabling the Registrar to exempt a person from a provision of the Act creating significant administrative flexibility of the legislative scheme.

The act is being modernised in several ways. There are three new additional licence categories to be introduced in the regulations, they being: professional shooter, commercial range and shooting gallery. This will replace the current method for such applicants who are currently listed as, 'approved by Registrar'. I note that this one area where I suppose the government has taken on board the philosophical motives that are always put forward by the Liberal Party to put things in the act where possible so that it can be clear and well understood—rather in the regulations than by the decision-maker.

Service of notices by fax and email is to become available as an opt-in system. People are still entitled to receive notice by mail if they prefer. A note for those who do opt in, though, is that service is deemed to have been received once it has been sent by the registrar, so it is important that people bear that in mind. However, I think that is a similar provision to those that appear in any act that deals with a service by email and fax.

I am slightly amused that, at a time when I think half the electorate offices in South Australia and certainly many commercial enterprises in South Australia are getting rid of their fax machines,

we are modernising the act to allow service by fax but, as I say, sometimes things move slowly, but at least email is still a communications tool that many people will be using for some time to come.

In relation to expiable offences, expiation notices are to be introduced for minor breaches of regulations. I think it is important to note that the government officers in the briefing assured the opposition that these would never be disqualifying offences, so somebody who takes the opportunity to do the expiation rather than defending themselves in court, is never going to be incentivised in that way to do something that inadvertently disqualifies them from a licence.

It is important from their point of view and obviously it is important from the public safety point of view that we are not offering expiable offences for something that would be so serious as we would want to have them disqualified. That is just plain, sensible legislation and I think it would be welcomed by many law-abiding firearms owners. I certainly get the impression from the briefings that it would be welcomed by police, who will be able to deal with those minor breaches much more easily.

While not separately referenced in the minister's second reading explanation, the briefing provided to the opposition specifically identified a number of areas of red tape production that were applicable specifically to farmers, and referenced a number of issues that had been raised in this context. In particular the opportunity for appropriately licensed farm employees to access a farm safe for joint storage of firearms and for the relaxed regulation of the transportation of loaded firearms when driving between paddocks will, I think, be seen as positive steps by a number of people.

I turn now to some of the other issues that have been raised by stakeholders. I will endeavour not to repeat myself too much but we will see how we go; it is most easily done by going through the bill itself. Starting pretty much at the beginning, in relation to the principles and objects of the act, these are new, and by and large I imagine they are a statement of intent as to how the government wishes the act to be presented.

Having said that there are six main goals sought to be achieved through the introduction of the act, and in particular those four reasons for it that we started with—that the act is ambiguous and complex; difficult to understand, follow and administer; deficient; and antiquated—clearly, not without some reason, the focus of the principles and objects is to show an interest in public safety.

We are all interested in public safety, there is no question about that. But, at the same time, we are also talking about the legitimate activities and interests of over 60,000 South Australians. To be clear, we have an understanding that it is utterly legitimate—it is necessary, I imagine—for most farmers to have firearms on their properties. It would be a cruelty, when you are dealing with a number of animals, not to have the capacity to euthanise with a firearm.

I think that it is also worth stating that sporting shooters are pursuing an entirely legitimate sporting recreational activity. Everyone is happy to celebrate gold medals won at the Olympics by sporting shooters. The correlation of sporting shooters and people with a legitimate firearms interest and crime is very low. They are not people who are by and large undertaking criminal activities.

Public safety needs to be targeted very much at the criminal elements in society. What they can do with firearms is terrible. We need to be focused on achieving that; therefore, the principles and objects of the act should reflect that balance. We believe that improvements are going to be needed.

I will talk about our amendments as I go through my second reading speech, because the casual reader of *Hansard* who reads a range of bills would know that doing so saves time in the long run because it means I do not have to repeat myself every time we get to the amendments and the third reading. Also, it will enable the government to provide some response in the second reading. For those who are contemplating the debate, they may save themselves some time by just focusing on the second reading speech. Our first amendment is to clause 3(a), which currently reads:

> (a) to confirm firearm possession and use as a privilege that is conditional on the overriding need to ensure public safety;

The opposition's view is that a form of words that would more accurately represent the position of the parliament and the balance that I have just described would be to instead have a line that says:

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

Privilege is a word that is described in many different ways, and it has a number of different meanings. We recognise that the case law currently identifies that 'privilege' is potentially a suitable word for firearms ownership, in the same way that privilege could be a word that is suitable for being able to hold a driver's licence, but nobody is putting into the road rules in the objects of the act the first thing that it is in fact a privilege. It is this emphasis that I think means that many law-abiding firearms owners have found that they are treated somehow differently, as if they are doing something wrong.

It is not just in relation to the word privilege, it is based on a total reading of the principles and objects that identify that, but I would identify the Law Society's comments on the use of the word 'privilege'. I am quoting from the Law Society's President, Rocco Perrotta, who writes:

> The prime difficulty is that the word 'privilege' has quite a number of meanings, and so including it in the Bill is likely to lead to confusion, rather than clarity. Ownership of a firearm often meets a sentimental reason, such as the desire to keep a gun once used by a forebear. Further, some people require use of a firearm as a work tool—e.g. vermin hunters, farmers, vets, and knackers (viz. those who take and process injured livestock). It is difficult to see this falling within the definition of 'privilege'.
>
> It may be better to emphasise the serious responsibility invested in persons who possess and use firearms.

I note that, in terms of the legal application of the bill, this is unlikely to change the application of the law, and I think that the government's argument would be the same. The question is whether or not it is appropriate to include something whose impact is largely divisive, rather than something that brings people together and makes them feel like this is an act that appropriately applies to them and that they wish to be a part of. So I encourage the government to contemplate that seriously. As I do our second amendment which goes to the first object of the act which identifies:

> (a) to prohibit the possession and use of all automatic and self-loading firearms except in strictly limited circumstances;

To which the opposition proposes in our amendment listed No. 2:

> (a) to ensure that the possession and use of automatic and self-loading firearms is permitted only in strictly limited circumstances;

Again, the same legal application, but when a farmer, or one of these other people undertaking legal professions—important professions, professions without which none of us could live, frankly—looks at this act that applies to them and in the very first object sees themselves as being an exception to a prohibition, it is not a message that encourages them to be supportive of the outcomes of the act. We encourage the government to take a look at that amendment and I hope that they will support it.

The third one in relation to the principles and objects of the act is in relation to subclause 2(f) which currently reads:

> (f) to prevent or restrict criminal persons or organisations from accessing, possessing or using firearms for criminal purposes;

If this is an intentional doubling up of the word 'criminal', then I would question again whether it is something that is designed to make people feel like this act applies to them, but I would make the point, perhaps grammatically, that I am certain the Speaker would agree with, that repetition and tautology in this way is utterly unnecessary. The act should, in fact, as the Law Society points out, apply to all persons, and if somebody is undertaking criminal activity that also makes them a criminal person, so the use of the first 'criminal' before persons should be removed, and that is our third amendment.

In relation to the definitions, the interpretations in clause 4, there have been an enormous amount of suggestions from stakeholder groups. I do not intend to traverse each and every one. There will be some questions at the committee stage certainly. We have a couple of amendments that I think improve the general meaning of things, but I think 'identifiable' is the problem. We would welcome the minister's reflection on some of these matters.

When one is reading a bill and you are looking at the interpretation phase, it is normal in legislation for interpretations to provide clarity. It is a legal definition to something that is also otherwise understood, but legal clarity in the circumstances as it applies in the bill. What interpretations should not do is describe things under definitions that are not also available in

common English. I will use an example where we have amendments listed and that is in relation to ammunition, where there have been some changes since the draft bill, which I welcome. Ammunition is identified under clause 4 of the interpretation and it has four inclusions and five exclusions. The inclusions are:

> Ammunition means ammunition suitable for use in a firearm, and includes—
>
> (a) an article consisting of a cartridge case fitted with a live primer and a projectile; and
>
> (b) an article consisting of a cartridge case fitted with a live primer and containing a propelling charge and a projectile; and
>
> (c) live primers, propellants and blank cartridges; and
>
> (d) an article of a kind declared by the regulations to be ammunition,

It does not include inert blank cartridges, inert drill rounds and so forth. The problem is that not all of those things are ammunition. Live primers and propellants, for example, in and of themselves are components in ammunition, to be sure, but they do not comprise ammunition by themselves. Consequently, when it comes to live primers and propellants, the opposition will be seeking to amend that.

We will see what impact that has if the government opposes it. We will contemplate the impact that is going to have on both law enforcement and the everyday lives of those who may hold these items, but I think that, as a general point of principle, it is useful for legislation, and interpretations of the same, to actually reflect the standard use of the English language. There are a number of items, technical in detail, in the definitions that are worthy of consideration and we may look at some others between the houses along those lines.

Further in relation to ammunition, there is one other small amendment that the opposition will be moving in relation to (g), which is the exclusion: 'snap caps or other item designed to fit in the breech for the purpose of preventing damage to the firing pin'. We identify that 'or the chamber' should be added to improve the meaning.

Clause 5 deals with categories and types of firearms, and many of those are reflective of the current arrangements and the opposition, obviously, will be going along with where the current arrangements are reflected, but we would suggest one improvement in relation to definitions of category B firearms, and this will be amendment No. 6 in relation to clause 5, page 12, line 19, subclause (1)(b)(iv). It currently refers to 'double barrel centre fire rifles' that are not designed to hold additional rounds in a magazine as a category B firearm.

The problem is that there are, in fact, other firearms, such as triple-barrelled centrefire rifles, that are not designed to hold additional rounds in a magazine that there are a number of in the community. Some of them are collectors' items but, certainly, some of them have been in use. The opposition will be suggesting that, to ensure that such items are not excluded from the category B firearms and are included in category B firearms instead, that we just replace the word 'double' with 'multiple'.

Amendment No. 7 of the opposition, which also deletes 'double' and substitutes 'multiple', listed on the next page we are withdrawing, and I believe the government will be contemplating an improved form of words for that as well.

In relation to the fit and proper person test, which is clause 7, this is one where a range of stakeholders and members of the community have had some concerns as to how this appears in the act, but I identify that the provisions contained herein are largely the same as currently exist in the act. However, I do bring to the attention of the house that this is a broad set of purposes available to the registrar to judge whether somebody is a fit and proper person. I particularly draw attention to the fact that regard may be had to the reputation, honesty and integrity of the person, close associates of the person and any people with whom the person associates. Subclause (5) says:

> A person may be taken not to be a fit and proper person for a purpose under this Act if the person has made a threat of violence, or stated the intention, or sought, to acquire or use a prescribed firearm or any firearm for an unauthorised purpose.

That one is significant because it does not actually require a finding of fact in a court before someone can be considered by the registrar not to be a fit and proper person.

At this stage we not proposing any changes to clause 7; however, I particularly draw attention to this because it impacts on two other amendments that we will be moving later down the track. They are, first, in relation to matters that are reviewable by the South Australian Civil and Administrative Tribunal and the powers that SACAT will have to review it. The opposition contends that when SACAT does review something it should be a full merit-based review where SACAT substitutes itself as the decision maker so that it can ensure that natural justice and procedural fairness are in place and that the categories in the fit and proper person test are not overreached.

Secondly, in relation to clause 54, which gives the registrar those extraordinary and unusual powers I identified before, I think the breadth of the fit and proper person test that already exists under the registrar's discretion surely means that if there is any suspicion of criminal intent or, here, as I say we do not even need a finding of fact, we just need the registrar to decide that a 'person has made a threat of violence, or stated the intention, or sought to acquire or use a prescribed firearm…for an unauthorised purpose,' it is my view, and the opposition's view, that that flexibility renders the government's intended clause 54 utterly irrelevant, utterly unnecessary for the purpose of what it seeks to achieve. If there is a concern the registrar now has that capacity under clause 7.

There is an amendment we are moving to clause 8 which deals with the application of the act. Throughout the act there are restrictions and special treatments of minors. Junior shooters and shooters from the age of 14 to 18, under the supervision prescribed, have a certain capacity, and shooters from the age of 10 to 14 have the capacity to use category A firearms. That may surprise people who are not familiar with firearms, but I encourage them to read the definition of a category A firearm before they get too concerned; we are talking about air guns, paintball firearms and the like.

All of that is well and good. The issue we have is that the bill elsewhere has identified the rules for 10 to 14 year olds, and clause 8(g) then sets the age of 12, not 10. Given that I do not believe that is the government's intent, the opposition will seek to amend that to provide consistency throughout the bill.

There will be some questions, I let the minister know, about matters in clause 9 and, in particular in clause 9(7), which deals with an aggravated offence if it has been proved that the firearm to which the offence relates was 'in the immediate vicinity of ammunition suitable for use in the firearm'. I think we want a little bit more clarity on the meaning of 'immediate vicinity', and perhaps the minister might like to touch on that in his second reading response. That may well assist.

As I have identified, employment of persons by licensed dealers is clause 11. There are extensions in the licence categories in clause 12, and the opposition has an amendment to clause 12(5), which provides that a firearms licence may, if the registrar so determines, indicate the purpose for which a firearm may be possessed under the licence, and indicate that firearms may be possessed under the licence by specifying on the licence document the particular category of firearms. This is another new insertion of the registrar into something that can be quite adequately dealt with under the regulations, so the opposition will be endeavouring to remove the words 'if the registrar so determines' with amendment No. 9. Frankly, they are superfluous.

In relation to the next clause, clause 15, which is on the granting of licences, the opposition's view is that, where an application for a licence is to be refused, it is only fair that the applicant have, within a reasonable time frame, information from the registrar as to that refusal and why. Consequently, clause 15(6) currently states:

> If the Registrar refuses an application for renewal of a firearms licence, the Registrar must, by written notice served personally or by registered post on the licensee, notify the licensee of the refusal.

The opposition will be seeking to add the terms, 'within 28 days of the decision to refuse the application'. I neglected to mention before that the minister, his staff and the senior police who provided briefings to the opposition and other members did so readily on numerous occasions. I think we had four or five lengthy briefings over the course of several months; maybe one of them was for less than two hours. I appreciated the time that they provided, as I have appreciated the time of all

those stakeholders (whom I will touch on a bit later), who also gave freely of their time to the opposition to assist our understanding of the bill.

For the record, I am not a licensed firearm owner. In my entire life I have shot five bullets from a gun. All of them were at the police academy under the instruction of the fellow who instructs the police cadets. I have come to an understanding of some of these matters in much greater detail in the last two months than in the rest of my life put together, and I am grateful for that.

In that briefing, the question was asked whether written notice within 28 days of the decision to refuse the application was a credible time. The police insisted it was, and I identified that, of course, if there was ever a problem with the backup of paperwork, then we would be keeping an eye on the government and encouraging them to provide the necessary resources to the firearms branch to help keep that under control. I indicate to the police officers, as they would know, that they can always come to the opposition when there are problems with what the government provides and let us know about those details. We would be pleased to have a chat.

The next significant matter in the bill is in relation to clause 20—Variation, cancellation and suspension of licences. We will talk a little bit perhaps in committee. I had hoped that we might have been able to do something about the section where the registrar might be able to suspend the licence of somebody, if perhaps they are being investigated for a matter, because it is an open-ended time period.

I note, of course, that as a result of the Attorney-General's abject failure to deal in a reasonable way with our court system over the last 13 years, and the extraordinary problems created by the lack of courtrooms and the government's failure to deliver a new court precinct, a huge number of court cases take a lot longer than you would hope they would. The opposition is determined not to seek the initial time-limiting amendment that we were going to in relation to allowing the registrar to suspend licence pending investigations of that nature, because frankly, with so many of these cases taking more than six months just to get through the court system, I think that it would provide a disincentive for the registrar to use that provision. The registrar might have an incentive to try to use a more heavy-handed provision that might remove somebody's licence rather than suspending. I note that that is something that impacts on people's lives, not as a result of things being done by this minister but by the failings of another minister in this place.

The next measures deal with trafficking of firearms, which of course is a grievous and serious offence, and one where the opposition has agreed with the government in recent weeks on highlighting the grievousness of the offences, especially when you have extraordinary negative consequences, such as in the Humbles case and the death of Lewis McPherson. The opposition stands with the government on matters to do with the trafficking of firearms.

In relation to that matter, which was dealt with in another bill but is relevant to the trafficking clause in this one, I note that from some of the correspondence we received and a number of the conversations I have had with law-abiding firearms owners in the community there is a suggestion amongst some that somebody who sells a gun to somebody that is then later used in the crime might become liable to the sentence for that crime. It is important to understand, and I reiterate to the casual reader of *Hansard* and anybody who is dealing with their constituents, that that is just not the case.

If you sell a gun lawfully, then you sell a gun lawfully. If you traffic a gun, that means that you are selling a gun to somebody who does not have a licence, or you are selling an illegal weapon. That in itself is a very serious offence; I think, depending on the nature of the trafficking, that we are talking about 15 or 20-year sentences for that offence alone. If that gun is then used in a crime, such as in the shocking and dreadful case resulting in the death of Lewis McPherson, then you are liable, if you have trafficked that gun, but if you have been a legitimate actor in the transfer of a weapon, then you will never be caught by those provisions because you have not trafficked a firearm. It is important that members of the community be assured that is the case.

Clause 31 deals with of acquisition and possession of ammunition. The opposition seeks to introduce some clarity here. It is it largely a clear clause, but I note that the only references in the existing clause to minors are at subclauses (10) and (11). They are currently say:

> (10) Despite anything in this section, a person aged under 18 years must not purchase or own ammunition.

It then gives a penalty. Subclause (11) states:

(11) A person who sells ammunition to a person under 18 years is guilty of an offence.

Subclause (12) identifies a penalty for that as well. They are the only references specifically to minors in clause 31.

A casual reader of the bill, who does not notice a couple of other clauses, might think that that means that a minor is excluded from being able to go to a shooting range or a gun club and be provided with ammunition. Through discussions with the drafters of the legislation, it is clear that that is not the intent and it is not the application either. I draw members' attention in particular to clause 31(2)(b), which provides that this subclause does not apply to the acquisition of ammunition by a member of a shooting club from the club. I believe that their understanding is that that includes minors when they are members of a club, or (c):

(c) the acquisition of ammunition from a shooting club by a visitor to the club...

That also can include minors, who are therefore entitled to be supplied with ammunition, so long as it is to be used at the time, and the offence is for a minor to own or be sold ammunition because minors are not supposed to. They can be supplied with ammunition for use at the range.

Further, I would draw the attention of anybody who is concerned about this area to clause 8(g), which deals with junior shooters on the grounds of a shooting club. To be very clear, clause 8(2) says:

(2) Subject to subsection (3), this Act does not apply to...

(g) (junior shooters on grounds of shooting club)…

It talks about how, if the person is a member of that shooting club and 'under the continuous supervision of, a recognised coach who holds a firearms licence authorising the possession of the firearm for the purposes for the purpose for which it is being used' then they are fine.

However, for the casual reader of the bill it is not clear, so the opposition is moving amendments Nos 12, 13 and 14 to seek to provide that clarity. I hope that the government will support them because, in providing that clarity, I think that will provide a lot of comfort to people who might otherwise be concerned. The amendments will not change the government's legislative intent but will clarify it. In all of them, we are seeking to add after clauses 31(2)(a), 31(2)(b) and 31(2)(c) a line that says, 'Including subject to subsection (10) where that visitor is under the age of 18 years', making it very clear that junior shooters are not going to be impacted here.

In relation to clause 32, which has to do with permits to possess ammunition, there is, it would seem, a new power being given to the registrar over and above what currently exists under the act. I identify it to the minister. He can deal with it in the second reading response or we can deal with it in the committee stage. Clause 32(8)(b), reads:

A permit to possess ammunition is subject to—

(a) any limitations or conditions prescribed by the regulations; and

(b) any limitations or conditions imposed by the Registrar.

Given that (a) is a regulation-making power and that (b) gives further power on top of the regulation-making power to the decision-maker himself, I invite the minister to comment in the second reading response or, indeed, in the committee stage on what impact it would have if (b) was not there and we dealt with this by regulation because, as I have said, it is a legislative tool and generally we prefer to have things clear in the regulations so that they can be understood by everyone rather than just looking at a decision-maker. That said, I do not intend to move any amendments on this matter. I am interested, however, for the sake of clarity, in a better understanding for the parliament of the importance, as the government sees it, of clause 32(8)(b).

Moving on (and we are more than halfway through the bill), clause 39 deals with the possession of sound moderators and certain parts of firearms. Sound moderators have been identified, as I said earlier, for the culling of pests in built-up urban areas. I think it would be useful, and the opposition thinks it would be useful, to clarify that through an explicit mention in the bill. We

have suggested amendments, and I look forward to the government's consideration of the same, and amendment No. 16 is to that end.

If amendment No. 16 is successful, we are also looking at section 18, which would include the explicit description of culling feral pests as one of those matters that can be reviewable by SACAT. I identify that, if the amendment is not successful, we will not be pursing amendment No. 18 because, frankly, I am concerned that, unless amendment No. 16 is successful in providing that specific reference to culling feral pests as being the purpose of the sound moderator, I think that amendment No. 18 would invite far too many claims upon the time of SACAT with no obvious benefit.

Moving further on to clause 47, which deals with the review by the tribunal, the opposition's view is that those decisions that are reviewable by the tribunal should be somewhat expanded. I would like to see that expanded through the proposed amendment to include 'the refusal or approval of a person as a company's principal or secondary nominee to revoke such an approval'. I invite the minister to identify further things that might be dealt with in the regulations

We also think that, in the case of non-recognition or revocation of recognition of a firearms club, commercial range operator or a paint ball operator or the non-approval or revocation of approval on the grounds of a recognised firearms club, recognised paint ball operator or a recognised commercial range operator, those matters should be reviewable by a tribunal too, but I note that they are not referenced in the act, but they will be referenced in regulations, so they will come under paragraph (g), which is, 'a person aggrieved by the decision of the Registrar declared to be reviewable by regulations made for the purposes of this section may apply to the Tribunal.'

They will come under paragraph (g) which is that a person aggrieved by a decision of the registrar, declared to be reviewable by regulations made for the purposes of this section, may apply to the tribunal. I will be hoping that the minister can identify that those other two matters in relation to firearms, clubs, commercial range operators and paintball operators, will also be reviewable decisions under the regulation-making powers. I think that would be very useful.

A further amendment in relation to clause 48 is amendment No. 19. This is important and is in relation to the South Australian Civil and Administrative Tribunal Act. The opposition believes that it should be a full merits-based review when the SACAT contemplates these matters. If the bill passes as it is, then I will acknowledge that it is not just a process-based review, so it is not just the SACAT ticking off that the i's were dotted and the t's were crossed and the processes applied. However, if somebody does have a grievance and they take it to the SACAT, then the opposition believes that the SACAT should review it as if it is reviewing the matter afresh. I believe that the legal term is de novo.

Under the current SACAT Act, section 34(4) identifies that on a rehearing the tribunal must reach the correct or preferable decision but in doing so must have regard to or give appropriate weight to the decision of the original decision-maker. It is possible that under that section it is certainly something that can provide an outcome, a route of appeal for an aggrieved person who feels that they have not been dealt with appropriately; however, it is suboptimal to what the opposition proposes.

To think of it football terms, for somebody who is unfamiliar with the de novo or the SACAT or any of these other terms, if somebody under the AFL's current system was to kick a goal that maybe just scraped the post and the goal umpire makes a decision—and they have a review of that these days—the goal umpire's decision pretty much stands unless the review makes it quite clear that definitely the decision was wrong.

What would be preferable to many people sitting at home, if you are going to have a review at all, is to say, 'Well if you are going to have a review, then let's make the reviewer make the decision.' It's not an entirely perfect analogy. The fact is that the SACAT does not just assume that the question is right unless they can prove it is wrong, but it is a part merit-based review; it is not a whole merit-based review, which is what the opposition proposes. We would like to see the SACAT given that power, and consequently amendment No. 19 is proposed and I urge the government to give it serious consideration. If you are going to have a reviewing body, then I do not think there is any reason not to have that reviewing body capable of doing a proper review.

Clause 54 is the Power of registrar to investigate—and this is where the opposition has significant concerns. It states:

> The Registrar, or a person authorised by the Registrar, may, for the purpose of determining whether a person should be granted, or continue to hold, a licence, permit, authorisation or approval under this Act, or whether a licence, permit, authorisation or approval under this Act should be varied—

The registrar may require a person to do one or more of the following: to answer questions and to be present to attend at a specified place and time as reasonably required by the registrar. 'Reasonably required' is not defined, it is up to somebody to appeal to a court and have a court uphold their opinion. The registrar may also require a person to provide information or produce material for inspection the registrar reasonably requires.

Under subclause (5) their common law right to silence, their common law right not to incriminate themselves is removed. Paragraph (b) states, 'at any reasonable time'—and, again, 'reasonable' is not defined, it is up to a court to make that decision if somebody is aggrieved—'enter and inspect any premises'. A warrant is required under subclause (3) for residential premises but a property or business at any time. Those who are in farming communities would identify with the extraordinary imposition that can have on people in their general business and the general course of their lives, not while they are conducting business necessarily. Then subclause (1)(c) is in addition to answering questions, being present with the right to silence removed, with the imposition of people being able to enter their property at any reasonable time with an undefined reasonable test. Also paragraph (c) identifies that while on premises entered they can seize anything found on the premises that the registrar or other person acting under this section reasonably believes may assist in making the determination.

What an extraordinary new set of powers that is, especially when one considers that no criminal intent, no criminal involvement, no criminal suspicion even has to be entered into, and our South Australian police have, of course, under their general warrant, a unique opportunity, if there is suspicion of criminal involvement, to investigate such matters now, yet we are seeking to impose this on 65,000 South Australians who are required to do nothing more to make themselves susceptible to this section of the act than apply for a renewal of their licence, or apply for a renewal of a permit, or an authorisation.

So, any licensed firearm owner, just by merit of the fact that they are a licensed firearm owner who has done nothing wrong becomes subject to this extraordinary expansion of powers of intrusion of the state in their lives, and the opposition will not stand for it and the opposition will not support it. If there are reasons to establish that extremely broad frame of reference for a fit and proper person to be established that we discussed earlier, if there are reasons why there are matters that the police need to do extra things to establish that somebody fits within that extremely broad range of things they can exclude from somebody from being a fit and proper person, if the government can demonstrate reasons, maybe come and explain why they need more than just the general warrant they have or the general investigative powers that they currently have. It is very hard to understand what this clause is seeking to achieve and the opposition will not support it.

The next clause talks about the power of a police officer to require information, and I come back to the point I made at the beginning of the speech; that is, the opposition will not be seeking to scale back public safety measures that are already in place. There is an unusual power in relation to firearms in the Firearms Act that does not exist in most areas in relation to self-incrimination, some very specific questions that police can compel an answer to now, and the answer to that is only capable of incriminating somebody under this section of the act.

Effectively, if you tell them that you do not want to answer the question the crime is that you have refused to state your name and whether you are the owner of a firearm. A police officer can ask that under section 30, I think, of the current act. The opposition will stand by that continuing to be the case. As I say, we are not seeking to scale anything back. In this section, the government has seen fit to attempt to expand that power somewhat, firstly by adding the terms 'firearm' or 'firearm-related item', whereas at the moment it is just 'firearm'.

For the record, a firearm-related item is firearm part, sound moderator, ammunition or a restricted firearm mechanism. Effectively, we are talking about a semantic increase in the range. 'Is

this silencer yours?' is a question that the police can now ask under this bill, rather than just, 'Is this firearm yours as well?'

Inasmuch as in clause 55(2)(b)(ii) and (iii), where the only change is to allow firearm-related items to be inquired upon in addition to firearms, that appears on its face reasonable. The issue the opposition has with this clause is in 55(2)(b)(i), where a police officer may require:

> (b) the owner of a firearm or firearm related item to answer questions relating to—
>
> (i) the firearm or firearm related item;

That is very broad, that is extraordinarily broad. It is a significant increase in the number of things that the police officer may compel a question of while abrogating somebody's common law rights to the right of silence. So, the opposition will not support that subclause.

After clause 74, the opposition proposes reintroducing the general defence in the same terms that exist under the current act. New clause 74A would read:

> General defence
>
> It is a defence to a charge of an offence against this Act if the defendant proves that the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid commission of the offence.

As I said earlier, that is something that exists in the current act. It is a natural justice mechanism that is important, and the opposition will be seeking to support it and working very hard to ensure that that clause is included in the new act.

The final amendment that the opposition will seek to move is in relation to schedule 1, clause 29, page 84 after line 21, and that is the particular case that I spoke about before in relation to deactivated firearms. We will not be standing for those people who have a deactivated firearm not only having the imposition on their lives of having to have them registered but also the cost. We will be demanding that they have no cost that will apply to them.

The opposition will be open to further amendments and further discussions. The government, I imagine, given the 88 pages of technical, complex, dense legislation, will probably have some amendments of their own. In fact, one came out of a discussion with the government about a concern the opposition had where the government had a suggestion that I think will be useful in relation to the multiple-barrelled guns that I identified before. I expect there will be others.

I think that the suggestions that are put forward in the amendments have been done so in a respectful manner, and I have appreciated the respectful manner in which the government has engaged the opposition. We seek to improve public safety, and we seek to reduce complication and ambiguity that impacts unfavourably on the lives of law-abiding firearms owners. Those are the stated goals of the government, too, and with good faith, I would hope that they will look at the amendments that I have outlined already and support many of them.

Some of those aspects we will need to go into in greater detail. There are significant matters in relation to items that are currently not described as firearms, by nature of the fact that they are not handheld, that are often dealt with in historical exhibitions through RSLs or museums, and that, under the changes in this legislation, will now be described as firearms and requiring regulation. A number of my colleagues will deal with some of the matters raised by historical firearms clubs, and we will explore that further in committee.

With the hour about to close, and given the parliament does not sit past midnight these days, I will conclude my second reading contribution here, identifying that there are some matters that did not quite make it into the second reading speech that we will be raising in the committee stage. I again place on the record my thanks to the very large number of stakeholders, groups such as the Combined Firearms Council, the Sporting Shooters' Association and the very many other clubs, groups and representative groups that have made contributions. I have read through all of their correspondence.

I have taken dozens and dozens of meetings, as have other members of the opposition, and we will endeavour to work with the government and the other parties in the other place to achieve a piece of legislation that fulfils the laudable goals suggested. That does not give the government a

blank cheque. We trust that they, in seeking to enact those goals, will work with the opposition with respect so, therefore, I commend the government to that process. We will see the passage of the bill through the House of Assembly. Hopefully, the government will support many of the amendments, if not all, and, through the Legislative Council, we will resolve a position where the bill will be in better shape and worthy of full support.

Debate adjourned on motion of Mr Pederick.

At 00:00 the house adjourned until Thursday 29 October 2015 at 10:30.